

Submission L025 (Ahron Hakimi, Kern Council of Governments, October 19, 2012)

**KERN COG DRAFT COMMENTS  
 HIGH SPEED RAIL EIR/EIS – JULY 2012 - VERSION 3**

**Chapter 1: Project Purpose, Need, and Objectives**

1. Page 1-5 – **1.2.4 Statewide and Regional Need for the HST System in the Fresno to Bakersfield Section:** The need for an HST System exists statewide, with regional areas contributing to this need. The Fresno to Bakersfield Section is an essential component of the statewide HST system.

The capacity of California’s intercity transportation system, including the south San Joaquin Valley, is insufficient to meet existing and future travel demand. The current and projected future system congestion will continue to result in deteriorating air quality, reduced reliability, and increased travel times. The system has not kept pace with the tremendous increase in population, economic activity, and tourism in the state, including that in the south San Joaquin Valley. The interstate highway system, commercial airports, and conventional passenger rail system serving the intercity travel market are operating at or near capacity and will require large public investments for maintenance and expansion to meet existing demand and future growth over the next 25 years and beyond. Moreover, the feasibility of expanding many major highways and key airports is uncertain; some needed expansions may be impractical or may be constrained by physical, political, and other factors. The need for improvements to intercity travel in California, including intercity travel between the south San Joaquin Valley, the Bay Area, Sacramento, and Southern California, relates to the following issues.

Kern Council of Governments (COG) disputes this statement: “The capacity of California’s intercity transportation system, including the south San Joaquin Valley, is insufficient to meet existing and future travel demand.” There is no substantial evidence available to support this comment. [The Kern COG Regional Travel Demand Model shows only a few parallel segments of the I-5 and SR99 at with significant congestion levels by 2035. The main areas of capacity deficiency are outside the Southern San Joaquin Valley on I-5 at the confluence of SR 14 and on 580 into the Bay Area.](#)

Kern COG also disputes this statement: “The current and projected future system congestion will continue to result in deteriorating air quality, reduced reliability, and increased travel times. There is no substantial evidence currently available to support this comment. [The San Joaquin Valley’s air quality is no longer deteriorating. The air quality in the San Joaquin Valley has been improving since the 1990s, a trend that is forecasted to continue. Kern COG uses a regional travel demand model and the state EMFAC model to demonstrate attainment of the federal air quality standards. The](#)

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[modeling currently indicates continued improvement of air quality and attainment of the federal air quality standards. A more accurate statement is that the high speed rail could contribute toward attainment air quality standards as they continue to be made more stringent.](#)

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“The system has not kept pace with the tremendous increase in population, economic activity, and tourism in the state, including that in the south San Joaquin Valley. The interstate highway system, commercial airports, and conventional passenger rail system serving the intercity travel market are operating at or near capacity and will require large public investments for maintenance and expansion to meet existing demand and future growth over the next 25 years and beyond.”

Kern COG requests that the EIR/EIS define the term “large public investments”. Kern COG maintains that there is a fair argument that with a relatively small investments, when compared to HSR’s estimated cost, the existing transportation system in the central valley can and will serve the needs of central valley residents for 30+ years.

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2. Page 1-10 – **1.2.4.1 Freeway Congestion and Travel Delays:** Travel within the San Joaquin Valley in general, and the Fresno to Bakersfield area in particular, is largely dependent on SR 99 for intercity trips. SR 99 is the principal connection between the major cities in the San Joaquin Valley region, and it currently carries from 38,000 to more than 100,000 in annual daily traffic (Caltrans 2009a). However, most of SR 99 was built in the late 1950s and early 1960s to accommodate a smaller population and transportation infrastructure demands. Not only is the population increasing rapidly in the south San Joaquin Valley, but growth is also taking place in land use patterns that rely on automobiles for most trips. Currently, and over the next 10 to 15 years, depending on available funding, the California Department of Transportation (Caltrans) has begun implementing the Route 99 Corridor Business Plan, which will remove remaining at-grade intersections and improve others to higher capacity. The plans call for widening the route between Fresno and Bakersfield from four to six lanes, and sometimes six lanes with auxiliary lanes, to ease traffic flow between interchanges. This plan, however, will not reduce future congestion projected along SR 99 through 2035. According to the *Route 99 Corridor Business Plan*, only a shift in vehicle travel to alternative modes can restore better traffic flows (Caltrans 2009a).

Kern COG disputes the statement: “According to the *Route 99 Corridor Business Plan*, only a shift in vehicle travel to alternative modes can restore better traffic flows (Caltrans 2009a).”

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3. Page 1-32 – **1.6 Revised 2012 Business Plan: Request Contingency Mitigation if Interim Use of First Construction Track is Required** – This section indicates a need to analyze a new alternative if only the “First Construction Track” is built even though the environmental document assumes full funding of the initial operating segment. The next to last paragraph on Page 1-32 states: “Other features of the blended approach, as defined in the Revised 2012 Business Plan, would not have any direct implication for the analysis that was performed for the Fresno to Bakersfield Section, because this HST section will be constructed to its ultimate HST track configuration in the near term as part of the IOS.”

The “ultimate HST track configuration in the near term” in the Fresno to Bakersfield segment lacks funding. The segment between Wasco and Bakersfield is not one of the initial bid segments for the first construction track, a.k.a. Initial Construction Segment (ICS) portion of the IOS. If no additional funding becomes available, an analysis of an interim phase alternative prior to completion of the IOS is needed because the impacts will be significantly different than what is in the current analysis.

The next paragraph goes on to state: “The interim use of the IOS first construction track for upgraded Amtrak service could have environmental impacts that differ from those analyzed in this EIR/EIS. However, there are no plans for this service at this time and such plans will require future cooperative agreements between the Authority and entities associated with operation of the Amtrak San Joaquin service. As a result, the operational characteristics of that interim use are unknown at this time and an analysis would be speculative. For that reason, interim use has not been analyzed in this EIR/EIS. Service upgrades for the Amtrak San Joaquin service and its potential for environmental impacts would be assessed, as appropriate, by the operating agency before the initiation of that service. For more detail, see Appendix 1-A, Revised 2012 Business Plan.”

This paragraph places the responsibility of the impacts of interim use of the IOS first construction segment, a.k.a. Initial Construction Segment (ICS) on the operator of the Amtrak San Joaquin service, even though it is the HSR Authority is the responsible agency required to provide independent utility by Amtrak as part of its federal ARRA funding agreement. An analysis of interim use of the ICS in this EIR/EIS would be consistent with the blended approach proposed in the document and the HSR Authority’s federal responsibility.

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As a contingency should interim use of the ICS be required Kern COG requests the following:

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- a. Inclusion of mitigation and a monitoring program to require the Authority to provide a subsequent, supplemental or other appropriate CEQA document to analyze, disclose and mitigate as stated “environmental impacts that differ from this EIR/EIS: if and when interim use of the ICS is required.”
- b. The following phasing alternative should be considered as part of the blended system approach. This alternative is proposed to rectify some impacts from interim use of the ICS as well as other impacts of the HST project in general. Map 1 is based on the July 20, 2012 Draft Kern Commuter Rail Study available on line at [http://www.kerncog.org/docs/studies/KernCOG\\_Commuter\\_Rail\\_Draft\\_Report\\_20120720.pdf](http://www.kerncog.org/docs/studies/KernCOG_Commuter_Rail_Draft_Report_20120720.pdf)

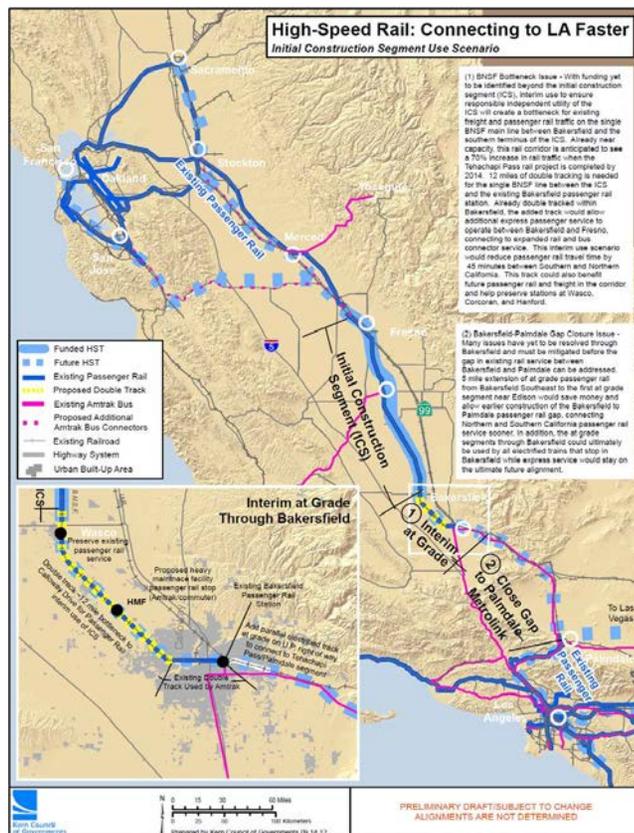
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Map 1 shows an ICS use scenario that mitigates the following issues:

- i. Step 1 – Double Track BNSF Bottleneck – Interim use of the ICS by Amtrak or other passenger service provider could create a rail traffic bottleneck between the southern end of the ICS near Wasco and the existing double tracked portion of the BNSF in Bakersfield. This corridor has already been identified by BNSF for double tracking (2015-2035) in the EIR/EIS document as part of the no project alternative on p. 2-44. The double track portion would be required to add additional express train service through this corridor between Fresno and Bakersfield on the ICS. This corridor is also impacted by the Tehachapi Pass Rail Corridor Project that will increase capacity along both of these corridors by up to 80%.
- ii. Step 2 – Interim At-grade Through Bakersfield Allows Closure of Gap to Palmdale MetroLink Sooner – If funding is delayed for completing the IOS, the double tracked portion between Wasco and the Bakersfield Amtrak station could be electrified along with the continuation of a separate at-grade electrified track from the Amtrak Station out east of Bakersfield to rejoin the HST main line where the Bakersfield/Palmdale segment is at-grade again near Edison. HST trains would be limited on speed in this corridor until they reached the ICS segment north of Wasco. As new funding becomes available investment in the existing passenger rail gap between Bakersfield and Palmdale could be built first, and at a later time, as funding is available, the viaduct over Bakersfield, Shafter and Wasco could be built for use by 120 mph+ express trains not stopping in Bakersfield.

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Map 1



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Chapter 2: Alternatives

1. Page 2-32 – 2.3.3 Summary of Design Features for Alternatives Being Carried  
**Forward:** This section states: “The alternatives evaluated herein represent a 15% design level and are summarized in Table 2-3.”

- a. Kern COG requests the Authority provide mitigation and a monitoring program that would require the Authority to prepare a subsequent, supplemental or other appropriate CEQA document to analyze, disclose and mitigate environmental impacts that differ from this EIR/EIS, when a design-build bid segment or sub-segment is near 85% design level. The design-build bid process needs essentially a third tier public review process that ensures that impacts have not been significantly altered from the 15% design level without proper mitigation.

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2. Page 2-35 – 2.4.1 No Project Alternative – Existing and Planned Improvements: The No Project alternative considers the effects of growth planned for the region as well as existing and planned improvements to the highway, aviation, conventional passenger rail, and freight rail systems in the Fresno to Bakersfield project area through the 2035 time horizon for the environmental analysis. **2.4.1.1 Planned growth** The San Joaquin Valley is projected to grow at a higher rate than any other region in California. The four counties of Fresno, Kings, Tulare, and Kern are projects to continue to grow at an average of 2.9% per year.

The 2.9% growth rate is not reasonable. The actual growth rate is less than 2% per year. Using an unrealistic growth rate will result in unrealistic travel demand forecasts, and unrealistic growth in VMT. VMT in the central valley will be reduced in 2020 and 2035 in accordance with applicable state law. Lower VMTs will result in improved levels of service on existing transportation systems and will delay significantly the need for High Speed Rail (HSR).

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- 3. Page 2-39 – 2.4.1.1 Planned Growth: Between 2009 and 2035, VMT is projected to increase 67% in the four-county region. This statement directly contradicts the efforts to slow the growth of VMT and reduce air pollution in the central valley. Although the new scenarios are still under development, the increase in VMT will be considerably less than 67%.
- 4. Page 2-40 – 2.4.1.3 Highway Element: The highway element of the No Project alternative includes the planned efforts of Caltrans and the four study area counties to address anticipated growth in VMT and resulting congestion on the roadway system.

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**Table 2-6 - Increase in Total Daily Vehicle Miles Traveled** shows the projected VMT for the four counties and region in 2009 and 2035.

**Table 2-6**  
Increase in Total Daily Vehicle Miles Traveled

County	2009 Daily VMT (estimate)	2035 Daily VMT (estimate)	Estimated Increase in VMT (% of 2009 VMT)
Fresno	17,311,000	27,368,000	58
Kings	2,151,000	3,137,000	46
Tulare	6,046,000	10,112,000	67
Kern	22,379,000	39,240,000	75
Total	47,887,000	79,857,000	67

Source:  
Cambridge Systematics, Inc. 2012.  
Acronyms:  
VMT = vehicle miles traveled

The No Project alternative includes the funded and programmed improvements on the intercity highway network based on financially constrained RTPs developed by regional transportation planning agencies (shown in figure 2-22). Tables 2-7 through 2-10 identify the improvements in Fresno, Kings, Tulare and kern counties; these tables include map identification numbers that coincide with the numbered improvement projects shown on Figures 2-23 through 2-26.

A comparison of highway projects that are financially constrained to a HSR project that is financially unconstrained is not a valid comparison for purposes of evaluating the no-build option. If the Highway Element were evaluated as financially unconstrained, as HSR is being evaluated the Highway Element could meet the needs on central California with less than 10% of the funds being proposed to be spent by HSR.

5. Page 2-52 – **2.4.1.6 Freight Rail Element:** This section states: “The average number of daily one-way train operations within the corridor is 20 to 24 daily train trips, of which 12 are Amtrak trains.” During completion of the 2011 Kern County Rail Study Phase I – [http://www.kerncog.org/docs/studies/Kern\\_County\\_Short\\_Line\\_Rail\\_Study\\_2011.pdf](http://www.kerncog.org/docs/studies/Kern_County_Short_Line_Rail_Study_2011.pdf) - BNSF officials were interviewed and the corridor between Fresno and Bakersfield now averages 24 to 26 freight trains in addition to the 12 passenger trains per day for a total of 36 to 38 average trains per day. BNSF and the State of California are funding capacity improvements to the Tehachapi Pass that will result in a 70% increase in freight rail traffic in this corridor. This will result in demand on this corridor exceeding capacity as early as 2015.

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6. Page 2-93 - **Table 2-15 Fresno to Bakersfield Section HMF Site Descriptions:** Both Kern Council of Governments Shafter East and West sites are missing “Economic incentives” in the Property Characteristics column. Fresno Works and Hanford include this information.

Suggest adding to both Shafter sites, “Economic incentives include the land owner has agreed to donate the land up to 622 acres.”

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Kern Council of Governments Shafter East in the Property Characteristics column states 150 acres located in floodplain. Kern Council of Governments Shafter West in the Property Characteristics column states 175 acres located in floodplain. Both Shafter East and West HMF sites are not located in floodplain as depicted on the map Floodplains within Fresno to Bakersfield study area (Figure 3.8-2) on page 3.8-18

**Chapter 3.2: Transportation**

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1. Page 3.2-8 - **Vehicle Trip Generation at Heavy Maintenance Facility Sites:** Mitigation measures seem weak and need to be expanded. Example: Trips generated to the Heavy Maintenance Facility (HMF) would be 729 trips each in the AM and PM peak-hour period with an estimate of 2,000 total trips per day. The EIR/EIS mitigation for these trips includes installation of a new traffic signal at Santa Fe Way and Burbank Street, and one additional lane on Santa Fe Way between Burbank Street and 7<sup>th</sup> Standard Road.
- a. Kern COG requests that mitigation include funding for dedicated van pools or bus rapid transit for employees to reduce vehicle trips and emissions.

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2. Page 3.2-71 – **Changes in Conventional Passenger Rail Service:** This section states: “With the introduction of HST service, it is expected that Amtrak San Joaquin rail service would likely adjust to function more in the role of a feeder service to the HST system in the Fresno to Bakersfield area, providing passengers with the opportunity to connect to cities not served by HST. Initially, as HST service becomes available, it would be expected that many San Joaquin riders would shift to HST service (for example, for Fresno to Bay Area trips). However as HST ridership increases, it is likely that Amtrak San Joaquin rail service would improve as the San Joaquin line would connect and/or provide direct service to existing markets between HST stations and/or markets not served by HST...”

The HST project must provide mitigation should the San Joaquin riders “shift to HST service” reducing Amtrak ridership to the point that revenue drops below normal subsidy

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L025-16 | rates and services must be curtailed. The following mitigation should be provided before interim use of the ICS or the IOS begins operation:

L025-17 | a. Enter an agreement with the Amtrak service provider and other appropriate entities to avoid reduction of the existing number of Amtrak San Joaquin trains servicing the stops along the BNSF between Bakersfield and Fresno. Interim use of the ICS should only use additional trainsets, and not simply take the Amtrak San Joaquin service off the BNSF and move them over to the ICS, thereby eliminating Amtrak Service to Hanford, Corcoran, Allensworth and possibly Wasco. The agreement should include a commitment to use revenue from other parts of Amtrak San Joaquin Service to help keep service to these communities open.

L025-18 | b. Enter an agreement with the Amtrak service provider and other appropriate entities to add additional train stops to the Amtrak San Joaquin service between Fresno and Bakersfield. Acquire property; build platforms, parking, access and amenities as appropriate. These stations would be serviced by the existing 12 Amtrak San Joaquin trains per day as regular or requested stops (i.e. Allensworth), with locations consistent with the Kern Commuter Rail Study – [http://www.kerncog.org/docs/studies/Kern\\_County\\_Short\\_Line\\_Rail\\_Study\\_2011.pdf](http://www.kerncog.org/docs/studies/Kern_County_Short_Line_Rail_Study_2011.pdf) - or other appropriate studies. These stations would provide opportunities for additional riders to mitigate the shift to HST or interim ICS use.

L025-19 | c. Add a station to the Amtrak San Joaquin service at the site of the future HMF as early as possible. This station would provide additional ridership to the existing San Joaquin service from commuters and visitors. Relocate HSR Authority staff offices to the HMF prior to interim use of the ICS or the IOS to help offset the loss of ridership revenue while providing opportunity for closer oversight of the ICS construction.

L025-20 | d. Provide additional Amtrak Thru-Way connector bus service for the additional trains using this ICS for express service to connect between San Jose Caltrain/Fresno, Stockton ACE/Fresno, and Bakersfield/So. Cal MetroLink. This service would need to remain in place until the HST service can be extended to make these connections to other existing passenger rail service in California.

L025-21 | e. Provide additional Amtrak Thru-Way connector bus service to communities for which passenger rail revenue no longer is able to support service at current subsidy levels despite implementation of all mitigation efforts. When connector bus ridership levels demonstrate that service would be viable once again, re-establish passenger rail service.

L025-22 | f. If passenger rail revenue is no longer able to support service at normal subsidy levels, enter into an agreement with the appropriate entities to preserve existing scheduled passenger rail slots on the BNSF corridor along with trainsets and equipment to ensure that ridership can be re-established. The citizens of California have invested nearly \$1 billion in this BNSF corridor since the 1970s for the permission to operate passenger service along it, and it would be a major loss to the state to simply give up these schedule slots.

L025-23 | 3. Page 3.2-111 - **Bakersfield Area Transit Impacts:** The impacts address only the ridership impact to Golden Empire Transit (GET) system in Metro Bakersfield. The EIR/EIS indicates there is negligible intensity under NEPA and less than significant impact under CEQA. Kern COG disagrees with analyzing only the impact to GET. In order for outlying communities to have access to the High Speed Train (HST), Kern Regional Transit, the intercity transit service for Kern County, will require capital and/or operational enhancements. Kern COG requests the following mitigation measures be added:

L025-24 | a. Provide feeder routes to the Bakersfield station from Arvin/Lamont, Frazier Park, Taft/Maricopa, Shafter/Wasco, and McFarland/Delano. This mitigation measure will also enhance HST ridership and improve the viability of the system.

L025-25 | b. GET service to Meadows Field Airport will require capital and/or operational enhancements to provide additional transit service and access to the HST.

L025-26 | 4. Page 3.2-120 - **Table 3.2-37 HMF Roadway Segment Analysis 9Future[2035] Plus Project):** Shafter (East and West) site shows Future (2035) No Project LOS at level “F” and Future (2035) Plus Project at Level “F”. At the time this table was prepared the recent improvements to 7<sup>th</sup> Standard Road had not been completed. The improvements were significant and LOS for both the Future No Project and Future Plus Project columns should reflect reduction in Delay and improvement in LOS.

L025-27 | 5. Page 3.2-122 - **Table 3.2-39 HMF Intersection Analysis (Future [2035] Plus Project):** According to Drawing CB1465 in Volume III: Section B – Alignment Plans Part 2 or 2 (117<sup>th</sup> page) existing Santa Fe Way at Burbank St will be abandoned and Santa Fe Way will be realigned to the west of the existing Santa Fe and Burbank intersection. The Shafter (East and West) Santa Fe and Burbank intersection Future with Project Delay and LOS should reflect the planned realignment of Santa Fe at Burbank.

L025-28 | 6. Page 3.2-146 - **Table 3.2-57: Future (2035) Plus Project Mitigation Measures – Shafter Heavy Maintenance Facility Site:** Intersections section, Location Affected 1- Santa Fe Way/Burbank St. mitigation measure TR MM#3: “Add signal to intersection to improve LOS/Operation” may not be required due to planned realignment of Santa Fe Way at Burbank St. See comment above.

L025-29 | 7. Page 3.2-149 - **Table 3.2-59: Summary of Potential Impacts on Transportation Resources:** TR#14 HMF Site Intersection Impacts, Kern Council of Government (Shafter East and West) HMF – 1 should be updated based on planned realignment and improvements to Santa Fe Way. See comments above.

CEQA Guidelines

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Section 15126.4 of the CEQA Guidelines specifies in part, the following requirements for mitigation measures:

1. For each significant impact, the EIR must identify one or more feasible mitigation measures;
2. Mitigation measures must be fully enforceable;
3. Mitigation measures must identify who is responsible for implementation;
4. Mitigation measures must discuss the basis for selection particular measures; and
5. Mitigation measures must consider economic, environmental, legal, social, and technological factors.

**Chapter 3.12: Socioeconomics, Communities and Environmental Justice**

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1. Page 3.12-11 – **Study Area Analysis:** Communities evaluated for environmental justice include only Wasco, Shafter, and Bakersfield where the Heavy Maintenance Facility or the High Speed Train (HST) station will be located.
  - a. Kern COG requests the EIR/EIS evaluate the impact of the project on the communities of Lamont, Arvin, Greenfield, Delano, McFarland, and others. The potential exists for the environmental justice (EJ) communities to be further removed from the economic vitality, housing options, etc. the project professes to create.

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2. Page 3.12-11 – **Study Area Analysis:** The EJ study area included all Census blocks and block groups having any parts that lie within a 0.5-mile radius of the project alignment and station locations.
  - a. Kern COG requests the EIR/EIS evaluate the impact of the project on the communities of Lamont, Arvin, Greenfield, Delano, McFarland, and others. The potential exists for the environmental justice (EJ) communities to be further removed from the economic vitality, housing options, etc. the project professes to create.

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3. Page 3.12-68 – **BNSF Alternative:** The EIR/EIS recognizes that removal of the Bakersfield High School Industrial Arts Building would be a substantial physical change to the campus as a whole. Depending on where and how it is replaced, this physical change could result in a social impact (as those alumni and community members who are emotionally attached to the high school’s history and role in the community perceive a substantial void in the long-intact campus). In addition, there are inherent challenges in finding a suitable replacement location in the surrounding built-out urban environment. The displacement of this facility—and numerous businesses—in the Central District is considered of substantial intensity under NEPA and would be a significant impact under CEQA

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The mitigation measure listed for this “significant impact” is “Implement measures to reduce impacts associated with the displacement of Bakersfield High School Facilities”. The level of significance after mitigation is listed as “Less than significant”, but there is no detailed explanation of how this mitigation would be accomplished other than to say “the Authority will consult with the Kern Union High School District on a replacement for the Industrial Arts building in accordance with California Department of Education policies, and a replacement structure will be in place before the existing Industrial Arts Building is removed.”

In Sundstrom v. County of Mendocino, the Court of Appeal concluded that, because the success of mitigation was uncertain, the agency could not have reasonably determined that significant effects would not occur. The deferral of environmental assessment until after project approval violated CEQA’s policy that impacts must be identified before project momentum reduces or eliminates the agency’s flexibility to subsequently change its course of action. The mitigation measure listed for the displacement of the Bakersfield Industrial Arts Building does not comply with the CEQA Guidelines identified in the Sundstrom case.

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a. Kern COG requests the EIR/EIS detail the mitigation measures for the displacement of the Bakersfield High School Industrial Arts Building;

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b. Kern COG requests the EIR/EIS identify who is responsible for implementation of the mitigation measures;

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c. Kern COG requests the EIR/EIS identify how the measure will be enforced; and

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d. Kern COG requests the EIR/EIS discuss the basis for selection of particular measures.

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4. Page 3.12-69 – **BNSF Alternative:** The EIR/EIS states that the BNSF Alternative would roughly parallel East Truxtun Avenue and would result in the displacement of a swath of older homes and businesses several hundred feet south of this roadway. It would bisect the building that houses the Mercado Latino Tianguis (Mercado) at 2105 Edison Highway. Because of its size and location, the Mercado building would most likely be demolished, redesigned, and rebuilt to avoid the support columns. This could mean closing or relocating the building for approximately 1 year, potentially affecting the livelihoods of 118 merchants and temporarily removing a facility of substantial cultural importance for the local and regional Hispanic community. The EIR/EIS recognizes that together, the displacement of the Mercado and the displacement of a substantial number of residences and businesses in the Bakersfield Northeast District would be of substantial intensity under NEPA and a significant impact under CEQA.

The mitigation measure listed for this “significant impact” is “Implement measures to reduce impacts associated with the displacement of the Mercado Latino Tianguis.” The

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L025-38 | level of significance after mitigation is listed as “Less than significant”, but there is no detailed explanation of what this mitigation measure would specifically entail or how it would be enforced to reduce the impact to “less than significant”.

L025-39 | In *Sundstrom v. County of Mendocino*, the Court of Appeal concluded that, because the success of mitigation was uncertain, the agency could not have reasonably determined that significant effects would not occur. The deferral of environmental assessment until after project approval violated CEQA’s policy that impacts must be identified before project momentum reduces or eliminates the agency’s flexibility to subsequently change its course of action. The mitigation measure listed for the displacement of the Mercado does not comply with the CEQA Guidelines identified in the *Sundstrom* case. The totality of this action is also considered an “adverse impact” as defined by the Department of Transportation Updated Environmental Justice Order 5610.2(a)

L025-40 | a. Kern COG requests the EIR/EIS detail the mitigation measures for the displacement of the Mercado Latino Tianguis;

L025-41 | b. Kern COG requests the EIR/EIS identify who is responsible for implementation of the mitigation measures;

L025-42 | c. Kern COG requests the EIR/EIS identify how the measure will be enforced; and

L025-43 | d. Kern COG requests the EIR/EIS discuss the basis for selection of particular measures.

L025-43 | 5. Page 3.12-87 - **Impact SO #11 – Commercial and Industrial Business Relocations:** Under the BNSF Alternative, 13 businesses and 31 employees will be displaced in Wasco. The EIR states there is sufficient availability of replacement properties in the zip codes that intersect the study area.

L025-44 | a. Kern COG requests that properties be identified in Wasco for replacement of the 13 businesses. If these businesses shut down or relocate to another zip code, it would be detrimental to the Wasco economy.

L025-44 | 6. Page 3.12-98 - **Impact SO #13 – Operation-Related Property and Sales Tax Revenue Effects:** The statement, “For the station and HMF alternative sites, the overall long-term net benefits of the station and heavy maintenance facilities would be similar for all alternatives.” Should be amended to include the net benefits for the Shafter (East and West) HMF sites may be different than the other alternatives due to the fact that the land will be donated to the project at no cost.

This comment related to HMF site land acquisition, and the resulting affects should be reflected in subsequent sections such as, but not limited to the, “Fresno to Bakersfield Section: Community Impact Assessment Technical Report”.

L025-45 | 7. Page 3.12-103 - **Impact SO #16 – Economic Effects on Agriculture:** Under the BNSF Alternative, the associated reduction in agricultural employment in the four-county region would be about 350 employees with revenue reductions of \$27.5 million. The effects would be highest in Kern County (with \$10.2 million in reduced annual revenues and 140 employees affected). The EIR/EIS states: “The estimated total reduction in agricultural production along the BNSF Alternative represents a small amount of the total annual revenue generated by agricultural production in each of the four counties.” This analysis does not take into account that almost one-half the impact is in Kern County.

L025-46 | a. Kern COG request that the impact specifically in Kern County be analyzed and mitigation proposed for the loss in revenue and employment.

L025-46 | 8. Page 3.12-119 - **Mitigation Measure SO-4: Implement measures to reduce impacts associated with the relocation of important facilities:** The BNSF Alternative may displace the Amtrak passenger platform in Wasco. The mitigation measure indicates the platform would be relocated prior to demolition of the existing structure if necessary.

L025-47 | a. Kern COG requests the EIR/EIS identify the location of the new platform and identify impacts to the Wasco Amtrak station and associated mitigation measures.

L025-47 | **Chapter 3.10: Haz Mat**

L025-47 | 1. Page 3.10-25 - **The Kern Council of Governments-Shafter West HMF Site:** Incorrectly states that this HMF site is in the City of Shafter. It is located outside the City of Shafter in the unincorporated area of the County of Kern.

L025-48 | **Chapter 3.13: Land Use**

L025-48 | 1. Page 3.13-12 - **Kern County General Plan (Adopted):** The statement, “The Shafter HMF site would be located on land designated as agricultural.” This should be amended to the Shafter HMF site would be located on land designated as agricultural and industrial.

L025-49 | 2. Page 3.13-32 - **Kern Council of Governments – Shafter East HMF Site:** The statement “The Shafter East HMF study area is zoned as Agriculture.” This statement should be amended to “The Shafter East HMF study area is zoned as Industrial.”

L025-50 | 3. Page 3.13-45 - **Impact LU#2 – Permanent Conversion of Existing Land Uses to Transportation Use “Heavy Maintenance Facility Alternatives”:** The statement, “Both Kern Council of Governments–Shafter HMF sites would be located in areas

Submission L025 (Ahron Hakimi, Kern Council of Governments, October 19, 2012) - Continued

L025-50 | composed entirely of a new right-of-way on agricultural lands, with small amounts of industrial lands." Should be amended to the Kern Council of Governments-Shafter East HMF site would be located in areas composed entirely of a new right-of-way on industrial lands. The Kern Council of Governments-Shafter West HMF site would be located in areas composed entirely of a new right-of-way on agricultural lands adjacent to areas of industrial lands.

**Chapter 3.18: Regional Growth**

L025-51 | 1. Page 3.18-10 - **Section 3.18.3 Methods for Evaluating Impacts:** The statement, "The economic impacts of specific HMF locations were not evaluated because there are no cost differences between locations." Should be amended to reflect the cost difference of the Shafter East and West HMF sites due to land owner is contributing the land at no cost.

**Chapter 4: Evaluation**

L025-52 | 1. Page 4-14 - **Heavy Maintenance Facility Site Alternatives:** The statement, "Kern COG-Shafter West HMF Site – An approximately 480-acre site located in the city of Shafter on the western side of the BNSF Railway right-of-way between Burbank Street and 7th Standard Road" should be amended to "Kern COG-Shafter West HMF Site – An approximately 480-acre site located in the unincorporated areas of the County of Kern on the western side of the BNSF Railway right-of-way between Burbank Street and 7th Standard Road."

**Chapter 5: Cost and Operations**

L025-53 | 1. Page 5-9 - **Table 5.2-2 Cost for Heavy Maintenance Facility Site Alternatives:** FRA Standard Cost Categories: 40 Site work, Right-of-Way, Land, Existing Improvements should note that the land for both Shafter East and West HMF sites has been donated by the land owner. In addition the statement "The proposed HMF sites would generally require relatively low land costs; therefore, there are no noticeable cost differences between the sites" should also be amended.

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**L025-1**

Please refer to Section 1.2.4.1, Travel Demand and Capacity Constraints, of the EIR/EIS for evidence indicating insufficient intercity capacity on State Route (SR) 99 within the south San Joaquin Valley. Travel within the San Joaquin Valley in general, and the Fresno to Bakersfield area in particular, is largely dependent on SR 99 for intercity trips. SR 99 is the principal connection between the major cities in the San Joaquin Valley region, and it currently carries from 38,000 to more than 100,000 in annual daily traffic (Caltrans 2009b).

However, most of SR 99 was built in the late 1950s and early 1960s to accommodate a smaller population and transportation infrastructure demands. Not only is the population increasing rapidly in the south San Joaquin Valley, but growth is also taking place in land use patterns that rely on automobiles for most trips. Currently, and over the next 10 to 15 years, depending on available funding, the California Department of Transportation (Caltrans) has begun implementing the *Route 99 Corridor Business Plan* (Caltrans 2009b), which will remove remaining at-grade intersections and improve others to higher capacity. The plans call for widening the route between Fresno and Bakersfield from four to six lanes, and sometimes six lanes with auxiliary lanes, to ease traffic flow between interchanges. This plan, however, will not reduce future congestion projected along SR 99 through 2035. According to the *Route 99 Corridor Business Plan*, only a shift in vehicle travel to alternative modes can restore better traffic flows.

**L025-2**

Refer to Standard Response FB-Response-AQ-02.

The reduction in VMT could contribute towards attainment of current and future air quality standards. The air quality in the San Joaquin Valley Air Basin (SJVAB) is one of the worst in the state and nation as evidenced by several criteria pollutants being classified as non-attainment under both the state and national ambient air quality standards (AAQS). The San Joaquin Valley Air Pollution Control District (SJVAPCD) is in charge of developing plans for the SJVAB to achieve attainment of the AAQS.

To address ozone, the SJVAPCD developed its 2007 ozone plan (available at: [http://www.valleyair.org/Air\\_Quality\\_Plans/AQ\\_Final\\_Adopted\\_Ozone2007.htm](http://www.valleyair.org/Air_Quality_Plans/AQ_Final_Adopted_Ozone2007.htm)), which describes recent emissions and monitoring data of ozone and outlines the plan for

**L025-2**

attaining the federal AAQS for ozone in the future. To address particulate matter the SJVAPCD developed several plans including the 2012 PM2.5 Plan and the 2007 PM10 Maintenance Plan (available at: [http://www.valleyair.org/Air\\_Quality\\_Plans/PM\\_Plans.htm](http://www.valleyair.org/Air_Quality_Plans/PM_Plans.htm)), which describes recent emissions and monitoring data of particulate matter and outlines the plan for attaining and maintaining the federal AAQS.

The current trends do show improvement in several of the criteria pollutants, including particulate matter and ozone. The SJVAPCD uses sophisticated modeling techniques to estimate the future emissions and resulting ambient air concentrations to determine what is necessary to obtain the AAQS. The current plans (specifically ozone) for meeting attainment of the federal standards include several "black box" measures for emission reductions through new technology and innovation that do not yet exist, have not been specifically identified, and possibly may not be achieved by the attainment date. These "black box" measures do not specifically address a source category from which the reductions will come. In addition, the U.S. EPA and the state continue to revise the AAQS as new health protective information and measurement technologies improve. In the 2010 Ozone Mid-Course Review submitted to the California Air Resources Board, the SJVAPCD did mention the HST as an innovative strategy aimed at reducing emissions from car trips throughout the valley, which represent a large portion of the car emissions.

The current trend shows improvement and continued decline if growth and incentive programs are in line with projections. Since growth is difficult to accurately predict and has historically been higher than the state average and mobile sources are difficult to control by the local air districts, the balance in controlling and decreasing this category is challenging and requires involvement of multiple government agencies, including the U.S. EPA, California Air Resources Board, and regional transportation planning agencies, to continue to ensure the decrease in mobile sources through a combination of activity and emission reduction strategies. In summary, while air quality is trending toward improvement, the current emissions result in poor and reduced air quality benefits and require implementation of not only currently foreseeable reductions in emissions, but of additional, still unknown, strategies to be implemented in the future for air quality to reach current ambient air quality standards.

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**L025-3**

The Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005) evaluated a modal alternative that included improvements to highways, airports, and conventional passenger rail service. That alternative is described in Chapter 2 of the Statewide Program EIR/EIS, and the costs of the alternative are presented in Chapter 5 of that document.

**L025-4**

This was a conclusion of the business plan prepared by the State's transportation experts.

**L025-5**

Refer to Standard Response FB-Response-GENERAL-13.

**L025-6**

Sections 15162 through 15164 of the CEQA Guidelines provide standards for lead agencies that have certified an EIR on the preparation of subsequent EIRs and supplements and addendums to EIRs based on changes to the project, changes to the circumstances under which the project is undertaken that require major revisions to the certified EIR, and new information of substantial importance with regard to impacts, mitigation, and alternatives. These are legal obligations for the Authority and do not need to be added to the EIR/EIS as a mitigation measure.

**L025-7**

As discussed in the Revised 2012 Business Plan (Authority 2012a), the California High-Speed Train (HST) Program will depend on a mix of public and private investment, the latter becoming available after the fundamental economics of the program are demonstrated. A phased approach to system development is the prudent course to build a foundation that allows for greater efficiency in the use of private investment once the initial segments of the system are in place.

This approach also recognizes current budgetary and funding realities. Among other things, the phased approach will help ensure the system's success by introducing

**L025-7**

Californians to HST service and building ridership over time. At the same time, improvements can be made to regional systems that connect with HST, resulting in the conventional and high-speed train systems complementing each other.

The goals of Proposition 1A were used to develop the phasing strategy for the statewide HSR system and were guided by the following key principles:

- Divide the statewide high-speed rail program into a series of smaller, discrete projects that can stand alone, will provide viable revenue service, can be matched to available funding, and can be delivered through appropriate business models.
- Advance sections as soon as feasible to realize early benefits, especially employment, and to minimize inflation impact.
- Leverage existing rail systems and infrastructure, including connecting rail and bus services.
- Forge a long-term partnership with the federal government for program delivery.
- Develop partnerships with other transportation operators to identify efficiencies through leveraging state, regional, local, and capital program investments and maximizing connectivity between systems.
- Seek earliest feasible and best-value private-sector participation and financing with appropriate risk transfer and cost containment.
- Mitigate against the risk of funding delays by providing decision points for state policymakers to determine how and when the next steps should proceed, while leaving a fully operational system and generating economic benefits at each step.

The Authority applied these principles, taking into account key factors such as cost, funding scenarios, and ridership and revenue projections to develop an implementation strategy with the following key steps:

**Step 1—Early Investments, Statewide Benefits.** The first construction of dedicated high-speed infrastructure for the initial operating system (IOS) begins in the Central Valley. As with all of the steps, this initial section is being developed to deliver early benefits by leveraging other systems—enabling them to operate on the new high-speed tracks, which can be done without impacts on design or the integrity of the new infrastructure. Improved passenger rail service would begin on completion of the first IOS segment by connecting the San Joaquins, ACE, Sacramento Regional Transit, and

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**L025-7**

the Capitol Corridor (and potentially Caltrain). Through a new, strategic approach, there is also the opportunity for new or improved travel between Bakersfield and Sacramento, Oakland, San Jose, and San Francisco. This expanded Northern California Unified Service could begin operation as early as 2018, with the potential to provide transportation and economic benefits well before fully operational high-speed rail service is initiated.

As part of this first step, complementary investments and improvements will be made to both accelerate benefits and distribute them more widely across the state. These investments will be made using the \$950 million in Proposition 1A connectivity funding, available Proposition 1A high-speed rail funds, future federal funds, and other sources, and will include the following:

- Investment in the bookends: In Northern California, the long-awaited electrification of the Caltrain corridor will begin under a collaborative program between Bay Area agencies and the Authority. In addition, consistent with the Southern California MOU, investments will be made in key rail corridors in the southern part of the state, such as upgrading the Metrolink corridor from Los Angeles to Palmdale.
- The Northern California Unified Service described above will be initiated.
- As the next step in the IOS, work to close the rail gap between Bakersfield and Palmdale through the Tehachapi Mountains will begin. Environmental clearance is possible in early 2014, and plans are being developed to move quickly to implement the improvements to close this critical gap and create the first statewide rail link between the Bay Area and the Los Angeles Basin.

**Step 2—Initial High-Speed Rail Operations.** Introduction of the state's (and the nation's) first fully operational high-speed rail service will begin. This service can be operated by a private entity without subsidy, will have the potential to attract private investment to expand the system from Bay to Basin, and can be completed within a decade. The service will be blended with regional/local systems. The IOS is achieved through expansion of the first construction segment into an electrified operating high-speed rail line from Merced to Palmdale and the San Fernando Valley, accessing the populous Los Angeles Basin. Following on the work discussed above, the next priority in implementing the IOS will be closing the rail gap between Northern and Southern California by crossing the Tehachapi Mountains with new, dedicated high-speed rail infrastructure. Before completion of the IOS to the San Fernando Valley, this link will tie the north to the south at Palmdale, where Metrolink commuter rail service can then

**L025-7**

provide service and connections throughout Southern California.

Currently, the IOS is defined as extending from Merced to the San Fernando Valley, and high-speed revenue service would only start once the full IOS is built and operable. Should ridership and revenue forecasts and financial projections demonstrate that revenue service compliant with Proposition 1A could begin earlier, with a shorter IOS, appropriate reviews would occur to consider and implement earlier service, if appropriate.

**Step 3—The Bay to Basin System.** The dedicated high-speed rail infrastructure of the IOS will be expanded north and west to San Jose, providing HSR service between the state's major population centers in the north and south and providing the platform for the transition to statewide blended operations. At this stage, passengers will be able to take a one-seat ride between greater Los Angeles (San Fernando Station) and the San Francisco Transbay Transit Center using blended infrastructure in the north between San Francisco and San Jose (assuming electrification of the Caltrain corridor by 2020 as proposed by Caltrain), using dedicated high-speed rail infrastructure between San Jose and the San Fernando Station, and, in the south, connecting via Metrolink between the San Fernando Valley Station and the Los Angeles Union Station and on to other points throughout Southern California.

**Step 4—The Phase 1 System.** For the blended approach, the dedicated high-speed rail infrastructure of the Bay to Basin system will be extended from the San Fernando Valley to Los Angeles Union Station, linking to a significantly upgraded passenger rail corridor developed to maximize service between Los Angeles and Anaheim while also addressing community concerns about new infrastructure impacts in a congested urban corridor that includes a number of established communities that abut the existing right-of-way. Under a Full Build scenario, dedicated high-speed rail infrastructure would be extended from San Jose to San Francisco's Transbay Transit Center and from Los Angeles to Anaheim.

**Step 5—The Phase 2 System.** Phase 2 will extend the high-speed rail system to Sacramento and San Diego, representing completion of the 800-mile statewide system. Travelers will be able to travel between all of the state's major population centers on high-speed rail. Phase 2 areas will see improvements in rail service well in advance of the expansion of the high-speed rail system through the combination of early investments and blended operations, as described in this Revised Plan.

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**L025-8**

Sections 15162 through 15164 of the CEQA Guidelines provide standards for Lead Agencies to address changes to a certified EIR in response to changes in a project, changes in the circumstances under which the project is undertaken, and substantial new information with regard to impacts, mitigation measures, and alternatives. Consequently, there is no need for the suggested mitigation measure. If this request were followed, the EIRs for virtually every project that is not constructed immediately following EIR certification would contain this mitigation measure.

**L025-9**

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-GENERAL-06.

Table 2-4 in Chapter 2, Alternatives, of the Final EIR/EIS shows the projected population growth according to the California Department of Finance (DOF) for the four counties in the Fresno to Bakersfield Section of the HST System (DOF 2007, 2010).

**L025-10**

Refer to Standard Response FB-Response-GENERAL-24.

The commenter provides no substantial evidence to support the claim that the increase in vehicle miles traveled (VMT) will be "considerably less" than estimated in the Revised DEIR/Supplemental DEIS. Although regional transportation planning pursuant to Senate Bill (SB) 375, for example, is concerned with reducing greenhouse gas emissions from automobiles and light trucks, SB 375 includes no directive for the reduction of VMT. In any case, reduction in VMT is only one of many reasons for the development of the HST System (see Chapter 1, Project Purpose, Need, and Objectives, of the Final EIR/EIS).

**L025-11**

As the commenter states, the No Project Alternative in the Revised DEIR/Supplemental DEIS includes the funded and programmed improvements on the intercity highway network based on financially constrained Regional Transportation Plans (RTPs) developed by regional transportation planning agencies. The same improvements are assumed in the project alternative analyses. The No Project Alternative and project alternatives must contain the same assumptions to have a fair comparison of impacts.

**L025-11**

The HST project is not being compared with the highway projects for purposes of environmental impact. Nor is any value judgment being made as to the validity of funding highway projects (which rely on sources of funding that are separate from those of the HST System). Table 2-6 in Chapter 2, Alternatives, of the Final EIR/EIS illustrates the potential reduction in vehicle miles traveled (VMT) that would result from operation of the HST System.

**L025-12**

The referenced "Freight Rail Element" discussion represents the best available data at approximately the time of the issuance of the Notice of Preparation of the Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield Section of the California High-Speed Train System in 2009. The Tehachapi Pass is not a part of the Fresno to Bakersfield Section and is therefore not included in the EIR/EIS for the Fresno to Bakersfield Section. However, information regarding an increase in freight rail traffic in the Tehachapi Pass is not relevant to the HST System in that the HST project will develop a separate alignment for exclusive use of the HST System and will not use the freight tracks.

**L025-13**

Table 2-15 in Chapter 2, Alternatives, of the Final EIR/EIS for the Fresno to Bakersfield Section has been revised in response to this comment.

**L025-14**

This comment concerns a cartography issue. There is a small floodplain (area of local ponding) near the existing BNSF Railway that is entirely contained within the combined footprint of the Kern Council of Governments–Shafter East and Kern Council of Governments–Shafter West heavy maintenance facility (HMF) site alternatives. In Figure 3.8-2 in Section 3.8, Hydrology and Water Resources, of the Final EIR/EIS, the layer for the project features (HMF sites) is shown above the layer for the floodplain. Therefore the floodplain is obscured in the map.

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**L025-15**

The HST project will not preclude Kern County of Governments or any other entity from creating a van pool or bus system serving the potential heavy maintenance facility (HMF). Mitigation measures for road system impacts from the potential HMF are discussed in Section 3.2.7 of the Final EIR/EIS.

**L025-16**

Refer to Standard Response FB-Response-GENERAL-12.

**L025-17**

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-GENERAL-13.

**L025-18**

Improvements and additions to the Amtrak system are not part of the HST project. The HST project will not preclude Amtrak or any other entity from adding additional stops to the Amtrak system.

**L025-19**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-12.

Improvements and additions to the Amtrak system or other transit entity are not part of the HST project.

**L025-20**

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-GENERAL-13.

Improvements and additions to the Amtrak system or other transit entity are not part of the HST project.

**L025-21**

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-GENERAL-13.

Improvements and additions to the Amtrak system or other transit entity are not part of the HST project.

**L025-22**

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-GENERAL-13.

**L025-23**

Local bus feeder service is not in the project's scope; however, the HST project will not preclude the City of Bakersfield, Kern County, or any other entity from creating a regional/intercity bus system serving the Bakersfield Station.

**L025-24**

Local bus feeder service is not in the project's scope; however, the HST project will not preclude the City of Bakersfield, Kern County, or any other entity from creating a regional/intercity bus system serving the Bakersfield Station.

**L025-25**

Local bus feeder service is not in the project's scope; however, the HST project will not preclude Golden Empire Transit or any other entity from creating or expanding an existing bus system serving the Bakersfield Station.

**L025-26**

The road segment analyzed is the volume-to-capacity ratio for Santa Fe Way, between Burbank Street and 7th Standard Road. Improvements to 7th Standard Road would not affect Santa Fe Way road conditions.

**L025-27**

The realignment of Santa Fe Way proposes no change in the lane configuration and traffic control, and therefore would not affect the analysis.

**L025-28**

The realignment of Santa Fe Way proposes no change in the lane configuration and traffic control, and therefore the proposed Mitigation Measure TR MM #3 would still be required.

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**L025-29**

The realignment of Santa Fe Way proposes no change in the lane configuration and traffic control, and therefore the proposed Mitigation Measure TR MM #3 would still be required.

**L025-30**

Impacts and effects on communities are expected to occur within the 0.5-mile radius study area, inasmuch as this area represents where key resource effects on property relocation; transportation; noise and vibration; safety and security; aesthetics; parks, recreation, and open space; and cultural resources would occur. The study area for economic effects is the four-county region. This study area was chosen because the economic effects on fiscal revenues, job creation, and business disruption would have economic implications for this whole region, not only the area within the 0.5-mile radius. Please see Appendix A.2 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for the full methodology of the community and neighborhood analysis.

EIR/EIS Volume I Section 3.12 Impact SO #18-Environmental Justice Effects explains that according to EO 12898, the offsetting benefits associated with the project should be considered as part of the environmental justice analysis. The project would provide benefits that would accrue to all populations, including communities of concern beyond the 0.5-mile study area. These benefits would include improved mobility within the region, improved traffic conditions on freeways as modes divert to HST, improvements in air quality within the region, and new employment opportunities during construction and operation.

Additionally, jobs created by construction and operation of the project would likely be filled by workers in the region, not just in the 0.5-mile study area. The Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers, including veterans returning from military service. It helps to remove potential barriers to small businesses, disadvantaged business enterprises, disabled veteran business enterprises, women-owned businesses, and microbusinesses that want to participate in building the High-Speed Rail system.

**L025-31**

Impacts and effects on communities are expected to occur within the 0.5-mile radius study area, inasmuch as this area represents where key resource effects on property relocation; transportation; noise and vibration; safety and security; aesthetics; parks, recreation, and open space; and cultural resources would occur. The study area for economic effects is the four-county region. This study area was chosen because the economic effects to fiscal revenues, job creation, and business disruption would have economic implications for this whole region, not only the area within the 0.5-mile radius. Please see Appendix A.2 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for the full methodology of the community and neighborhood analysis.

Volume I 3.12 Impact SO #18-Environmental Justice Effects explains that according to EO 12898, the offsetting benefits associated with the project should be considered as part of the environmental justice analysis. The project would provide benefits that would accrue to all populations, including communities of concern beyond the 0.5-mile study area. These benefits would include improved mobility within the region, improved traffic conditions on freeways as modes divert to HST, improvements in air quality within the region, and new employment opportunities during construction and operation.

Additionally, jobs created by construction and operation of the project would likely be filled by workers in the region, not just in the 0.5-mile study area. The Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers, including veterans returning from military service. It helps to remove potential barriers to small businesses, disadvantaged business enterprises, disabled veteran business enterprises, women-owned businesses, and microbusinesses that want to participate in building the High-Speed Train System.

**L025-32**

Refer to Standard Response FB-Response-SO-08.

Please refer to Mitigation Measure SO-3: Implement measures to reduce impacts associated with the relocation of important facilities. These measures will apply to the

Response to Submission L025 (Ahron Hakimi, Kern Council of Governments, October 19, 2012) - Continued

**L025-32**

Industrial Arts building at Bakersfield High School. If the BNSF Alternative is selected through Bakersfield, it would displace the building, and the Authority would consult with the Kern Union High School District on a replacement for the Industrial Arts building in accordance with California Department of Education policies. A replacement structure would be in place before the existing Industrial Arts building is removed.

This mitigation measure will be effective in reducing the impacts of the project to less-than-significant by completing new facilities before necessary relocation, and by involving affected facilities in the process of identifying new locations for their operations. The Authority, as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the California Relocation Assistance Act (CRAA), bears the cost of compensation for the displaced structure.

**L025-33**

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

**L025-34**

Refer to Standard Response FB-Response-SO-08.

Please refer to Mitigation Measure SO-3: Implement measures to reduce impacts associated with the relocation of important facilities. These measures will apply to the Industrial Arts building at Bakersfield High School. If the BNSF Alternative is selected through Bakersfield, it would displace the building. In that case the Authority will consult with the Kern Union High School District on a replacement for the Industrial Arts building in accordance with California Department of Education policies, and a replacement structure will be in place before the existing Industrial Arts building is removed.

This mitigation measure will be effective in reducing the impacts of the project to less-than-significant by completing new facilities before necessary relocation, and by involving affected facilities in the process of identifying new locations for their operations. The Authority, as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the California Relocation Assistance Act (CRAA), bears the cost of compensation for the displaced

**L025-34**

structure.

**L025-35**

Refer to Standard Response FB-Response-SO-08.

The Authority is responsible for implementing the mitigation measure and, as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the California Relocation Assistance Act (CRAA), bears the cost of compensation for the displaced structure.

**L025-36**

Refer to Standard Response FB-Response-SO-08.

The Authority enforces the mitigation measure. As detailed in Mitigation Measure SO-3, a replacement structure must be in place and serviceable before the existing Industrial Arts building is removed. The Authority's schedule constraints for project construction are the enforcer that ensures the Industrial Arts building is replaced.

**L025-37**

Refer to Standard Response FB-Response-SO-08.

Removal of the Industrial Arts building would be a substantial physical change to the campus as a whole, is considered of substantial intensity under NEPA, and would be a significant impact under CEQA. Depending on where it is replaced, this physical change could result in a social impact, as those alumni and community members who are emotionally attached to the high school's history and role in the community perceive a substantial void in the long-intact campus; however, this perception is not what makes the impact significant. The significant impact is the disruption of the educational functionality of the Industrial Arts building. This impact is reduced to less-than-significant by implementing Mitigation Measure SO-3, because it requires that a replacement structure must be in place and serviceable before the existing Industrial Arts building is removed.

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**L025-38**

Refer to Standard Response FB-Response-SO-03.

The BNSF Alternative and Bakersfield Hybrid Alternative would bisect the building that houses the Mercado. This could mean rebuilding or relocating the building, potentially affecting the livelihoods of 118 merchants (an estimated 230 employees) at a facility of substantial cultural importance for the local and regional Hispanic community. Together, the displacement of the Mercado and the displacement of a substantial number of residences and businesses in the Bakersfield Northeast District would be of substantial intensity under NEPA and a significant impact under CEQA.

Please refer to Mitigation Measure SO-3: Implement measures to reduce impacts associated with the relocation of important facilities. These measures will apply to the Mercado Latino Tianguis building. If the BNSF Alternative or Bakersfield Hybrid Alternative is selected through Bakersfield, the Authority will consult with the affected merchants before land acquisition to assess potential opportunities to reconfigure the building or relocate the affected facilities as necessary, minimize the disruption of facility activities, and ensure relocation that allows the community currently served to continue to access these services. This mitigation measure will facilitate the identification of approaches that would maintain continuity of operation for the facility. To avoid disruption to these community amenities, the Authority will ensure that all reconfiguration or relocation of facilities is completed before the demolition of any existing structures.

This mitigation measure will be effective in reducing the impacts of the project to less-than-significant by identifying a replacement facility or constructing a new facility before necessary relocation, and by involving affected merchants in the process of identifying new locations for their businesses. The Authority, as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the California Relocation Assistance Act (CRAA), bears the cost of compensation for the displaced businesses.

**L025-39**

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

**L025-39**

Please refer to Mitigation Measure SO-3: Implement measures to reduce impacts associated with the relocation of important facilities. These measures will apply to the Mercado Latino Tianguis building. If the BNSF Alternative or Bakersfield Hybrid Alternative is selected through Bakersfield, the Authority will consult with the affected merchants before land acquisition to assess potential opportunities to reconfigure the building or relocate the affected facilities, as necessary, to minimize the disruption of facility activities, and also ensure relocation that allows the community currently served to continue to access these services. This mitigation measure will facilitate the identification of approaches that would maintain continuity of operation for the facility. To avoid disruption to these community amenities, the Authority will ensure that all reconfiguration or relocation of facilities is completed before the demolition of any existing structures. This mitigation measure will be effective in reducing the impacts of the project to less-than-significant by identifying a replacement facility or constructing a new facility before necessary relocation, and by involving affected merchants in the process of identifying new locations for their businesses. The Authority, as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the California Relocation Assistance Act (CRAA), bears the cost of compensation for the displaced businesses.

**L025-40**

The Authority is responsible for implementing the mitigation measure and, as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the California Relocation Assistance Act (CRAA), bears the cost of compensation for the displaced facility.

**L025-41**

The Authority enforces the mitigation measure. As detailed in Mitigation Measure SO-3, the Authority will work with the affected merchants to identify a replacement facility or construct a new facility that must be in place and serviceable before the existing Mercado Latino Tianguis building is removed. The Authority's schedule constraints for project construction are the enforcer that ensures the Mercado building is replaced.

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**L025-42**

The BNSF Alternative and Bakersfield Hybrid Alternative would bisect the building that houses the Mercado Latino Tianguis. This could mean rebuilding or relocating the building, potentially affecting the livelihoods of 118 merchants (an estimated 230 employees) at a facility of substantial cultural importance for the local and regional Hispanic community. The displacement of the substantial number of businesses at the Mercado would be of substantial intensity under NEPA and a significant impact under CEQA. This impact is reduced to less-than-significant through Mitigation Measure SO-3 because the Authority will work with the affected merchants to identify a replacement facility or construct a new facility that must be in place and serviceable before the existing Mercado building is removed.

**L025-43**

Refer to Standard Response FB-Response-SO-03, FB-Response-SO-01.

The analysis presented in Section 5.2 of the Draft Relocation Impact Report (Authority and FRA 2012i) for commercial and industrial business parcels included estimating the number, type, and size (by number of employees and amount of annual sales) of businesses relocated. While these definitions were used to estimate the effect of the project, such full and partial acquisition decisions will ultimately be determined on a case-by-case basis during the land acquisition and real estate appraisal portion of the project, and therefore may change in the future. Locations of vacant commercial and industrial properties were identified by Census tract and zip code along the project alignment and compared with the projected numbers of relocated businesses in these areas to identify the likely availability of suitable replacement properties. This involved a community search for vacant commercial and industrial properties in these Census tracts and zip codes using HUD Aggregated USPS Administrative Data on Address Vacancies and a search of vacant commercial and industrial properties in real estate listings (HUD 2010; Loopnet 2010). These full and partial designations and the suitable replacement property analysis are used here to provide an initial understanding of potential impacts.

As Table 6-2 shows, in every location, the supply of commercial and industrial properties was several times greater than demand, often by more than an order of magnitude. However, not every available parcel or facility would be suitable for every relocated

**L025-43**

business. The results from Section 5.2.1 showed that almost all types of relocated businesses (based on their NAICS codes) could be accommodated in the same community or general location within which they currently exist. In some cases, while more-than-sufficient space and parcels are available for business relocations, some modification or improvements to properties will need to be made to make them suitable "turn-key" business locations.

Businesses that would be relocated by the project would be entitled to relocation assistance and counseling similar to that provided to residents in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, to ensure adequate relocation of businesses. The Relocation Assistance Program was developed to help displaced business owners relocate with as little inconvenience as possible. Compensation is provided for moving and relocation expenses. Also, compensation for loss of goodwill is provided. Goodwill is defined as the benefit that accrues from the skill, reliability, or location of a business. If these factors can be shown to be reduced as a consequence of the relocation, the business owner will be compensated for the loss.

**L025-44**

While the capital costs for constructing a heavy maintenance facility (HMF) may vary among alternatives, the overall long-term net benefits of the HMF will be similar among the alternatives.

**L025-45**

For a detailed analysis of the effects of the HST project on agricultural production in Kern County, see Appendix C of the Community Impact Assessment Technical Report (Authority and FRA 2012h). The analysis in this appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production loss, the resulting annual revenue loss in both dollar and percent terms for each type of agricultural product, and the employment loss.

EIR/EIS Volume I Section 3.12 Impact #16 describes that the value of reduced agricultural production for all counties is a very small percentage of total county production (less than 1% for each county). Even so, there would be potential for

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Response to Submission L025 (Ahron Hakimi, Kern Council of Governments, October 19, 2012) - Continued

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**L025-45**

temporary disruption to agricultural operations as production is reallocated between owners and as facilities are relocated. Related economic sectors, such as processing facilities and transportation companies, could also experience some short-term multiplier of effects from reduced agricultural production. The Bureau of Economic Analysis estimates that this additional multiplier of indirect and induced effect to related sectors would be about equal to the direct loss in revenue in agriculture, thus resulting in a total direct plus indirect and induced multiplier effect of approximately \$55 million annually across the four-county region (Bureau of Economic Analysis 2010). Overall, the intensity of the effect of the BNSF Alternative on agricultural business operations would be moderate in the short term during the initial period when operations and manure management lands are adjusting. The effect would be negligible in intensity over the long term under NEPA because property owners would be compensated for this lost production through the land valuation and acquisition process.

**L025-46**

Refer to Standard Response FB-Response-GENERAL-12, FB-Response-GENERAL-01.

**L025-47**

Text of Section 3.10.4.2 in the Revised DEIR/Supplemental DEIS has been revised to add clarification that the Kern Council of Governments–Shafter West HMF Site is in an unincorporated portion of Kern County near the city of Shafter.

**L025-48**

This comment was made on the Draft EIR/DEIS. The issue raised by this comment has been addressed in the Revised DEIR/Supplemental DEIS.

**L025-49**

The City of Shafter's zoning designation for the study area is Industrial, and the text of the Revised DEIR/Supplemental DEIS will be revised to reflect this change.

**L025-50**

The areas proposed for the Kern Council of Governments–Shafter HMF sites are currently under agricultural cultivation. The discussion in the Revised

**L025-50**

DEIR/Supplemental DEIS is related to existing uses on the sites, not the land use designations. Therefore, there is no need to change the text in the Revised DEIR/Supplemental DEIS.

**L025-51**

Refer to Standard Response FB-Response-GENERAL-15.

**L025-52**

This text has been changed for the Final EIR/EIS.

**L025-53**

The Authority sent out an Expression of Interest for the location of a Heavy Maintenance Facility in 2009. Ten sites have been carried forward for consideration in the EIR/EISs for the Merced to Fresno Section and the Fresno to Bakersfield Section. All of these sites would have low land costs.

Submission L026 (James M. Beck, Kern County Water Agency, August 21, 2012)



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August 21, 2012

Fresno to Bakersfield Revised Draft EIR/S Comment  
 770 L Street, Suite 800  
 Sacramento, CA 95814

RE: Fresno to Bakersfield Section High-Speed Train Revised Draft  
 Environmental Impact Report/Supplement Environmental Impact  
 Statement

To Whom It May Concern:

The Kern County Water Agency (Agency) would like to thank you for the opportunity to review and comment on the Fresno to Bakersfield Section High-Speed Train (Project) Revised Draft Environmental Impact Report/Supplement Environmental Impact Statement (RDEIR/S).

The Agency was created by the California State Legislature in 1961 to contract with the California Department of Water Resources for State Water Project (SWP) water. The Agency has contracts with water districts throughout Kern County to deliver SWP water. The Agency also manages and/or is a participant in multiple groundwater banking projects, including the Kern Water Bank, Pioneer Property and Berrenda Mesa banking projects. Therefore, the Agency is uniquely qualified to provide comments on the Project.

The Agency previously submitted comments on the Project in 2011. After reviewing the RDEIR/S our previous concerns remain. Therefore, our original comments are reiterated below.

**Comment 1: The RDEIR/S does not include the Agency as a water supplier.**

While Sections 3.6 and 3.8 of the RDEIR/S include the Agency's Improvement District No. 4 (ID4), an urban water purveyor, these sections do not include the Agency itself in their discussions or listings of water suppliers in the region. The Agency's primary function is to serve as the SWP contractor for Kern County, as described above. The Agency is the largest water supplier in the region addressed by the RDEIR/S, with a service area of approximately 1.5 million acres. The Agency is responsible for the operation of critical water infrastructure in Kern County, including the Cross Valley Canal (CVC). Therefore, the RDEIR/S should be amended to include descriptions of the Agency and its

L026-1

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5ccc  
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 08-24-12P02:55 R0VD

150.3 Environmental

L026-1

California High-Speed Rail Authority  
 Fresno to Bakersfield Section RDEIR/S  
 August 21, 2012  
 Page 2 of 3

affected infrastructure, as well as analyses of the potential impacts from the construction and operation of the Project.

L026-2

**Comment 2: The proposed route will significantly impact major water delivery infrastructure in Kern County.**

The RDEIR/S contains several figures detailing the alignment alternatives through the City of Bakersfield. According to Figure 3.8-5, the alignment alternatives have the potential to significantly impact water supply infrastructure, including the CVC, CVC Pumping Plant No. 6, Friant-Kern Canal and Arvin-Edison Canal, located southeast of the intersection of Coffee Road and Brimhall Road. These facilities, which converge at this location, represent critical components of Kern County's water supply infrastructure. Additionally, the CVC extends east from this location and appears to be crossed by the proposed route at least once more. While the RDEIR/S was amended to include a single paragraph, generic description of impacts to water facilities, it does not contain any meaningful discussion of the impacts to the specific infrastructure described above from either construction or operation of the Project. Therefore, no meaningful conclusions regarding the significance of the impacts can be drawn from the RDEIR/S. The RDEIR/S should be amended to include an analysis and discussion of the impacts to these facilities from the construction and operation of the Project.

L026-3

**Comment 3: The RDEIR/S does not include mitigation measures to compensate for the potential loss of water supplies due to the construction and/or operation of the Project.**

As described above, the construction and operation of the Project has the potential to temporarily, if not permanently, impact the operation of the CVC and CVC Pumping Plant No. 6. These facilities, in part, are used to supply water to ID4's Henry C. Garnett Water Purification Plant. Once treated, ID4 provides this water to numerous urban water purveyors within the City of Bakersfield. If the operation of the CVC east of Coffee Road and/or the operation of CVC Pumping Plant No. 6 are to be impacted during construction and/or operation of the Project, ID4's water supply could be reduced by as much as 50,000 acre-feet. Subsequently, it would be necessary for the California High-Speed Rail Authority to provide an alternate water supply for ID4. The RDEIR/S states "... the project design would incorporate avoidance and minimization measures to reduce impacts on water resources." However, the document does not describe these measures as they relate to any specific water facility or cumulatively over the Project. Despite this, the RDEIR/S further states "[a]ll construction and operation effects related to hydrology and water quality would be considered to be of moderate or negligible intensity under NEPA, and impacts would be less than significant under CEQA." Without even a basic description and analysis of the mitigation measures, no meaningful conclusions regarding potential impacts or their significance can be drawn. Therefore, the RDEIR/S should be amended to describe and analyze specific mitigation measures. Included in those mitigation measures should be the provision of an alternate water supply to ID4 as needed.

L026-4

**Comment 3: The RDEIR/S does not include a cumulative impact analysis.**

Section 15130 of the CEQA Guidelines requires an EIR to discuss the cumulative impacts of the proposed project. The RDEIR/S fails to evaluate the cumulative impacts to Kern County, as well as the statewide cumulative impacts. The RDEIR/S states that the analyses consider only the Fresno to Bakersfield route impacts. The RDEIR/S does not consider impacts from completion of the route through Bakersfield and extending to the south through the remainder of Kern County. Additionally, the

Submission L026 (James M. Beck, Kern County Water Agency, August 21, 2012) - Continued

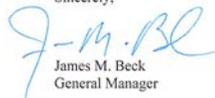
California High-Speed Rail Authority  
Fresno to Bakersfield Section RDEIR/S  
August 21, 2012  
Page 3 of 3

L026-4

RDEIR/S does not discuss the cumulative impacts of the entire High-Speed Train project. As a result, there is no meaningful discussion of the cumulative impacts of the Project on either a local or statewide level. Without a cumulative impact analysis, Agency staff cannot accurately determine the cumulative impacts to local water resources and infrastructure from the construction and operation of the Project or High-Speed Train project as a whole. Therefore, the RDEIR/S should be amended to include a complete discussion of the cumulative impacts anticipated from construction and operation of the entire High-Speed Train project as required by the CEQA Guidelines.

If you have any questions, please contact Curtis Creel of my staff at (661) 634-1400.

Sincerely,

  
James M. Beck  
General Manager



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Response to Submission L026 (James M. Beck, Kern County Water Agency, August 21, 2012)

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**L026-1**

Refer to Standard Response FB-Response-PU&E-03.

Section 3.6, Public Utilities and Energy, of the Revised DEIR/Supplemental DEIS, Table 3.6-3 lists Kern County Water Agency as one of the service providers, and also in Section 3.8, Hydrology and Water Resources, Table 3.8-3. Pursuant to agreements negotiated between the Authority and the utility owners, the Authority would work with utility owners during final engineering design and construction of the project to relocate utilities or protect them in place (refer to Section 3.6.5).

**L026-2**

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01.

The effects and impacts stated in the Revised DEIR/Supplemental DEIS remain valid. If utilities cannot be relocated or modified within the construction footprint defined in Chapter 2, Alternatives, supplemental environmental analysis would be conducted, if necessary. In compliance with state law (California Government Code Section 4216), the construction contractor would use a utility locator service and manually probe for buried utilities within the construction footprint prior to initiating ground-disturbing activities. This would avoid accidental disruption of utility services and ensure that feasible and adequate measures are implemented to reduce impacts.

**L026-3**

Refer to Standard Response FB-Response-HWR-01, FB-Response-PU&E-03.

The Authority is actively assimilating information on existing and planned utilities. The design presented in the Draft EIR/EIS is preliminary (15% to 30% complete). The Authority will coordinate with water districts to refine this information, identifying and evaluating all known facilities within the footprint during future design phases. The Authority intends to consider the design and placement of the canal crossings in its placement of facilities. Section 3.6, Public Utilities and Energy, of the Revised DEIR/Supplemental DEIS, Table 3.6-3 lists Kern County Water Agency as one of the service providers (also see Section 3.8, Hydrology and Water Resources, Table 3.8-3).

**L026-4**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-20.

Submission L027 (L. Mark Mulkay, Kern Delta Water District, August 17, 2012)

*Kern Delta Water District*  
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August 2, 2012

California High-Speed Rail Authority  
Attn: Jeff Abercrombie  
Area Program Manager Central Valley  
770 L Street, Suite 800  
Fresno, CA 95814

RECEIVED  
499.3

**Re: Comments on California High Speed Train (HST) Project**

Dear Mr. Abercrombie:

Kern Delta Water District (Kern Delta) appreciates the opportunity to comment on the aforementioned project's Revised Draft Environmental Impact Report (DEIR) for the Fresno to Bakersfield section of the California High-Speed Train (HST) Project.

The proposed project, as indicated in the table on Page 3.8-A-3 of the Revised DEIR, proposes project alternatives that include the crossing of at least three major active water conveyance facilities owned/operated by Kern Delta. Kern Delta is a public agency responsible for the delivery water supplies within its service area covering approximately 150,000 acres south of the City of Bakersfield. As your project moves forward, please continue to coordinate with Kern Delta regarding these and any project alternatives that require the crossing of Kern Delta's facilities.

If you have any questions or comments regarding these facilities or would like to set up a meeting to discuss them, please contact me at (661) 834-4656.

Sincerely,

*L. Mark Mulkay*  
L. Mark Mulkay  
General Manager  
Kern Delta Water District

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*Kern Delta Water District*  
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56614335900

CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
ATTN: JEFF ABERCROMBIE  
AREA PROGRAM MANAGER CENTRAL VALLEY  
770 L STREET, SUITE 800  
SACRAMENTO, CA 95814

L027-1

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Response to Submission L027 (L. Mark Mulkay, Kern Delta Water District, August 17, 2012)

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**L027-1**

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

The Authority appreciates this suggestion and plans to continue to work with all stakeholders as this project progresses.

Submission L028 (Donald Carter, Kern High School District, October 18, 2012)



**KERN HIGH SCHOOL DISTRICT**

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California High-Speed Rail Authority  
 October 19, 2012  
 Page 2 of 8

October 19, 2012

California High-Speed Rail Authority  
 Attention: Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment  
 770 L Street, Suite 800  
 Sacramento, CA 95814

**Subject:** *California High-Speed Train Project, Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comments*

To Whom It May Concern:

Kern High School District (KHSD or District) welcomes the opportunity to review the revised environmental documents prepared for the Fresno to Bakersfield segment of the California High-Speed Train (HST) project. The District appreciates that the High-Speed Rail Authority (HSRA) has responded in some part to public concerns and has provided a revised document and additional time for review and comment.

L028-1 | That notwithstanding, the District remains extremely concerned about the ability of Bakersfield High School (BHS) to continue to function as a comprehensive high school campus in proximity to the HST. Although it is evident that the HSRA has taken steps to provide a more comprehensive and complete analysis of the impacts that could result from construction and operation of the HST, the District has concluded that the Revised Draft EIR/Supplemental Draft EIS (EIR) does not adequately disclose, address, or mitigate potential impacts to BHS.

L028-2 | Of particular note is that in the revised EIR, the HSRA has introduced a third alternative route through central Bakersfield identified as the Hybrid alignment. In the vicinity of BHS, this alignment is situated generally between the proposed Bakersfield South and BNSF alignments. While the Hybrid alternative alleviates certain direct physical impacts to BHS, in particular the removal of the Industrial Arts (IA) Building at the north end of the BHS campus, other impacts such as noise and vibration, aesthetics, traffic, and safety, among others, remain. As in the original Draft EIR/EIS, the HSRA has provided general discussion of potential impacts at the broad, macroscopic scale, while avoiding in

L028-3 | large part discussion of impacts to specific locations. In this manner, the EIR retains the qualities of a programmatic document rather than a project-level document.

L028-4

Mitigation measures remain largely generic, poorly-detailed, and in many cases, clearly inadequate. More specifically, many of the mitigation measures throughout the EIR rely upon some future study without any mention of performance standards, timing, or quantified outcome. Furthermore, certain mitigation measures are described, and would be implemented, in such a way as to be infeasible, and as such are not appropriate.

Rather than reiterate its previous comments verbatim as part of this second review, the District has provided a new analysis of the EIR in two contexts: Commentary based upon further review of the EIR in general (including revisions/additions), and specific review of whether and how HSRA revised the EIR based upon certain District comments provided in its original comment letter dated October 12, 2011. That letter is attached for reference. The District maintains its positions on the comments provided in its original letter, except as may be modified herein. Comments below provide a more comprehensive discussion of the District's specific concerns.

**New General Comments**

Section 2.0 – Alternatives

L028-5

1. Page 2-64 acknowledges that the BNSF alternative would displace the IA Building; in comparison, the Bakersfield South and Hybrid alternatives do not directly physically impact the (BHS) campus (page 2-68). However, the subsequent environmental analysis contained under each environmental issue area does not provide specific impacts to the BHS campus. If an alignment is in such proximity as to displace a campus building, then impacts from noise, air quality, hazards, traffic, safety, and aesthetics specific to the campus should have been discussed in greater detail under the BNSF alternative under each issue area. Further, the Bakersfield South and Hybrid alternatives are within 150-200 feet of the BHS campus; it is therefore erroneous to state that these two alternatives would have no impact on the campus.

Section 3.2 – Transportation

L028-6

2. Section 3.2.3.6 states that the extent of each station study area was established, but does not provide further information on the geographic boundaries for the station study areas. As indicated in Section 3.13, there is a station proposed in proximity to the BHS campus, with the campus located just outside of the one-half-mile buffer zone. Since the EIR does not provide any justification for the area delineated around each potential station, it cannot be ascertained whether this station would impact the campus.

L028-7

3. Impact TR#9 states that construction activities may increase school bus travel times. However, there is no previous discussion on existing school bus travel times so the reader cannot quantitatively gauge the extent of these delays in travel time. Additionally, the impact discussion simply states that the HSRA will implement measures to reduce delays in travel time without any specific discussions on the types of measures or how the measures are to be implemented.

L028-8

4. Impact TR#16 includes a qualitative discussion on project impacts to school districts. However, there is no corresponding impact analysis of construction-related impacts to school

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Submission L028 (Donald Carter, Kern High School District, October 18, 2012) - Continued

California High-Speed Rail Authority  
 October 19, 2012  
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- L028-8 | districts in general or to the BHS campus in particular, especially considering that Section 2.0 Alternatives acknowledges the direct impact of the BNSF alternative to the campus.
- L028-9 | 3.4 – Noise and Vibrations
- L028-9 | 5. Table 3.4-1 provides noise assessment criteria for residential, commercial, and industrial land uses. There is no mention of which, if any, of these categories educational or other institutional facilities fall.
- L028-10 | 6. Page 3.4-10 (Vibration Criteria HST Operations) states that vibration testing was conducted for all residential structures within 86 feet, and for all 4(f) structures within 190 feet of centerline of an at-grade alignment. The discussion does not elaborate as to why no similar testing was conducted for institutional uses, particularly for the BHS campus which is located between 100 and 200 feet from the centerline of the BNSF, Bakersfield South, and Hybrid alternatives.
- L028-11 | 7. Table 3.4-12 omits typical noise-level information related to blasting and the use of pile driving equipment, although these are previously mentioned as possible components of construction on Page 3.4-12.
- L028-12 | 8. Page 3.4-15 (Noise Study Area) states that the noise study area included all sensitive receptors located up to 2,500 feet from a proposed track centerline. The BHS campus is located within the 2,500-foot study area. Page 3.4-29 lists the number of sensitive receptors impacts by each HST alternative and then lists the specific schools that would be severely to moderately impacted by the Project. BHS is neither listed as a sensitive receptor nor as one of the receptors that would be severely impacted by the Project.
- L028-13 | 9. Page 3.4-26 (Existing Vibration Levels) states that specific vibration measurements were at nine locations along the entirety of the Fresno-Bakersfield project route. No specific rationale is provided as to why these nine locations were chosen, or as to why analysis of other sensitive receptors was not performed. The FRA screening distance for institutional uses is 220 feet. The BHS campus does fall within this screening distance from the various alternative alignments, yet no vibration study was performed at this location. Additionally, this page states that no vibration studies were conducted at the HST Station locations since there are no sensitive receptors within the FRA screening distances, and that impacts are expected to be less than significant. However, there is no evidence provided that might substantiate this statement.
- L028-14 | 10. Page 3.4-30 (Impact N&V#1) incorrectly concludes that there would be no construction noise impacts for any schools along the HST alternatives since all schools are outside the screening distances. This conclusion is again repeated on page 3.4-51 under Impact N&V#5.
- L028-15 | 11. Page 3.4-31 (Impact N&V#2) similarly incorrectly concludes that there would be no construction-related vibration impacts to schools along the HST alternatives without providing any substantive evidence for this conclusion.
- L028-16 | 12. Table 3.4-25 indicates FRA impact levels for BHS that are inconsistent with the FRA Impact levels indicated in Figure 3.4-3.

California High-Speed Rail Authority  
 October 19, 2012  
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- L028-18 | 13. Pages 3.4-67 through 69 do not indicate the presence of sounds barriers for either the Bakersfield South or Hybrid alignments in the vicinity of BHS, nor does the EIR provide any definitive location or construction criteria for sound barriers for any of the alternatives. Without indicating the exact locations and construction criteria of sound barriers, HSRA cannot accurately state that such barriers will adequately mitigate potential noise impacts.
- L028-19 | 3.5 – Electromagnetic Fields and Electromagnetic Interference
- L028-19 | 14. Page 3.5-17 (Impact EMF/EMI#6) discusses the Project's impacts from EMF/EMI to a school's communication system. However, there is no discussion or analysis of other impacts to school sites or persons thereon that may result from exposure to EMF/EMI radiation.
- L028-20 | 3.10 – Hazardous Materials and Wastes
- L028-20 | 15. Table 3.10-5 lists the schools in proximity to the alignment and station alternatives, yet omits any discussion of the hazardous sites that could be in proximity to these schools, including the BHS campus.
- L028-21 | 16. Page 3.10-30 (Impact HHW #1) should include a discussion on the accidental release of hazardous materials to adjacent school sites, including BHS.
- L028-22 | 17. Page 3.10-30 (Impact HMW-MM #1) satisfies the intent of a mitigation measure for the use of hazardous materials near school sites; however, simply posting warning signage within a quarter-mile of schools does not technically mitigate any potential dangers that may result from accidents during the use, handling, or transport of hazardous materials.
- L028-23 | 3.15 – Parks, Recreation, and Open Space
- L028-23 | 18. Page 3.15-28 (Impact PK#1) disingenuously concludes that the level of impact to the BHS campus from Project construction would be less than significant when the same discussion acknowledges that construction activities would take place less than 100 feet from BHS campus recreation areas. No analysis or discussion is provided that might indicate how, given this small distance, the less-than-significant determination was made.
- L028-24 | 19. Page 3.15-31 (Impact PK#1 - Bakersfield South Alternative) incorrectly states that there are no school district recreation areas within 300 feet of the alignment.
- L028-25 | 20. Page 3.15-31 (Impact PK#1 - Bakersfield Hybrid Alternative) concludes that there would be significant noise impacts to the BHS campus. While it is not relevant to analyze noise impacts under the Parks and Recreation section of an EIR/EIS, this also contradicts the impacts discussions and conclusions under the Noise section of the Revised EIR for the same Project.
- L028-26 | 21. Page 3.15-42 (Impact PK#4 – Bakersfield High School) incorrectly states that there are no HST stations proposed in the vicinity of BHS. This impact analysis also discusses noise impacts to BHS. While it is not relevant to analyze noise impacts under the Parks and

Submission L028 (Donald Carter, Kern High School District, October 18, 2012) - Continued

California High-Speed Rail Authority  
 October 19, 2012  
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California High-Speed Rail Authority  
 October 19, 2012  
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- L028-27 | Recreation section of an EIR/EIS, this also contradicts the impacts discussions and conclusions  
 L028-28 | under the Noise section of the EIR for the same Project. Further, the District is unable to  
 L028-29 | ascertain the potential impacts that may occur as a result of noise and vibration due to a lack of  
 site-specific analysis in the EIR. Impacts resulting from the proximity of existing urban uses,  
 including the nearby rail yard, do not relegate the potential for further impacts from  
 construction and implementation of HST to a secondary level of concern.
- L028-30 | 22. Page 3.15-48 indicates that impacts from the BNSF alternative, with application of mitigation  
 measures from the Noise and Vibration Section, would be less than significant. The District  
 does not concur with this finding. The referenced mitigation measures lack both site  
 specificity and quantified analysis of how impacts would be reduced.
- L028-31 | 23. The mitigation measures that begin on Page 3.16-138 are patently insufficient, and many do  
 not even qualify as mitigation measures. More specifically:
- a. States that the HSRA will commit to a “general mitigation strategy” and “the time it  
 will take to establish these mitigation measures and the effort it will require to  
 maintain them are two criteria that will be considered in selecting the site-specific  
 mitigation measures.” The District considers this to be a gross misapplication of  
 CEQA’s requirements for mitigation. The EIR is the document that the lead agency  
 uses to establish mitigation measures. It is not the document that the lead agency uses  
 to establish that it will develop mitigation measures.
  - b. Page 3.16-139 - “...the Authority will work with local jurisdictions to develop  
 appropriate...treatments [that] will need to reflect reasonable costs and meet  
 engineering design parameters. Treatments *may include some or all of the  
 following:*” (our italics). Although a list of treatments follows this statement, said list  
 is essentially irrelevant because no specific mitigating treatment is applied to any  
 particular location. A mitigation measure cannot simply state that one of a series of  
 steps may be taken to possibly reduce the significance of an impact.
  - c. Pages 3.16-139 through 143, 145 – Various mitigation measures are mentioned  
 without specific discussion of their effects. These pages continue to reference “future  
 coordination” with local jurisdictions as acceptable mitigation, without prescribing  
 any specific results or in what ways/to what levels impacts would be reduced.

Other Comments

- L028-34 | 24. In August of 2012, the District acquired Assessor’s Parcel Number 004-051-03, which is  
 located just north of the Harvey Auditorium and immediately to the east of the Industrial Arts  
 Building. Under the BNSF alternative, HSRA would have to purchase this parcel in addition  
 to the adjacent parcel containing the IA Building. In this regard, implementation of the BNSF  
 L028-35 | alternative would further impact the District’s ability to operate a comprehensive high school  
 campus at BHS.

- L028-36 | 25. Regardless of the alignment selected, the District remains highly concerned about impacts  
 related to noise and vibration. This concern stems from multiple sources: the EIR contains  
 little information about or quantified analysis of site-specific noise and vibration impacts; the  
 L028-37 | EIR does not use consistent numbers when discussing the respective distances from each  
 alignment to the BHS campus; impacts seem to be summarily dismissed given BHS’s  
 L028-38 | proximity to existing rail facilities, although the HST clearly has the potential to add to an  
 existing noise concern. Without more specific information regarding impacts to sensitive areas  
 on the BHS campus and mitigation for those impacts, HSRA cannot realistically determine to  
 L028-39 | what extent implementation of the HST will impact educational operations.

**District Concerns from its 2011 Comment Letter**

In October 2011, the District provided HSRA with an extensive letter expressing many of its concerns  
 related to the implementation of the HST Project. Said letter is attached hereto for reference. It  
 appears that HSRA has, in some cases, made an attempt to alleviate certain of the issues brought forth  
 by the District; however, the concerns expressed remain largely unaddressed. As mentioned  
 previously, the District maintains these concerns, except as may be modified herein. For District  
 comments where it appears that further information was provided in the Revised EIR, we indicate  
 below our comments to those additions. In the interest of brevity, the following section refers to  
 previous comments by number corresponding to the 2011 District comment letter rather than  
 reiterating the entirety of the text of each comment.

Comment No.

- L028-40 | 1. The EIR clarifies that only passengers would be carried, but does not elaborate upon or address  
 any of the other concerns in this comment.
- L028-41 | 11. Although the EIR clarifies the rationale for utilizing a 2035 (No Project) baseline, the  
 explanation is convoluted and would most likely be difficult for the typical reader to  
 understand.
- L028-42 | 13. The distribution numbers remain unchanged, with no justification provided as to how the  
 distribution was calculated.
- L028-43 | 34. A fair amount of discussion was added to the issue of derailment, specifically regarding the  
 2011 China derailment. However, this information does little to actually address the potential  
 issue, given that the Chinese government’s investigation resulted in a determination of “a  
 system-wide lack of emphasis on safety.” This statement does nothing to describe what  
 particular issues arose or how those issues could be corrected or avoided.

L028-44 | Additionally, the EIR attempts to use the fact that the China derailment is the only instance of a  
 high-speed train leaving the operational corridor as the sole justification of the inherent safety  
 of HST operation. There is no discussion of what could happen if the California HST were to  
 leave the operational corridor. Effectively, the EIR dismisses the potential for catastrophic  
 impacts to the safety of BHS students by simply asserting that no such incident will occur.

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L028-45 | 36. The only mitigation measure for this section involves implementation of a cost-sharing agreement for increased emergency response, to be put in place after project approval. The proposed mitigation does not address making the operation of the HST safer; rather, it discusses a potential method for dealing with increased costs in the event of catastrophe.

L028-46 | 37. Discussion was added to indicate that if the BNSF alignment is selected, HSRA will consult with the District to construct a replacement for the IA Building prior to removal of the existing building. It does not, however, provide any discussion of where this new building would be placed on the constrained BHS site. It should also be noted that "consultation" is not an acceptable mitigation measure, as it does not guarantee any particular outcome.

L028-47 | Later discussion on Page 3.12-119 states that "a replacement structure will be in place before the existing Industrial Arts building is removed." The District believes that this mitigation measure is both inadequate and infeasible, and as such does not comply with CEQA. It is unlikely that a suitable location exists on the BHS campus for placement of a new, comparable structure, so an offsite location would have to be acquired, the building designed, and then built. This process can often take several years. Furthermore, note that development of a new school facility would also be subject to review under CEQA. Strictly speaking, if replacement of the IA Building were to constitute a legitimate mitigation measure, impacts resulting from its acquisition, construction, and operation would need to be addressed within this EIR. While the District is not privy to all of the funding mechanisms and timing deadlines involved with implementation of the HST Project, it seems unlikely that the aforementioned processes would be completed in a timely manner consistent with the publicized schedule for HST implementation.

L028-48 | 38. a. Pages 3.12-68 and 69 acknowledge the potential social impacts that may result from removal of the IA Building, but offer no potential mitigation.

L028-49 | b. Page 3.12-121 has been revised to indicate the significance of removing the IA Building, although no potential mitigation is offered.

L028-50 | 3.13 – Station Planning, Land Use, and Development

L028-51 | 41. HSRA's statements that "The footprint of the entire project would require less than 0.01% of the four-county area and is not anticipated to result in any negative impacts on land use patterns" and that "Direct impacts... would be less than significant under CEQA" have been reiterated in two additional places. The District maintains its position that the percentage of land being used is not relevant from a CEQA standpoint.

L028-52 | Land Use in General

In large part, the revisions acknowledge the presence of such things as local general plans and the San Joaquin Valley Blueprint, but indicate that as an undertaking by federal and state agencies, the HST is not obligated to consider land use impacts. The EIR does indicate that certain policies of these documents related to alternative transportation and efficient use of existing rail corridors would be accomplished by the HST.

L028-53 | However, although it is a given that as a combined state-federal project the HST is not subject to local policies or regulatory provisions, HSRA cannot in good faith state that implementation of HST does not have the potential to significantly disrupt these local policies and provisions. Proposed mitigation includes working with local agencies to amend their plans to be consistent with HST goals. This, again, is clearly inadequate mitigation. Not only does it use vague and unenforceable language (i.e. "work with"), but it is entirely reliant upon presumed local legislative approvals in order to take effect.

3.16 – Aesthetics and Visual Resources

L028-54 | 52. Page 3.16-42, 46 – There is no mention of the District's counterpoints regarding the historical importance of the IA Building. The EIR continues to characterize IA Building as "undistinguished." It indicates that since the campus is "orderly" and the adjacent areas to the north are "disorderly," there is low visual unity in the area and the new elevated HST would simply make it lower. From a CEQA standpoint, the fact that the existing vista is already characterized as low-quality does not mean that a project may further degrade it without regard.

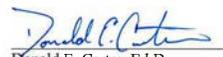
**Concluding Remarks**

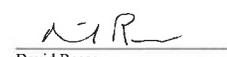
Given a second opportunity to review the environmental analysis provided for implementation of the HST Project, Kern High School District maintains virtually all of its original positions as described in October, 2011. Although the High-Speed Rail Authority has attempted to provide further information and analysis and allow the public further opportunity for involvement, the document remains deficient in many regards, relying heavily on deferred, inadequate, and unenforceable mitigation measures.

L028-56 | After complete reviews of both the original Draft EIR/ EIS and the Revised Draft EIR/Supplemental Draft EIS, the District remains extremely concerned about the ability of Bakersfield High School to continue to function as a comprehensive high school campus in proximity to the High-Speed Train. The District also concludes that, of the three alternatives presented, the Bakersfield South alignment has the least potential to significantly impact Bakersfield High School and its educational operations. Although specific impacts to Bakersfield High School from any of the three alternatives are in many cases difficult to determine, it appears that the Bakersfield South alignment would remain the least-impacting of the three.

It remains imperative that the High-Speed Rail Authority take these comments into consideration when determining whether and how to move forward with implementing this project.

Respectfully,

  
 Donald E. Carter, Ed.D.  
 Superintendent, Kern High School District

  
 David Reese  
 Principal, Bakersfield High School

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Response to Submission L028 (Donald Carter, Kern High School District, October 18, 2012)

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**L028-1**

The Authority has disclosed, addressed, and mitigated potential impacts to Bakersfield High School as described in responses to the specific comments by the District presented later in the comment letter.

**L028-2**

Refer to Standard Response FB-Response-N&V-02, FB-Response-SO-08.

The Bakersfield Hybrid Alternative was developed based on substantive comments received during the public and agency review of the Draft EIR/EIS. The Bakersfield Hybrid Alternative would require reduced speeds and would affect the overall travel times mandated by the California State Legislature. However, this alternative would provide the advantage of avoiding the Bakersfield High School campus and would reduce the number of religious facilities and homes affected in east Bakersfield. Please refer to Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS for more detail. The environmental impacts associated with the three alternatives through the Bakersfield area are detailed in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS (e.g., Section 3.2, Transportation; Section 3.3, Air Quality and Global Climate Change; Section 3.4, Noise and Vibration).

**L028-3**

Refer to Standard Response FB-Response-GENERAL-21.

**L028-4**

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

**L028-5**

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

As indicated in Section 3.4 of the Final EIR/EIS, ambient noise at Bakersfield High School (BHS) was measured at 70 A-weighted decibels (dBA) equivalent continuous noise level (Leq). At peak hours, the HST operating on the BNSF Alternative would increase noise to 72 dBA Leq. This increase would be a relatively small increase in

**L028-5**

noise, as the human ear typically cannot identify a change in noise of less than 3 dBA. For the Bakersfield South and Bakersfield Hybrid alternatives, the project would not substantially change noise at Bakersfield High School, because the BNSF railcard is between the locations of those alternatives and the high school campus.

Automobile emissions of concern consist of carbon monoxide (CO), particulate matter smaller than or equal to 10 microns in diameter (PM10), particulate matter smaller than or equal to 2.5 microns in diameter (PM2.5), nitrogen oxide (NOx), and volatile organic compounds (VOCs). NOx and VOCs are primarily of concern as regional ozone precursors. The CO, PM2.5, and PM10 emissions associated with congested intersections, heavily traveled roadways, and parking structures have the potential to cause concentrations greater than the national and California ambient air quality standards that have been established to protect public health and the environment. As discussed in Section 3.3, Air Quality and Global Climate Change, of the Final EIR/EIS, microscale CO, PM2.5, and PM10 analyses were conducted to determine if project-related traffic would result in exceedances of national and state standards. These analyses indicated that project-related traffic would not result in significant air quality impacts anywhere in Bakersfield, including BHS.

As indicated in Section 3.2, Transportation, of the Final EIR/EIS, the traffic effects of the HST station alternatives in Bakersfield were evaluated at 72 intersections, including the intersections at California Avenue, A Street, Oleander Street, H Street, and Chester Avenue in the vicinity of BHS. The project-related impacts on these intersections and any necessary mitigation measures are described in Section 3.2.

The visual impacts of the project on BHS are discussed in Section 3.16, Aesthetics and Visual Resources, of the Final EIR/EIS. This analysis includes a visual simulation of the BNSF Alternative from the stadium of BHS. The visual impacts of this alternative on BHS were determined to be significant. The visual impacts of the Bakersfield South and Bakersfield Hybrid alternatives on BHS would be less than significant because of the low quality of the views to the north of the campus and because the Industrial Arts Building screens most of these views.

As discussed in Section 3.11, Safety and Security, of the Final EIR/EIS, because the

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**L028-5**

HST System would carry passengers and be electric-powered, there would be no safety hazard associated with HST cargo or fuel. The hazard associated with the derailment of an HST is the physical mass and speed of the train colliding with a structure or people, which could only occur adjacent to the right-of-way. Bakersfield High School would be subject to this hazard from an HST on the BNSF Alternative. The Bakersfield South and Bakersfield Hybrid alternatives would be too far from the school to pose a physical hazard from derailment. Since HSTs began operating in 1964, there has only been one case when a train within a dedicated HST right-of-way has left the operational corridor. That case was the accident in China in 2011 described in Section 3.11.1, Introduction, of the Final EIR/EIS. A formal government investigation identified the cause of the accident as a systemwide lack of emphasis by the management of China's HST system on safety, both in terms of equipment development and the training of operating personnel. Where industry standards for design, maintenance, and operation have been employed, this type of accident has not occurred over the four decades of HST operation. Therefore, if an HST derailment were to occur next to BHS, there is a very high probability that the train would remain within the HST right-of-way. Because the train would be contained in the HST right-of-way and would not contain cargo or fuel that would result in a fire, explosion, or the release of toxic substances, the proposed project would not substantially increase hazards to BHS.

For traffic, the BNSF Alternative would close F Street in the vicinity of BHS. However, this section of F Street (north of 14th Street) is already not a through street, ending as it does at the existing BNSF/Amtrak right-of-way. Therefore, any impacts on traffic circulation should be minimal. The Bakersfield South and Bakersfield Hybrid alternatives would be separated from BHS by the existing BNSF/Amtrak right-of-way.

In Section 3.3.6.3, High-Speed Train Alternatives, of the Final EIR/EIS, Impact AQ #6 and AQ #7 discuss the localized air quality impacts during construction to sensitive receptors, including schools. Two schools are within 1,400 feet of the Bakersfield Station. Both impact analyses conclude that the incremental increase in cancer risk associated with the diesel particulate matter from construction equipment exhaust would not exceed the applicable threshold of 10 in a million. Noise impacts to sensitive receptors, including Bakersfield High School, are discussed in Section 3.4.5.3 of the Final EIR/EIS. Potential impacts to schools from the use and transport of hazardous

**L028-5**

materials are discussed in Section 3.10.5.3 of the Final EIR/EIS.

The potential noise impacts of the project have been assessed at sensitive receivers. These areas are identified in Section 3.4.5, Environmental Consequences, of the Final EIR/EIS, and are shown on Figures 3.4-9 through 3.4-13. The locations of potential barriers are illustrated on Figures 3.4-15 through 3.4-19. Refer to Section 3.4.6, Project Design Features, of the Final EIR/EIS for a complete listing of the noise impact mitigation measures that would reduce noise impacts below a "severe" level. The Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines developed by the Authority (see Appendix 3.4-A of the Final EIR/EIS) were used to determine whether mitigation would be proposed for these areas of potential impact. The Guidelines require consideration of feasible and effective mitigation for severe noise impacts (impacts where a significant percentage of people would be highly annoyed by the HST project's noise).

The Authority will refine mitigation for homes with residual severe noise impacts (i.e., severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential use of noise barriers, other forms of noise mitigation may include improvements to the home itself that will reduce the levels by at least 5 dBA, such as adding acoustically treated windows, extra insulation, and mechanical ventilation, as detailed in Section 3.4.6, Project Design Features.

The Final EIR/EIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receivers, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefited receiver. A receiver that receives at least a 5-dBA noise reduction due to the barrier is considered a benefited receiver.

Mitigation Measure N&V-MM#3 provides that sound barriers may be installed to reduce noise to acceptable levels at adjoining properties. These may include walls, berms, or a combination of walls and berms. The specific type of barrier will be selected during final design, and before operations begin. Also, Mitigation Measure N&V-MM#3 provides

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**L028-5**

that before operation, the Authority will work with communities regarding the height and design of sound barriers, using jointly developed performance criteria, when the vertical and horizontal locations have been finalized as part of the final design of the project. Mitigation Measure VQ-MM#6 requires the provision of a range of options to reduce the visual impact of the sound barriers.

The Final EIR/EIS describes the impacts of the removal of the Industrial Arts Building at BHS, identifying the effects of the BNSF Alternative as a substantial, significant visual impact (pages 3.16-106 of the Final EIR/EIS). In the cases of the Bakersfield South and Bakersfield Hybrid alternatives, the Final EIR/EIS concludes that despite the proximity of the HST guideways to the campus, impacts would be less than those of the BNSF Alternative because existing structures and landscaping within the campus would strongly filter these views of the project features. Views to the alternatives from much of the campus would be blocked or filtered by the Industrial Arts Building and nearby tall street tree plantings. In other parts of the campus, views toward these alternatives would also be seen against a relatively poor-quality visual foreground of light industrial buildings or exposed auto parking and freight rail yards. Consequently, the *degree* of decline in visual quality is less dramatic than in situations where the existing setting has high visual quality and where the existing visual character of the project setting contrasts strongly with that of the project features.

**L028-6**

The station study area is discussed in Section 3.2.4, Affected Environment, of the Revised DEIR/Supplemental DEIS.

**L028-7**

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

A construction period Construction Transportation Plan will be developed, and delays to school bus travel will be avoided, to the extent practicable, but may occur, depending on daily construction activities. The Authority will work with the school districts to provide current information on construction and roadway detours and delays.

**L028-8**

Refer to Impact TR #9 - Construction (Not Including Stations) Impacts on School Districts in Section 3.2, Transportation.

**L028-9**

FRA noise impact assessment methodology contains criteria for noise and vibration impact on schools as well as other institutional land uses. Schools and other institutional land uses with no nighttime use are included in FRA Land Use Category 3 for noise and vibration impact criteria. Category 3 includes institutional land use with primarily daytime and evening use. This includes schools, libraries, and churches, where it is important to avoid interference with such activities as speech, meditation, and concentration on reading material.

The impact assessment in the Revised DEIR/Supplemental DEIS identifies specific locations with impacts on sensitive receivers (such as a school). See Tables 3.4-14 through 3.4-23 for a tally of affected sensitive receivers and Figures 3.4-9 through 3.4-13 for the locations of affected sensitive receivers. However, if an impact is not projected, the receiver is not discussed in the assessment. In other words, if a school (an example of a sensitive receiver) is outside the radius from the train at which the criterion/threshold is no longer exceeded, then a precise noise prediction at that location is not projected. It is important to note that the FRA and Federal Transit Administration noise and vibration impact criteria are based on human annoyance. The criteria are not related to health effects, nor do separate criteria exist for children. This is because the noise descriptors in the FRA manual are largely based on EPA studies that looked at the effects of noise on public health in the 1970s. The noise-sensitive areas (NSAs) discussion presented in Section 5.2.1, Noise Measurement Methodology, of the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012) aims to summarize land use in the area near the proposed alternatives. Not every sensitive receiver analyzed is listed in these summaries; however, every sensitive receiver within approximately 2,500 feet of the tracks was included in the noise and vibration assessment.

**L028-10**

The vibration impact assessment is primarily designed to identify the potential human annoyance from vibration from HST operations for buildings with vibration-sensitive

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**L028-10**

uses, as described by the FRA and Federal Transit Administration land use categories. However, all buildings in close proximity to the proposed alignments were assessed for potential structural damage from HST operations and/or construction. The potential for damage from vibration from HST operations is limited to extremely fragile building locations within 30 feet of the tracks. The HST right-of-way width varies from 120 feet for at-grade tracks, to approximately 60 feet for elevated fill, to approximately 45 feet for elevated structures. In general, the area of impact is therefore within or close to the project right-of-way. Typical buildings, such as residences, located outside this distance would not have the potential for damage from vibration.

Bakersfield High School is located too far from the existing rail to conduct a vibration measurement and obtain accurate data.

**L028-11**

Blasting is not anticipated, and drill-and-casing activities have been recommended as a mitigation measure to avoid using impact pile drivers. If pile drivers must be used, they generate noise levels of up to 101 dBA at a distance of 50 feet.

**L028-12**

Only potentially moderately and severely impacted schools were included on these pages and tables. Bakersfield High School is not included because it will not be moderately or severely impacted by any of the proposed alternatives near Bakersfield.

**L028-13**

The vibration impact assessment is primarily designed to identify the potential human annoyance from vibration from HST operations for buildings with a vibration-sensitive use as described by the FRA and FTA land use categories. However, all buildings in close proximity to the proposed alignments were assessed for potential structural damage from HST operations and/or construction. The potential for damage from vibration from HST operations is limited to extremely fragile building locations within 30 feet of the tracks. The HST right-of-way width varies from 120 feet for at-grade tracks, to approximately 60 feet for elevated fill, to approximately 45 feet for elevated structures. In general, the area of impact is therefore within or close to the project right-of-way.

**L028-13**

Typical buildings, such as residences, located outside this distance would not have the potential for damage from vibration.

Vibration measurement locations needed to meet certain criteria in order for measurements to be conducted. Measurements needed to be conducted near residences that were currently located near the existing BNSF rail line as well as the proposed HSR alignment.

**L028-14**

The vibration impact assessment is primarily designed to identify the potential human annoyance from vibration from HST operations for buildings with vibration-sensitive use as described by the FRA and FTA land use categories. However, all buildings in close proximity to the proposed alignments were assessed for potential structural damage from HST operations and/or construction. The potential for damage from vibration from HST operations is limited to extremely fragile building locations within 30 feet of the tracks. The HST right-of-way width varies from 120 feet for at-grade tracks, to approximately 60 feet for elevated fill, to approximately 45 feet for elevated structures. In general, the area of impact is therefore within or close to the project right-of-way. Typical buildings, such as residences, located outside this distance would not have the potential for damage from vibration.

Agricultural resources, such as crops, would not be affected by noise and vibration from HSTs.

As described in EIR/EIS Section 3.4.3, locations with potential vibration impacts in the project corridor are because of the potential for annoyance effects from HST operations. While the vibration at these locations might be felt by receivers, it would be well below the thresholds for damage to structures. It is helpful to note that the vibration levels generated by passing HSTs would generally be less than the levels generated by freight trains in the Study Area.

All vibration-sensitive and noise-sensitive receivers have been identified as part of the project, and the ones near the station are no different than ones near proposed HST operations along the rail.

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**L028-15**

Refer to Section 3.4.7.1 for construction noise mitigation measures (N&V-MM#1) that will be implemented during construction activities conducted within the screening distances for noise-sensitive receivers.

**L028-16**

Refer to Section 3.4.7.1 for construction vibration mitigation measures (N&V-MM#2) that will be implemented during construction activities conducted within the screening distances for vibration-sensitive receivers.

**L028-17**

Schools are classified as Category 3 land uses. The "Total Unmitigated Level" found in Table 3.4-25 is not the same thing as the "Project Noise Exposure" in Figure 3.4-3. The "Total Unmitigated Level" is the "Existing Noise Exposure" plus the "Project Noise Exposure." Therefore, Table 3.4-25 and Figure 3.4-3 cannot be correlated with each other because they are referring to different types of noise levels in regard to the project.

**L028-18**

The potential noise impact has been assessed at sensitive receivers, and these areas are identified in Section 3.4.7, Environmental Consequences, of the Revised DEIR/Supplemental DEIS and shown on Figures 3.4-9 through 3.4-13. The locations of potential barriers are illustrated on Figures 3.4-15 through 3.4-19. Refer to Section 3.4.6 for a complete listing of noise impact mitigation measures that would reduce noise impacts below a "severe" level. The Proposed California High-Speed Train Project Noise and Vibration Mitigation Guidelines developed by the Authority (see Appendix 3.4-A of the Revised DEIR/Supplemental DEIS) were used to determine whether mitigation would be proposed for these areas of potential impact. The Guidelines require consideration of feasible and effective mitigation for severe noise impacts (impacts where a significant percentage of people would be highly annoyed by the HST project's noise).

The Authority will refine mitigation for homes with residual severe noise impacts (i.e., severe impacts that remain notwithstanding noise barriers) and address them on a case-by-case basis during final design of the Preferred Alternative. In addition to the potential

**L028-18**

use of noise barriers, other forms of noise mitigation may include improvements to the home itself that will reduce the levels by at least 5 A-weighted decibels (dBA), such as adding acoustically treated windows, extra insulation, and mechanical ventilation as detailed in Section 3.4.6, Project.

The Revised DEIR/Supplemental DEIS proposes noise barriers in areas of severe noise impacts resulting from the project, where the barriers meet the cost-effectiveness criteria. To meet the cost-effectiveness criteria, barriers must mitigate noise for more than 10 sensitive receivers, be not less than 800 feet in length, be less than 14 feet in height, and cost below \$45,000 per benefited receiver. A receiver that receives at least a 5-dBA noise reduction due to the barrier is considered a benefited receiver.

Mitigation measure N&V-MM#3 provides that sound barriers may be installed to reduce noise to acceptable levels at adjoining properties. These may include walls, berms, or a combination of walls and berms. The specific type of barrier will be selected during final design, and before operations begin. In addition, Mitigation Measure N&V-MM#3 provides that prior to operation, the Authority will work with communities regarding the height and design of sound barriers, using jointly developed performance criteria, when the vertical and horizontal location have been finalized as part of the final design of the project. Mitigation Measure VQ-MM#6 requires the provision of a range of options to reduce the visual impact of the sound barriers.

There will be sound barriers near Bakersfield High School for both alternatives. The construction noise and vibration criteria for the sound barriers is the same as it is for the rest of the project.

**L028-19**

EIR/EIS Section 3.5, Electromagnetic Fields and Electromagnetic Interference, at subsection 3.5.3 and at page 3.5-2 of the Revised DEIR/Supplemental DEIS, identifies several types of electromagnetic frequencies (EMFs) from operation of the proposed HST. The Revised DEIR/Supplemental DEIS further states that of these EMFs, the dominant effect is expected to be the 60 Hz AC magnetic fields from the propulsion currents flowing in the traction power system; that is, the overhead contact system (OCS) and rails. The Revised DEIR/Supplemental DEIS states on page 3.5-12 that

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**L028-19**

EMF exposure to people in nearby schools, businesses, colleges, and residences would be expected to be below the IEEE Standard 95.6 maximum permissible exposure limit of 9,040 mG for the general public.

California HST Technical Memorandum 300.07, EIR/EIS Assessment of CHST Alignment EMF Footprint, shows that at the closest fenceline to the California HST tracks, the expected magnetic field is 60 mG. Since people can only be inside the fenceline at passenger stations, the possible California HST EMF exposure is:

- Low compared to the typical utility power transmission lines in broad service throughout the state
- Low compared to the cited IEEE C95.6 standard.

**L028-20**

The purpose of the Revised DEIR/Supplemental DEIS is to assess and disclose the potential environmental impacts of the HST project. The purpose of Table 3.10-5 is to show schools within 0.25 miles of the HST alignments, and Section 3.10 addresses the potential impacts of the transport, use, storage, and disposal of hazardous materials by the HST within this 0.25 mile range. Sites of potential environmental concern (PEC) are part of the existing environment, as are the schools. A discussion of the location of existing PEC sites relative to the location of schools would not be relevant to a discussion of the impacts of the HST System on schools. However, the reader is referred to Figure 3.10-2, which does show both school locations and PEC sites addressed in the Revised DEIR/Supplemental DEIS.

**L028-21**

Accidental spills are discussed in Section 3.10.5.3 (HMW#1). Accidental spills or releases and the regulations that apply to spill prevention and response are the same regardless of where a spill or release might occur. This would include near schools.

**L028-22**

Mitigation Measure HMW-MM#1 would not allow the use of extremely hazardous

**L028-22**

substances within 0.25 mile of schools. Signage delimiting the work areas within 0.25 mile of the school is just a part of this measure and not a measure by itself. The signage would alert the contractor when the work area is within 0.25 mile, so they would be aware that they are in an area where extremely hazardous materials could not be used.

**L028-23**

Impact PK #1 – Construction Impacts on Parks, Recreation, Open-Space Impacts, and School District Recreation Facilities, in Section 3.15, Parks, Recreation, and Open Space, of the Final EIR/EIS states that "due to proximity to the HST alignment, increases in noise and vibration exposure from project construction activities would create effects with moderate intensity under NEPA. Construction impacts from noise would be significant under CEQA." Construction period impacts from the BNSF Alternative would be reduced to a less-than-significant level through implementation of Mitigation Measures N&V-MM#1: Construction noise mitigation measures, and N&V-MM#2: Construction vibration mitigation measures, which are discussed in detail in Section 3.4, Noise and Vibration.

**L028-24**

Bakersfield High School (BHS) is not stated to be within 300 feet of the Bakersfield South Alternative because there is a separation from the existing BNSF/Amtrak transportation corridor, and therefore it was determined that BHS is not within the study area for the Bakersfield South Alternative. Regarding this issue, the study area is defined as follows in Section 3.15.3.3, "In areas where an existing transportation corridor (e.g., State Route [SR] 43, the BNSF Railway [BNSF] right-of-way) separates parks, school facilities, recreational facilities, and open space from project components, the 1,000-foot study area does not extend beyond these transportation rights-of-way because they provide a barrier to potential impacts on park and recreation resources."

**L028-25**

The comment discusses the impact of noise on the Bakersfield High School (BHS) learning environment and does not address recreation facilities. Section 3.15, Parks, Recreation, and Open Space, concluded that the BNSF and Bakersfield Hybrid

Response to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) - Continued

**L028-25**

alternatives would have significant construction period impacts on the parks and recreation amenities on the BHS campus, but the impacts would be reduced to a less-than-significant level through implementation of Mitigation Measures N&V-MM#1: Construction noise mitigation measures, and N&V-MM#2: Construction vibration mitigation measures, as described in Section 3.4, Noise and Vibration. The BNSF Alternative would have significant operation period impacts on the parks and recreation amenities on the BHS campus, but the impacts would be reduced to a less-than-significant level through implementation of Mitigation Measure N&V-MM#3: Implement Proposed California High-Speed Train Project Noise Mitigation Guidelines.

The Impact analysis of noise impacts with regard to Section 3.15, Parks, Recreation, and Open Space, does not follow the same methodology and criteria as the impact analysis for Section 3.4, Noise and Vibration. Thus, Section 3.4 discusses the impact of noise on the BHS learning environment, but Section 3.15 discusses the school district play areas at BHS as recreation facilities available for public use during non-school hours.

**L028-26**

The recreation facilities on the Bakersfield High School campus are not located within a ½ mile of any of the potential Bakersfield Station footprints and have therefore been determined to not be located within the defined study area for the potential Bakersfield Station.

**L028-27**

The recreation facilities located on the Bakersfield High School (BHS) campus are not located within 0.5 mile of any of the potential Bakersfield station footprints, and it has therefore been determined that they are not located within the defined study area for the potential Bakersfield station.

The comment discusses the impact of noise on the Bakersfield High School learning environment and does not address recreation facilities. Section 3.15, Parks and Recreation, concluded that although the BNSF and Bakersfield Hybrid Alternatives would have significant construction period impacts on the parks and recreation amenities located on the BHS campus, impacts would be reduced to a less-than-

**L028-27**

significant level through implementation of Mitigation Measure N&V-MM#1: Construction Noise and Mitigation Measure N&V-MM#2: Construction Vibration. The BNSF Alternative would have a significant operation period impact on the parks and recreation amenities located on the BHS campus; however, impacts would be reduced to a less-than-significant level through implementation of Mitigation Measure N&V-MM#3 - Moderate and Severe Noise Impacts from Project Operation on Sensitive Receivers. Impacts analysis of noise impacts, in regard to Section 3.2, Parks and Recreation, does not follow the same methodology and criteria as Section 3.4, Noise and Vibration. Section 3.4, Noise and Vibration, discusses the impact of noise on BHS's learning environment, and Section 3.2, Parks and Recreation, discusses the school district play areas of BHS as recreation facilities available for public use during non-school hours.

**L028-28**

Refer to Standard Response FB-Response-N&V-02, FB-Response-N&V-03, FB-Response-N&V-05.

**L028-29**

The study area for parks, recreation, and open space is defined as 1,000 feet on either side of an alignment and 0.5 mile around the heavy maintenance facility (HMF) site alternatives, station areas, and support facilities (e.g., the power substations) for the Fresno to Bakersfield alternatives. In areas where an existing transportation corridor (e.g., State Route 43, the BNSF Railway [BNSF] right-of-way) separates parks, school facilities, recreational facilities, and open space from project components, the 1,000-foot study area does not extend beyond these transportation rights-of-way because they provide a barrier to potential impacts on park and recreation resources. Using this methodology, the Authority determined that the study areas for the Bakersfield South and the Bakersfield Hybrid alternatives do not extend to park and recreation resources because the BNSF right-of-way intervenes between the alternatives and these resources.

**L028-30**

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

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Response to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) - Continued

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**L028-30**

HST operation for the BNSF Alternative would increase noise exposure and cause a significant impact. Incorporation of Mitigation Measure N&V-MM#3: Implement Proposed California High-Speed Train Project Noise Mitigation Guidelines to Sensitive Receivers would reduce impacts to a less-than-significant level.

Potential noise impacts can be found in Section 6.0 of the *Fresno to Bakersfield Section: Noise and Vibration Technical Report* (Authority and FRA 2012j), and mitigation measures can be found in Section 7.0 of this report. Specifically, the tables in Section 7.2 of this report describe where the sound barriers would be for each alignment.

**L028-31**

Refer to Standard Response FB-Response-AVR-03.

The EIR/EIS does not defer mitigation; rather, it provides an extensive set of mitigation measures using performance standards. The actual mitigation measures that are implemented will be further designed as the project progresses, but the performance standards will ensure their adequacy. The Authority's *Urban Design Guidelines: California High-Speed Train Project* briefly discusses the principles of context-sensitive solutions to guide the design of stations (Authority 2011i). This approach is equally applicable to elevated guideways and will be employed to mitigate visual impacts through context-sensitive design. *Aesthetic Guidelines for Non-Station Structures* (Authority 2011b) will also be used to guide design of the HST components.

**L028-32**

Refer to Standard Response FB-Response-AVR-03.

The EIR/EIS does not defer mitigation; rather, it provides an extensive set of mitigation measures using performance standards. These measures will be refined and applied as the design progresses and the permits are obtained, working in cooperation with local jurisdictions as noted in the comment. The Authority's *Urban Design Guidelines: California High-Speed Train Project* briefly discusses the principles of context-sensitive solutions to guide the design of stations (Authority 2011i). This approach is equally applicable to elevated guideways and will be employed to mitigate visual impacts through context-sensitive design. *Aesthetic Guidelines for Non-Station Structures*

**L028-32**

(Authority 2011b) will also be used to guide design of the HST components.

**L028-33**

Refer to Standard Response FB-Response-AVR-03.

The discussion in chapter 3.16 explains that no secondary adverse effects will occur from implementing aesthetic mitigation measures. The mitigation measures in chapter 3.16 are typical of visual treatments applied on linear transportation facilities.

**L028-34**

The Authority recognizes the fact that selection of the BNSF Alternative would require acquisition of Assessor's Parcel Number 004-051-03 and acknowledges that implementation of the BNSF Alternative would further affect the District's ability to operate a comprehensive high school campus at Bakersfield High School.

**L028-35**

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

The Authority recognizes the fact that selection of the BNSF Alternative would require acquisition of Assessor's Parcel Number 004-051-03 and acknowledges that implementation of the BNSF Alternative would further affect the District's ability to operate a comprehensive high school campus at Bakersfield High School.

Please see FB-Response-SO-01 for a discussion of acquisitions, displacements, and relocation.

**L028-36**

Refer to Standard Response FB-Response-N&V-02, FB-Response-N&V-03, FB-Response-N&V-05.

**L028-37**

The alternative alignments vary in their respective distances from Bakersfield High School (BHS) and would have varying project noise exposures based on those

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Response to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) - Continued

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**L028-37**

distances/alignments. Each proposed alignment near BHS will have sound barriers that will help provide additional mitigation of noise generated by HST operations.

**L028-38**

Refer to Standard Response FB-Response-N&V-02, FB-Response-N&V-03, FB-Response-N&V-05.

**L028-39**

Refer to Standard Response FB-Response-N&V-02, FB-Response-N&V-03, FB-Response-N&V-05.

**L028-40**

Refer to Standard Response FB-Response-GENERAL-21, FB-Response-SO-08, FB-Response-N&V-02.

The comment refers to a previous comment submitted on the Fresno to Bakersfield Section Draft EIR/EIS. The previous comment and response to issues raised can also be found in Volume 4 of this Final EIR/EIS, coded as comment 2084.

As stated in response to that previous comment, the HST Operations and Service Plan Summary describes anticipated train frequency and is included as Appendix 2-C of the Fresno to Bakersfield Revised DEIR/Supplemental DEIS. As stated in Section 2.3 of Chapter 2, Alternatives, the Fresno to Bakersfield Section design criteria dictate 220-mph design speeds throughout. Train speed in the urban Bakersfield corridor would depend on train service (i.e. whether it is an express, limited-stop, or all-stop train). The HST is a passenger train. For information regarding project impacts related to the transport, use, storage, and disposal of hazardous materials and wastes, please refer to Section 3.10, Hazardous Materials and Wastes, Impact HMW #6 in Section 3.10.5.

**L028-41**

Refer to Standard Response FB-Response-GENERAL-22.

**L028-42**

The forecasted daily trips at each of the stations were distributed on the transportation network based on the results of the regional travel demand models and access to and from the proposed station areas. Trip generation assumed that 15% of the total daily trips would occur during the peak hour.

**L028-43**

The accident began with the failure of an LKD2-T1 signal assembly which was struck by lightning. The failure of that assembly appeared to have knocked out the track detection system so that Central Control could not see the presence of trains on a section of track. Central Control allowed the trains to continue in operation through the faulty track section under manual override (Railroad Gazette at <http://www.railwaygazette.com/news/single-view/view/design-flaws-and-poor-management-caused-wenzhou-collision-report-confirms.html>). Proper design of the signal assembly would have prevented its failure from a lightning strike, and better procedures would have stopped trains from continuing operations on tracks known to have communications problems.

**L028-44**

It is not possible to develop a reasonable scenario for the consequences of an HST accident that caused cars to be pushed off the viaduct adjacent to Bakersfield High School. As discussed in Section 3.11 of the EIR/EIS, because the HST would carry passengers and be electric-powered, there would be no safety hazard associated with HST cargo or fuel. The hazard associated with the derailment of an HST is the physical mass and speed of the train colliding with a structure or people. As discussed in Section 3.11, the FRA has determined that a horizontal separation of approximately 102 feet between the centerlines of adjacent conventional and HST trackways is sufficient distance to require no additional collision protection (Federal Railroad Administration, 1994, *Safety of High Speed Guided Ground Transportation Systems – Intrusion Barrier Design Study*, <http://www.fra.dot.gov/downloads/research/ord9504.pdf>). Using this as a basis for distance, a car leaving the HST viaduct may go as far south as 14th Street. There would be no buildings in this area but there could be people on the street and in cars adjacent to the HST alignment during such an accident leading to injuries and possibly deaths.

Response to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) - Continued

**L028-45**

Mitigation Measure SO-3 does include consultation to provide the opportunity for the high schools to provide input to the Authority regarding relocation. It is too early in the process to define where such a replacement would occur, if indeed the BNSF Alternative in Bakersfield were selected as part of the preferred alternative. This mitigation measure ends with a commitment, to wit: "...and a replacement structure will be in place before the existing Industrial Arts building is removed." A requirement that a lead agency work with or consult with an affected jurisdiction is an appropriate component of mitigation. (Neighbors for Smart Rail v. Exposition Metro Line Const. Authority (2013) 57 Cal.4th 439, 466.)

**L028-46**

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

It is understood that there is not a suitable location for a replacement Industrial Arts building on the existing Bakersfield High School campus. A replacement building could be built on property next to the campus. Several years would pass between the time when the environmental review of the Fresno to Bakersfield Section is completed and when construction would be scheduled in Bakersfield. This time should be adequate to acquire a new building site, complete the design and permitting for the building, and complete its construction.

**L028-47**

It is understood that there is not a suitable location for a replacement Industrial Arts building on the existing Berkeley High School campus. A replacement building could be located on property adjacent to the campus. Several years would pass between the time when the environmental review of the Fresno to Bakersfield Section is completed and when construction would be scheduled in Bakersfield. This time should be adequate to acquire a new building site, complete the design and permitting for the building, and complete its construction.

**L028-48**

The Industrial Arts Building could be relocated to property close to the Bakersfield High School and comply with state school siting requirements. Based on Government Code

**L028-48**

Section 53094, which authorizes a school district to exempt educational facilities from local zoning regulations, this would not require a change in local zoning. It would likely require acquisition and relocation of some commercial and/or residential properties by the school district, which would cause impacts similar to those described in the Fresno to Bakersfield Section EIR/EIS.

The schedule for construction of the HST in Bakersfield provides sufficient time to complete the planning and construction of a new Industrial Arts Building before the existing Industrial Arts Building is demolished. The Final EIR/EIS describes the impacts of implementing project mitigation to a reasonable extent. The specific properties that might be acquired and the resultant relocations, if any, will be the subjects of future actions by the school district. As a result, the affected properties are not known and cannot be known at this time, and no specific environmental analysis is feasible.

**L028-49**

It is understood that the existing BHS campus has no suitable location for a replacement Industrial Arts building. A replacement building could be located on property adjacent to the campus. The environmental review of the Fresno to Bakersfield Section will be completed several years before construction of the HST System would be scheduled in Bakersfield. This time should be adequate to acquire a new building site, complete the design and permitting for the building, and complete its construction.

**L028-50**

As shown in Table 3.12-18 of the EIR/EIS, mitigation measure SO-MM#3 has been proposed to mitigate impacts from relocation of the Industrial Arts Building.

**L028-51**

As discussed in Section 3.13.5.3, although land acquired for the project would constitute a small portion of the total agricultural, industrial, residential, commercial, and public land in the four counties, all nine project alignment alternatives would result in permanent conversion of land in other uses to transportation-related uses. Overall, the effect of the permanent conversion of land for the project would have moderate intensity under NEPA and a significant impact under CEQA.

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Response to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) - Continued

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**L028-52**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-02, FB-Response-LU-03.

**L028-53**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

As discussed in Section 3.13.5.3, overall, the effect of the permanent conversion of land for the project would have moderate intensity under NEPA and a significant impact under CEQA. The Authority and FRA have consulted with public agencies during the process of planning and designing the HST project, including during preparation of the Preliminary and Supplemental AA Reports. The HST Authority has no jurisdiction over land use approvals along the HST alternatives, as those lands are under the jurisdiction of local agencies. Therefore, while the Authority is willing to work with local agencies regarding their policies, only those local agencies can exert jurisdiction and implement those policies.

**L028-54**

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

Thank you for your comment. In February 2012, the California State Historic Preservation Officer (SHPO) concurred with the evaluation of Bakersfield High School presented in the technical documents for the Draft EIR/EIS (the Historic Architectural Survey Report [HASR] and the Historic Property Survey Report [HPSR] [Authority and FRA 2011b, 2011c]). The SHPO concurred that Harvey Auditorium is individually eligible for listing in the National Register of Historic Places (NRHP) and that none of the other buildings or structures on the Bakersfield High School campus qualify for inclusion in the NRHP, either individually, or as a cohesive grouping, as required for historic districts. Harvey Auditorium is also eligible for listing in the California Register of Historical Resources (CRHR) and is considered a historical resource for the purposes of the California Environmental Quality Act (CEQA). None of the other buildings on the high school campus are considered historical resources under CEQA.

**L028-55**

The aesthetics discussion in Section 3.16, Aesthetics and Visual Resources, of the Revised DEIR/Supplemental DEIS does not attempt to address the historical significance of the IA Building, which is fully addressed in Section 3.17, Cultural and Paleontological Resources, and related studies. Rather, Section 3.16 only addresses the current visual character of that building. The Revised DEIR/Supplemental DEIS recognizes that the low existing visual unity of a setting does not eliminate the possibility of adverse visual impacts. However, the low existing visual quality of a setting tends to make the *degree* of change due to the project less dramatic, because the difference in existing and resulting (with project) visual quality and character is less pronounced (e.g., an industrial feature placed in an industrial setting versus an industrial feature placed in an intact natural setting). That overall *degree* of change in visual quality is a primary criterion for identifying impacts in this study. In this case, the Revised DEIR/Supplemental DEIS concluded that the degree of decline in visual quality was one "level" of visual quality, defined in the methodology as a "moderate" overall decline.

**L028-56**

There are three proposed alternative alignments through Bakersfield; BNSF, Bakersfield South, and Bakersfield Hybrid. Each alternative would have its own set of different direct or indirect effects on Bakersfield High School. Each is proposed to be elevated because construction of elevated sections have fewer on-the-ground impacts than at-grade sections.

The Authority recognizes impacts of the HST System on the school. The Authority considered this information along with the information in the Revised DEIR/Supplemental DEIS and input from the agencies and public to identify the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose and Need, as well as the objectives and criteria in the alternatives analysis, and the comparative potential for environmental impacts.

**L028-57**

Refer to Standard Response FB-Response-GENERAL-10.

The Authority recognizes that the HST has impacts on the school. The Authority

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**L028-57**

considered this information along with the information in the Revised DEIR/Supplemental DEIS and input from agencies and the public in identification of the Preferred Alternative. The decision included consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose and Need, as well as the objectives and criteria in the alternatives analysis, and the comparative potential for environmental impacts.

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**KERN HIGH SCHOOL DISTRICT**

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October 12, 2011

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

**Subject: California High-Speed Train Project EIR/EIS Fresno to Bakersfield  
Section EIR/EIS Comments**

To Whom It May Concern:

Kern High School District (KHSD or District) has reviewed the *California High Speed-Train Project EIR/EIS Fresno to Bakersfield Section* (EIR) in an attempt to ascertain whether potential impacts to District facilities have been adequately addressed and mitigated in accordance with the requirements of NEPA and CEQA. The District has determined that the proposed High-Speed Train (HST) "BNSF" and "Bakersfield South" Alternative Alignments will have significant impacts on Bakersfield High School (BHS). While some of these impacts are disclosed and discussed to some extent within the document, others lack appropriate analysis or are entirely absent. The comments presented below must be considered in context with the history, setting, function, and educational mission of the BHS campus. The following describes some of the salient facts regarding BHS and its operations.

BHS is one of 18 comprehensive high school campuses in KHSD. BHS (formerly known as Kern County High School) was the first high school in Bakersfield and in Kern County and thus has great historical significance to the community and to its many graduates. The high school was opened in 1893 and has operated continuously to the present. The campus is located in central Bakersfield, north of California Avenue, south of the BNSF Railroad tracks, west of "H" Street and east of the BNSF switching yard. The high school occupies 26 net acres. The campus was developed within city blocks, with public streets separating and dividing the campus into several distinct segments.

The BNSF alignment, if selected, would require the "taking" of the BHS Industrial Arts (IA) Building and parking. Other educational/classroom facilities are located less than 150 feet from the proposed HST right-of-way. The library, located on the second floor of Spindt Hall, would have an unobstructed line of sight of the elevated HST viaduct. The Bakersfield South alternative would also impact the campus and the educational environment as the nearest classroom facilities (the IA Building) would be less than 180 feet from the HST right-of-way.

The Industrial Arts (IA) Building complex comprises 85,000 square feet and 24 classrooms. It represents 17 percent of the total floor space of the BHS campus and 18 percent of the available classroom space. The building is eligible for historic consideration. The IA complex consists of two

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buildings, the first constructed in 1923 and the second constructed in 1939. The building houses wood shops, auto shops, and other industrial/vocational education classrooms. It also contains independent studies classrooms, a weight room, two ROTC classrooms, the agriculture classroom, a custodial supply room, a testing center, a Title 1 tutoring center, and three computer labs, along with a secured parking facility for the BHS Band's travel trailers and four school vans. It has many "vintage" shop tools that probably cannot be replaced and must be housed in space with very high ceilings. The IA Building complex has features that are not available at other District comprehensive campuses.

The current "center" of the campus is a quad area known as Elm Grove. It is a landscaped, park-like open space area within the campus. It is an important gathering place and passageway through the various blocks of the campus. It is surrounded by historic eligible buildings including the IA Building on the North, Harvey Auditorium on the East, and Warren Hall on the South. The cafeteria and gymnasium are located to the West. If the BNSF alignment is selected and the IA Building is removed or significantly altered, the character of Elm Grove would be forever changed. The north side of Elm Grove would be framed with a viaduct for the HST just about 100 feet away.

BHS facilities are utilized for educational purposes from approximately 6:30 a.m. to 9:30 p.m., Monday through Friday. Some facilities are also used on weekends. The campus is a comprehensive high school with the primary mission of educating 9<sup>th</sup> through 12<sup>th</sup> grade students. Its facilities are also used in the evening hours as a charter school to educate non-traditional students who are working towards a high school diploma.

Current enrollment is approximately 2,822 students with a staff of 204. The school has a long-storied tradition of academic, athletic, and extra-curricular success. It is very common for multiple generations of a family to attend BHS. In Bakersfield, they say "Once a Driller, Always a Driller".

Students, alumni, and community members are very proud of BHS and its traditions, history, and culture. Any change to BHS that is considered by stakeholders to be detrimental to the campus would likely result in opposition to the proposed alignments, particularly the BNSF alignment, which would take the IA Building. Thus, it is important that the HSR Authority, through the EIR, fully address the impacts specific to the BHS campus and provide detailed information on proposed mitigation measures.

The impact of the HST on the BHS campus must also be considered in the context of California Department of Education (CDE) standards for the siting of new school campuses. Any changes in the campus site, including additions to the footprint or additions that add enrollment capacity are subject to these standards. This would include any changes proposed by the HSR Authority as a part of mitigation. For example, additional property acquired for the relocation of any buildings or new parking areas would be required to meet the standards, according to CDE officials.

Current California Education Code and the California Code of Regulations (CCRs) requirements and guidelines (Title 5, Div 1, Chapter 13, Subchapter 1, Article 1) provide Standards for School Site Selection. Tables referenced in those standards recommend that a comprehensive high school with an enrollment of 2,822 students, if built today, have a minimum net campus area of 67 acres. BHS has a net campus area of 26 acres. Any reduction in usable area that may occur as a result of the HST "taking" property or the requirement for noise, vibration, and/or safety setbacks will further enhance the discrepancy between the recommended land area standard and the current net land available. It is possible that any "take" or setback requirement will make the viability of the campus

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questionable. KHSD understands that any change in the school boundary will subject the District to current Title 5 standards. If a KHSD or CDE study suggests that the BHS campus is no longer viable because it cannot adequately meet current standards, the HSR Authority should be aware that relocating the entire campus may be a necessary mitigation.

If a proposed school site is within 1,500 feet of a railroad track easement, a safety study is required. The study must consider the cargo manifests, frequency, speed, grade, curves, safeguards, and other operating parameters. It should be noted that the entire BHS campus, due to its age, is located within 1,500 feet of a railroad easement. It stands to reason that HSR Authority proposing to obtain an easement within 1,500 feet of an existing school should do a similar safety study and provide substantial evidence to the owner of the school site that the proposed HST is safe. The EIR does not provide such a study and thus the District cannot adequately determine the safety and risk of the HST. To comply with CEQA, a rail safety study is required to be included in the EIR.

Title 5 also has standards with respect to the shape and length-to-width ratio of the campus (§14010). It states that the site must have a proportionate length-to-width ratio to accommodate the building layout, parking, and playfields that can be safely supervised and does not exceed the allowed passing time between classes. Because the EIR does not propose specific mitigation for impacts to the BHS campus, the District cannot ascertain whether these standards can be met.

Comments below provide a more comprehensive discussion of the District's specific concerns.

General Comments

1. The EIR lacks a detailed project description with respect to HST operations that may affect nearby sites, such as the Bakersfield High School (BHS) campus. The frequency of inbound, outbound and through trains is not stated. The speed profile through urban Bakersfield is not stated. The type of cargo that may be carried is not stated. Will hazardous materials be carried by the HST in small quantities? What is the time profile and schedule of trains operating in the urban Bakersfield corridor? What are the peak number of trains per hour and the time of the peak? These operating parameters are important factors in the analysis of impacts to nearby facilities. Without this information, the District cannot adequately assess safety, noise and vibration impacts.
2. The EIR does not provide site-specific impact analysis. It is difficult to specifically ascertain the impacts to BHS because the discussion of impacts and mitigation is broad, general, not calibrated to achieve an articulated standard, and not specific to a site. For example, what are the predicted noise levels and vibration levels at specific locations on the BHS campus, such as the library, Harvey Auditorium, and Griffith Field before and after mitigation? In the case of the Bakersfield South alignment, what will be the sound levels in the IA Building during the construction phase and operations phase?
3. The EIR does not provide specific mitigation measures that are applicable to a specific site. The EIR discusses mitigation in broad, general terms. It is not possible to ascertain what specific mitigation measures are proposed to mitigate a specific site impact. For example, "possible" sound walls are proposed that may be "up to 14 feet tall". In order to properly address the adequacy of mitigation for BHS, the District must have information on the specific location, height, and materials of construction for the sound walls (plus the operating parameters requested in 1 above) to independently determine whether the proposed sound

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mitigation is adequate. The District must also know what specific acoustic mitigation is proposed for impacted buildings, such as Harvey Auditorium, Spindt Hall, the student cafeteria, and the library. More importantly, what standards are the proposed mitigation measures for noise and vibration intended to achieve? Only when the standards to be met are known will the District be able to determine if the education mission of BHS can be preserved with the proposed mitigation measures.

4. Much of the mitigation proposed is deferred mitigation. It is often proposed that the details of the mitigation are to be determined at a later time or in a subsequent analysis. Because the details of the mitigation are deferred, the District cannot determine whether the proposed mitigation is adequate under CEQA. Most importantly, the District cannot determine if the BHS campus will remain a viable educational facility. The CEQA Guidelines, as well as court cases, have held that it is ordinarily insufficient to defer formulation of mitigation measures to the future without specifying performance standards which would mitigate the significant effects of the project. (See, Guidelines §15126.4 (a)(1) (B); *City of Long Beach v Los Angeles Unified School District* (2009) 176 CA 4<sup>th</sup> 889, 915). The EIR lacks standards for noise and vibration mitigation to sensitive receptors such as the BHS campus. In *Communities for a Better Environment v. City of Richmond* (2010) 184 CA 4<sup>th</sup> 70, 95, the court stated in discussing deferred mitigation measures, the proper course of action "was not to defer the specification and adoption of mitigation measures [until after receiving further recommendations], but, rather, to defer approval of the Project until proposed mitigation measures were fully developed, clearly defined, and made available to the public and interested agencies for review and comment."
5. The EIR provides little analysis on safety and hazards for nearby properties. Some anecdotal evidence of the safety of other HST systems is provided. The HSR Authority is asking the public to rely on their assurances that computerized controls, fencing, barriers, grade separations, intrusion alarms, and so-called fail-safe safety mechanisms will provide adequate safety. The public has not been provided with sufficient evidence that the proposed safety measures will protect the safety of students and staff at BHS. The proposed BNSF alignment would be within 100 feet of a high school campus, and the Bakersfield South alignment within less than 150 feet. Some discussions with HSR officials have raised the possibility of student and/or faculty parking being placed under the elevated viaduct. The EIR does not provide adequate data for a reader to determine the safety of the HST or the viability of relocating parking under or near the viaduct. If the BNSF alignment is to be considered, a full risk analysis is needed to demonstrate the mathematical probability/risk of a HST accident affecting students or staff at BHS.
6. There is inadequate discussion and evaluation of construction phase impacts to the BHS campus. Most discussion and analysis is directed to residential impacts. Construction will primarily occur in daylight hours, at the same time that school will be in session. Pile driving, transportation of construction workers, materials deliveries, and other activities will be in direct conflict with pedestrian and vehicle traffic in and around the campus. Campus Way and 14<sup>th</sup> Street are the only daytime public road access to the BNSF alignment corridor. The BNSF alignment would have a greater impact to the BHS campus than the Bakersfield South alignment.
7. All mitigation required for BHS must be completed and in operation before construction can begin on the HST adjacent to the BHS campus. The loss of the IA Building classroom space

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would fatally impair the mission of BHS and significantly reduce the District enrollment capacity. Noise, vibration, and other construction-related impacts would also impair the education mission of BHS. The HSR Authority is advised that the process of planning, designing, and constructing new education facilities for BHS may take several years. This issue is more critical for the BNSF alignment than for the Bakersfield South alignment.

8. The analysis for the Fresno-Bakersfield route stops at the Bakersfield station. The Bakersfield-Palmdale EIR/EIS will be analyzing any impacts occurring east of the Bakersfield station; however, CEQA requires public agencies to consider the reasonably foreseeable effects of their actions. Impacts to air quality, land use, and transportation would likely occur as a result from the Fresno-Bakersfield route to the east Bakersfield area, which isn't discussed in this EIR.
9. Repeatedly throughout the EIR, the BNSF alignment is described as "generally following the BNSF Railway right-of-way" or similar. Although technically true for many segments of the proposed rail, this statement is disingenuous, as it implies to a casual reader that the Project would be predominantly constructed within existing rail right-of-way. As contained in Volume III, Section B – Alignment Plans Part 2, the BNSF alignment within the Bakersfield Urban Subsection is segmented into 21 sheets. Of these 21 sheets, 14 (CB0769 through CB0776, CB0779 through CB0781, and CB0783 through CB0785) show a track alignment that, other than trending generally southeast and east, cannot realistically be described as "following" existing rail rights-of-way. As illustrated on these sheets, the BNSF alternative often deviates significantly from existing rails.
10. While the EIR attempts to address all of the potentially-affected resources along the Project's expansive project area, including a specific attempt to identify discussion related to schools (sidebar to the Table of Contents on Page 3.1-2), it is unfortunate that the document does not contain, in one unified location, assessments of impacts to schools as suggested within CEQA Guidelines Appendix G. Instead, a reader looking to uncover impacts to schools must review numerous seemingly unrelated sections of the EIR and cobble together a semi-clear picture of impacts and mitigation. The organization of an EIR should not require readers to "to sift through obscure minutiae or appendices" to find important components of the analysis. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 CA 4th 645, 659.

Section 3.2- Transportation and Traffic

11. Pg. 3.2-6: The EIR presents a discussion of how the baseline year for traffic analysis was selected, and states that analysis is provided both for existing conditions (presumably 2010) and for 2035. CEQA requires that project impacts be measured against a current baseline (defined to be a date between the issuance of the NOP and the certification of the EIR.) While the EIR claims to be in compliance with the 2010 case *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351, in fact that case specifically invalidated Sunnyvale's EIR for using a future baseline date rather than the CEQA-mandated date.
12. The EIR defends its decision to evaluate necessary mitigation based on the 2035 theoretical completion date of the Project as "more appropriate." Again, the Court in *Sunnyvale* opined that it could not uphold the use of the future baseline "since that approach contravenes CEQA regardless whether the agency's choice of methodology for projecting those future conditions is

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supported by substantial evidence." Simply, CEQA's requirements are clear, and cannot be circumvented by the lead agency just because doing so might seem to make sense. Selection of 2035 as the baseline for evaluation of traffic impacts violates CEQA and renders the EIR inadequate. The traffic analysis must be prepared using a current base year and the EIR recirculated. (See, *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 CA 4th 48.)

13. Pg 3.2-7: The EIR treats the stations and their specific trip generation as though they were typical commercial businesses, with trips distributed around the clock and typical AM and PM peak hours of 15% of the total daily volume each. No evidence is provided to back up this distribution analysis.
14. Train stations are unlike other commercial businesses in that traffic in and out of the stations is concentrated around the arrival and departure times of the trains. The EIR provides no information as to the proposed operational schedule of the HSR. The trip generation of each station will be dependent upon the number of trains per day and the arrival/departure schedule. It is unknown if the train schedule causes peak demands at the stations that coincide with the AM and PM peak hours on the existing road systems. Both locations of the proposed Bakersfield Station are approximately one mile east of Bakersfield High School; however, the EIR presents no analysis on the increase of traffic in conjunction with the peak demands resulting from BHS. Additionally, if there are only one or two trains per day, won't the peak hour generation for the station greatly exceed 15% of the daily total? The EIR leaves major gaps in the information it provides to readers, because of the gaps in the assumptions it makes about the actual operations of the stations in each of the three proposed locations (Fresno, Hanford, Bakersfield.) Without such analysis, neither the public nor the agencies responsible for the surrounding road systems can be correctly informed of the Project's potential impacts, rendering the EIR deficient.
15. Pg 3.2-8: The EIR states that the significance criterion for road segment impacts is a drop in the segment's level of service to LOS D. This may be appropriate for segments within some of the municipalities, but the City of Bakersfield requires segments and intersections on their road systems to be mitigated to LOS C. Any segments or intersections (signalized or unsignalized) within the City of Bakersfield which are impacted by the Project to an LOS of D or below must be mitigated to LOS C. The EIR fails to correctly mitigate such segment and intersection impacts.
16. Figures 3.2-13 through 3.2-16: While each of these figures illustrates some aspect of the road and highway system around the station area as loosely described in the EIR text, none actually shows the location of the Bakersfield Station Area that is being analyzed. In order to provide adequate information to the reader, the Bakersfield Station area, and the selected specific location for the Bakersfield Station, must be shown on each figure. This is especially important as both locations of the proposed Bakersfield Station are in close proximity to BHS and it is difficult to ascertain direct or indirect impacts to the school resulting from HST implementation.
17. Table 3.2-23: The footnote to this table reveals that the City of Bakersfield has adopted a standard of LOS C for its intersections and roadway segments. The EIR lists 10 intersections that would be impacted to LOS D by either of the Project's proposed alignments through Bakersfield (Mt. Vernon Avenue/E. Brundage Lane (#8), P Street/California Avenue (#22), Union Avenue/Hayden Court (#29), Chester Avenue/Truxtun Avenue (#33), Q Street/Truxtun Avenue (#36), Mt. Vernon Avenue/Niles Street (#55), Union Ave/W. Niles Street (#57), Union

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Avenue/34th Street/Bernard Street (#63), Chester Avenue/W. Columbus Street (#64), and L Street/California Street (#67)). The Chester Avenue/Truxtun Avenue intersection is approximately ½ mile northeast of BHS, and as such, it may impact related street segments and intersections. Each of these 10 intersections must be identified as being significantly impacted under CEQA, and the Project must provide effective mitigation to reduce the impacts to a level of less than significance, if feasible. The EIR fails to provide mitigation for any of the 10 intersections and is therefore deficient.

18. Pp. 3.2-44, 45: Impacts from construction-related traffic are proposed to be mitigated by routing of vehicles to designated truck routes, including California Avenue. California Avenue is the primary corridor serving BHS. The document does not contain any mention or analysis of either congestion-related or safety-related impacts that may occur, particularly during peak hours, between construction-related and school-related vehicles and/or pedestrians. CEQA Guidelines §15126(a)(1)(D) requires that a lead agency analyze significant impacts that result from implementation of a mitigation measure. Since the level of significance in this instance has not been established or even discussed in the EIR, this standard has not been met. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant.
19. The BNSF alignment would take the IA Building and would construct rail facilities within 100 feet immediately north of the remaining campus of BHS. The only existing access to this area for construction vehicles, equipment, and personnel consists of a system of city streets running through the BHS campus. Access from the North appears to be precluded by the presence of the existing BNSF rail lines. The EIR does not discuss any other logical avenue of approach to this construction area. Routing construction traffic through the actual school campus would potentially be a significant impact, and must be addressed. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant.

3.3- Air Quality and Global Climate Change

20. Table 3.3-11: It is unclear as to the capacity the HST is expected to run to provide the amounts of emissions reductions that are described in the summary of regional changes in operational emissions. As there are no sources, or models cited, the air quality quantification seems to be merely speculation and not based on fact.
21. Pg. 3.3-67: This analysis is not logical. If, in fact, going through the SJVAPCD permitting process would ensure the health risk to be below the health-risk significance level, there would never be any significant impacts with regards to health-risk assessments, which is not the case. The EIR should analyze the health risk assessment for the sensitive receptors, including schools, in the vicinity of the Heavy Maintenance Facilities (HMF), all route alignments, stations, and proposed concrete batch plants. The analysis could only then determine if the impact is less than significant.

3.4- Noise and Vibrations

22. Pg. 3.4-40: The EIR states that "There is considerable evidence that increased annoyance is likely to occur for train noise with rapid onset rates". The EIR concludes that rapid onset noise

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will not be significant and its effects will be negligible because the effect is somehow confined to 45 feet from the tracks. The EIR is deficient because it does not provide any evidence or evaluation for this conclusion. It stands to reason that the effect may diminish with distance but it nevertheless will impact the BHS campus. Under the BNSF alignment, parts of the BHS campus will be located approximately 100 feet from the HST right-of-way. The EIR must provide analysis of this effect at the nearest points of the BHS campus. The analysis should consider annoyance that may occur in classrooms, the library, Harvey Auditorium, Elm Grove, and the athletic fields. Will the onset of a HST cause students and teachers to have to pause and interrupt teaching until after a train passes? Will a football official need to call a timeout as a train goes by before play resumes? If so, this impact will be disruptive to teaching and the mission of KHSD and BHS.

23. Pg 3.4-41 states that there are 86 Category 1, 2, and 3 land use sensitive receivers within the approximated vibration contour distances of the BNSF alignment centerline and that they are presented in Table 3.4-22; however, Table 3.4-22 states that only 40 residences, which are Category 2 land uses, would be sensitive receivers with regards to vibration. This contradiction is confusing and misleading. It is unclear how many Category 1 and 3 land use receivers would be impacted by operational vibration, and since every other alternative alignment uses the analysis used in the BNSF alignment, it is unclear how many and what types of sensitive receptors would be impacted by operational vibrations along the entire Fresno-Bakersfield alignment. This must be clearly analyzed to give the Authority the information necessary to make an informed decision.
24. Pg 3.4-44. N&V-MM #2: Construction of the BNSF alignment will transect BHS, which is considered a sensitive daytime receiver. The EIR states that a series of noise control mitigation measures will be implemented as necessary for nighttime and daytime. The construction vibration mitigation measure is weak and unenforceable. It is unknown if all mitigation measures in the series would be implemented or if a select few would be implemented. As there are no performance criteria associated with the mitigation, it is unknown, if, in fact, implementation of the measure would reduce construction vibration impacts to less than significant. The EIR must include specific mitigation that will quantitatively reduce individual impacts to a less than significant level. (See, Guidelines §15126.4 (a)(1) (B); *City of Long Beach v Los Angeles Unified School District* (2009) 176 CA4th 889, 915).
25. Table 3.4-14 and page 3.4-45: For the Bakersfield segment, the distance for severe noise impact is indicated as 1,300 feet. The table states there are four schools with severe impacts, but does not name or identify the schools. KHSD presumes that BHS is one of the impacted schools. This should be explicitly stated in the EIR so the public is fully aware of the impact. The 1,300-foot impact area encompasses the entire BHS campus. The Bakersfield South alignment will severely impact all but the southernmost areas of the campus. Sound barriers are proposed as mitigation but the analysis does not indicate the specific performance of the barriers. The sound reduction is estimated to be between 5 and 15 dB. The EIR proposes that the HSR Authority "work with the communities to determine how the use and height of the barriers would be determined using jointly developed performance criteria". The District is unable to determine what specific noise mitigation is proposed for BHS and cannot determine from the information provided whether it will be sufficient to reduce noise impacts to a less than significant level. The analysis of impacts and the development of effective mitigation have been deferred to a future date, contrary to the requirements of CEQA. Additional site specific analysis of the noise impacts at BHS needs to be completed so that a reader can determine if

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the sound mitigation is adequate to maintain the necessary educational/learning environment. The lack of site specific sound analysis renders the EIR deficient.

3.5- Electromagnetic Fields and Electromagnetic Interference

26. 3.5-12. The impact analysis of electromagnetic fields (EMF) and electromagnetic interference (EMI) on humans is not adequate. The EIR states "the EMF impacts on people in nearby schools... would be expected to be below the IEEE Standard 95.6 MPE limit of 9,040 mG for the public because... these levels are not expected to be reached." It is unknown whether these levels would be reached as there is no substantial evidence to support the conclusion. The proposed BNSF alignment would run directly over the BHS campus, which is considered a sensitive human receptor. It is misleading to state that any impacts to human exposure would be less than significant, when there is no data supporting the analysis.
27. The EIR does not contain any mention or analysis of the potential for EMF interference to wireless communications devices such as cell phones, wireless Internet communication systems, or hand-held radios. Of primary concern is interference to hand-held radios, as BHS employees communicate wirelessly across campus for security and maintenance purposes.

3.10- Hazardous Materials and Wastes

28. Pg. 3.10-11: The proposed BNSF alignment runs approximately 100 feet north of Bessie E. Owens Intermediate School (815 E. Eureka Street, Bakersfield); however, the EIR fails to mention the school on Table 3.10-4, Educational Facilities within 0.25 Mile of the Centerlines of Alignment Alternatives. Bessie E. Owens Intermediate School is the G.A.T.E. Magnet School for the Bakersfield City School District. It is a 4th-6th grade campus and serves approximately 500 students. Without the impact analysis of the HST to this school, the High Speed Rail Authority does not have the information necessary to make an informed decision with regards to hazardous impacts to the students that attend this school. The fact that the EIR contains no mention of Bessie E. Owens Intermediate School despite the fact that it would clearly be impacted by the Project speaks to the general lack of comprehensive analysis in the EIR regarding impacts to schools.
29. Pg 3.10-21. This section does not adequately address the issue of the potential for hazardous wastes to be found and uncovered in the rail corridor during construction. No mitigation is provided for this risk potential. The District should have been consulted on this issue in accordance with state law and CDE policies.
30. Pg.3.10-26: The EIR states, "Prior to construction, any schools within the construction footprint would be relocated..." however, there is no mention of where or when the relocation would take place. As such, there is no way to determine if there are any environmental impacts associated with the relocation of the school. If an entire school is relocated, it is inevitable that there would be some sort of environmental impact to the local neighborhood, likely consisting of traffic, safety, public facilities, and other concerns. These must be analyzed to give the decision-makers the ability to make an informed decision on the environmental impacts to the school and any potential relocation site. If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation shall be discussed. *Stevens v. City of Glendale* (1981) 125 CA 3d 986.

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3.11- Safety and Security

31. Pg. 3.11-19: The EIR states that the Bakersfield South alignment is 300 feet north of BHS. This statement is incorrect, and is inconsistent with the distance of 450 feet referenced on Page 3.16-76. The HST right-of-way will be located approximately 180 feet north of the closest building, the IA Building. It should be noted that the north wall of the IA Building contains significant glazing (windows) that will face the HST viaduct.
32. Pg. 3.11-24 states that, "safety of construction workers and the public could be compromised during construction, potentially resulting in accidental injuries and deaths. Standard implementation of a construction safety and health plan during construction would reduce risks to human health during construction, and, therefore, effects would be negligible under NEPA and impact would be less than significant under CEQA for all alignment and HMF alternatives." This analysis does not take into account that the BNSF alignment runs directly through the BHS campus. There is not enough information provided in the EIR to determine that the 2,822 students and 204 staff members at BHS would not be harmed by construction mishaps. A more detailed safety plan, requiring specific safety measures on the BHS campus, must be included in the EIR to make any less than significant conclusion.
33. Pg. 3.11-24 also states that a 'detailed construction plan' and a 'traffic control plan' would address temporary road closures, detour provisions, allowable routes, and alternative access. Because of these two plans, the EIR has determined that any construction impacts on traffic would be less than significant. There is not enough information to come to that conclusion. As this is a Project level EIR, impacts to the school circulation must be addressed. On a typical school day, nearly 1,500 student and employee vehicles and approximately 40 buses enter or leave the site. During special events, such as football games and graduation ceremonies, the number of passenger vehicles entering and leaving can be greater. It is unknown how the proposed Project would impact those traveling to and from BHS.
34. Pg. 3.11-33: The EIR states, "Thus, if a derailment were to occur adjacent to a school or in a residential area, the train would remain within the HST right-of-way. Because the train would be contained in the HST right-of-way, the proposed Project would not substantially increase hazards to nearby schools... and impacts would be less than significant under CEQA." It is merely speculation to assume that the train would remain within the HST right-of-way, as evidenced by a recent HST crash in eastern China. On July 23, 2011, a HST lost power and another train crashed into it. Six cars derailed and four fell off of the viaduct, killing people underneath the railway. There is a chance, however small, that a similar derailment as seen in China could occur on the HST in California. The proposed BNSF alignment goes directly over BHS, a school with more than 2,800 students and 200 staff members. A derailment over BHS could be devastating. As there is a potential for derailment, the EIR must fully evaluate the mathematical probability of a catastrophic derailment in proximity to BHS.
35. Related to the previous comment: while the EIR makes an attempt to address safety concerns that may result from derailment, it does not discuss the possibility of debris being ejected from the viaduct either during a collision or during normal HST operation. Discussion, analysis, and mitigation of potential hazards as a result of projectile-like debris must be provided.

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36. Appendix 3.11-A, Tables 3.11-A-1, A-2, and A-3: This appendix contains data related to train accidents between 2004 and 2009. Unfortunately, the data are for the Burlington Northern Santa Fe, Union Pacific, San Joaquin Valley, and Amtrak railroad operators. The data have virtually no relation to the potential safety and security of the proposed HST. It would seem appropriate that an appendix to the EIR Chapter discussing the safety and security of the proposed HST would actually contain results of computer modeling, statistical information, or other empirical evidence related to the safety and security of the HST itself and other HSTs currently operating around the world.

3.12- Socioeconomics, Communities, and Environmental Justice

37. Pg 3.12-50 recognizes that "...the displacement of this [BHS's Industrial Arts] facility- as well as numerous businesses- in the Central District is considered a substantial effect under NEPA and significant under CEQA." Mitigation measure SO-6 addresses this potential impact and states, "In regards to Bakersfield High School, if the BNSF Alternative is selected through Bakersfield, the Authority will work with the school district on a replacement for the Industrial Arts Building in accordance with California Department of Education policies." The EIR goes on to state that implementation of this measure would reduce the significant impact to less than significant; however, the mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance criteria associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.8(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation to determine if the impact would, in fact, be considered less than significant.
38. Bakersfield High School was established in 1893 and has since become a foundation and landmark for downtown Bakersfield. BHS alumni and community members feel extraordinary pride because of the longevity and sense of community BHS has inspired. CEQA Guidelines §15064(e) states that if the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. The physical loss of the BHS Industrial Arts Building would potentially leave a physical and emotional void to the BHS community. The EIR has failed to address the social impact of the loss of the Industrial Arts Building on the BHS campus and should at least recognize that by removing a building on campus, the entire campus could be altered.

3.13 – Station Planning, Land Use, and Development

39. Pg 3.13-27: The EIR states "For the most part, the...alternative alignments would follow existing transportation corridors where the land use patterns are already related to transportation; therefore, construction impacts related to the alteration of land use patterns would be minimized." This statement is both vague and disingenuous. A project-level EIR is required to address specific impacts to specific sites at all potentially-affected locations. Terms such as "for the most part" are not appropriately specific when describing impacts along a 100-plus-mile project corridor. Additionally, the presence of an existing transportation corridor does not imply that existing land uses adjacent to that corridor are intended to support, enhance, or be immune to impacts caused by that corridor. Contrary to the assertion that impacts would be minimized, the Project acknowledges in numerous locations that removal of various structures

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- and existing uses of residential, commercial, institutional, and recreational nature (i.e. uses not necessarily or even typically associated with transportation corridors) will occur. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant.
40. Pg.3.13-28: The EIR states that "The HST stations would potentially increase densities and TOD in Downtown Fresno and Downtown Bakersfield" and touts the potential for an increase in affordable housing. The proposed Downtown Bakersfield Station would be situated within the attendance boundary of Bakersfield High School. While increases in density and TOD along with the attraction of affordable housing are admirable results, the EIR contains no mention or analysis of increased student enrollment at local schools as a result of the Project.
41. Pg. 3.13-28: The EIR states that "The footprint of the entire project would require less than 0.01% of the four-county area and is not anticipated to result in any negative impacts on land use patterns" and that "Direct impacts...would be less than significant under CEQA." The acreage of land being occupied by the Project is essentially irrelevant in making a determination of the significance of an impact that may result from the Project. This is analogous to stating that a local expressway developed on a minute fraction of a city's incorporated area in the midst of a commercial, residential, or public area would be too small to have a significant impact to land uses. There is no relationship between the referenced Project characteristic and its potential to cause impacts.
42. Pg. 3.13-29: The EIR states that "The amount of land that would be acquired would constitute a small portion of the total commercial, industrial, and public land in the cities and counties, and would not result in any material changes in local or regional land uses or development patterns." It then states "Direct impacts from the conversion of land to transportation uses for the BNSF Alternative would be less than significant under CEQA." Similar to the previous comment, the rationale for these conclusions is not supported by substantial or even appropriate evidence.
43. Pg 3.13-35: The EIR states that "HST Station Area Development Policies (Authority and FRA [2008] 2010) for land uses around the stations suggest the following:
- Creating a high-density development pattern in the surrounding area that includes...a mix of housing types (i.e. apartments, condominiums, and townhomes)."
- As indicated in an earlier comment, while promotion of mixed housing types and overall higher residential densities as part of TOD is an admirable goal, the EIR makes no mention of any impacts to schools as a result of increased student attendance.
44. Table 3.13-3: Under "Changes," the table indicates "Increased density of...multifamily residential uses likely". As in the previous comment, there is no discussion of impacts to schools that would result from an influx of population directly tied to and encouraged by the Project.
45. Pg. 3.13-42: The EIR concludes that there are no impacts to land use that would be significant or potentially significant under CEQA. As indicated in the comments related to Section 3.13, little evidence is provided to substantiate this conclusion. Analysis of impacts in Section 3.13

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appears to consist predominantly of a statement of existing conditions, how the Project would change those conditions, and conclusions that impacts would be less than significant. These conclusions, as indicated above, are often predicated upon rationale that is irrelevant to the Project characteristic being discussed or without consideration of the potential for indirect Project impacts.

3.15 – Parks, Recreation, and Open Space

46. Pg. 3.15-18: The EIR states that "Construction activities would be limited to daytime hours, which would eliminate construction impacts in the evening or early morning hours." While this may serve as adequate mitigation related to certain Project impacts to certain receptors, limitation of construction to daytime hours would have a significant impact on the ability of BHS to provide an appropriate learning environment.
47. Pg. 3.15-21: The EIR states that "Construction activities for the BNSF Alternative would occur less than 200 feet from the playfields at Bakersfield High School." While this is true, it is also misleading, because other activity centers on the BHS campus, including the Harvey Auditorium and the campus quadrangle are within much less than 200 feet of the proposed right-of-way itself, let alone any construction staging area(s) that may be outside of the right-of-way.
48. Pg. 3.15-27: The EIR states that "The BNSF Alternative would pass within 100 feet of the recreational facilities on the Bakersfield High School campus and would require acquisition of the parking area adjacent to the Industrial Arts Building." The distance indicated is inconsistent with that contained on Page 3.15-21 (i.e. "less than 200 feet" vs. "within 100 feet"). Further, the statement is incorrect in that construction of the BNSF alignment would require acquisition of the entirety of the parking lot adjacent to the Industrial Arts Building, as well as the Industrial Arts Building itself. While the IA Building and the adjacent parking lot cannot be considered recreational facilities, this statement misrepresents the extent of existing BHS facilities that would need to be acquired to construct the BNSF alignment.
49. Pg 3.15-29: The EIR fails to identify BHS Elm Grove as having a change in park character after completion of the HST Project. Elm Grove is the quad at BHS and is located adjacent to public streets. It is landscaped with turf and mature trees and park benches. As such, it functions as both open space and as a public park after school hours. The IA Building at BHS currently frames Elm Grove and blocks view of the BNSF railroad tracks directly to the North. Under the BNSF alignment, the IA Building would be demolished and replaced with a HST viaduct. Elm Grove would no longer be framed by a campus building but would have an open view to the HST viaduct. The changes in visual character and noise exposure would be a significant change in the character of the park-like setting. The District believes that the HSR Authority should consider this impact significant and thus mitigation is required. The failure to identify this impact makes the EIR deficient.
50. Pg. 3.15-32: Mitigation Measure (PC)-MM#1 indicates that "Respective jurisdictions would be consulted to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction." However, the mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and

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additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). The EIR must tie performance standards to its mitigation to determine that the impact has been mitigated to the extent feasible.

51. Pg. 3.16-76: The EIR incorrectly states that under the Bakersfield South alignment the Project guideway would be approximately 450 feet north of the BHS campus. The correct distance is approximately 180 feet north of the campus. The error in the distance to the campus causes the District to be concerned that the analysis of noise, vibration, and safety impacts may be deficient if incorrect distances have been used. The Authority should recheck all analyses of the Bakersfield South alignment impacts to verify that the correct distances have been used.

3.16 – Aesthetics and Visual Resources

52. Pg. 3.16-30: The EIR references "school buildings of undistinguished architecture." This characterization is presumably based upon the results of the Form DPR 523A prepared by JRP Historical Consulting, LLC (JRP) dated April 7, 2010, which determined that, of 20 buildings located on the campus of Bakersfield High School, only the Harvey Auditorium would qualify as a potentially historic property/resource pursuant to NRHP and/or CRHR. At the request of Kern High School District, J&R Environmental Consulting (J&R) conducted an analysis of the JRP form. J&R determined that, while the historical context of the JRP document was well-researched and well-written, the evidence presented leads to a conclusion contrary to that reached by JRP. At the District's further request, J&R is preparing a new Form DPR 523A as part of an Historical Architecture Assessment providing a new, independent analysis of the whole of the BHS campus. The preliminary conclusion is that BHS qualifies for listing on the National Register of Historic Places as a historic district. A resource identified as significant in an approved historical resource survey is presumed to be significant. Pub Res. Code §21084.1; CEQA Guidelines §15064.5 (a)(2). As such, any visual or other impacts must be analyzed as potentially significant. An executive summary of the independently-produced Historic Architecture Analysis is attached hereto, and the final report will be provided to HSR. Based on the above, additional discussion, including the extent of impacts and proposed mitigation, must be included in the revised EIR to be circulated in the spring of 2012.
53. Pg. 3.16-30, 66: The EIR alternately describes the visual character of the area as "moderately low" and "moderate." The EIR must be internally consistent, particularly when describing the existing setting of a single resource in more than one place in the document.

3.17 – Cultural and Paleontological Resources

54. As discussed previously in the Chapter 3.16 comments, a Form DPR 523A prepared by JRP Historical Consulting, LLC (JRP) dated April 7, 2010, which determined that, of 20 buildings located on the campus of Bakersfield High School, only the Harvey Auditorium would qualify as a potentially historic property/resource pursuant to NRHP and/or CRHR. At the request of Kern High School District, J&R Environmental Consulting (J&R) conducted an analysis of the JRP form. J&R determined that, while the historical context of the JRP document was well-researched and well-written, the evidence presented leads to a conclusion contrary to that reached by JRP. At the District's further request, J&R is preparing a new Form DPR 523A as part of an Historical Architecture Assessment providing a new, independent analysis of the whole of the BHS campus. The preliminary conclusion is that BHS qualifies for

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listing on the National Register of Historic Places as a historic district. A resource identified as significant in an approved historical resource survey is presumed to be significant. Pub Res. Code §21084.1; CEQA Guidelines §15064.5 (a)(2). As such, any visual or other impacts must be analyzed as potentially significant. An executive summary of the independently-produced Historic Architecture Analysis is attached hereto, and the final report will be provided to HSRA. Based on the above, additional discussion, including the extent of impacts and proposed mitigation, must be included in the revised EIR to be circulated in the spring of 2012.

55. Pg. 3.17-37: The EIR incorrectly identifies Table 3.17-6 as containing a list of 52 historic properties or historical resources. This list actually appears in Table 3.17-7.
56. Pg. 3.17-80: The EIR indicates that noise impacts from construction are temporary and are not anticipated to affect historic resources. It should be noted that the temporary nature of an impact does not in and of itself render that impact less than significant. The EIR contains no specific reference to noise or vibration levels that would be experienced by receptors on the campus of BHS, either within or without classrooms or other buildings. Of particular concern are the Harvey Auditorium and the library, although construction noise and vibration would likely cause disruptions to the educational experience in any building on campus. Further, the District contends, based upon the findings of J&R Environmental Consulting, that construction and operational impacts due to noise would have the potential to significantly impact multiple historic structures on the Bakersfield High School campus.
57. Pg. 3.17-89: Mitigation Measure Hist-MM#1 indicates that "The HST Project will develop construction methods to avoid indirect adverse effects or indirect substantial adverse change to any historic properties (Section 106) or historic resources (CEQA) from vibration caused by construction activities." A simple requirement that a future plan be developed and followed is insufficient (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645). The mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation, and this must be addressed through revision to this mitigation measure.
58. Pg. 3.17-90: Mitigation Measure Hist-MM#4 indicates that historical properties/resources would be identified for relocation to avoid adverse effects, and that plan for relocation would be developed prior to construction. A simple requirement that a future plan be developed and followed is insufficient (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645). The mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation, and this must be addressed through revision to this mitigation measure.
59. Pg.3.17-90: Mitigation MeasureHist-MM#5 indicates that the properties subject to this mitigation measure will be "identified and treated in consultation with the landowner, or land-

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owning agencies, and the CEQA lead agency" and that "Project design options will be developed" to minimize adverse noise impacts. A simple requirement that a future plan be developed and followed is insufficient (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645). The mitigation measure would be considered deferred mitigation in accordance with §15126.4 (a)(1)(B) of the CEQA Guidelines. There are no performance standards associated with the mitigation measure, and additionally, the measure utilizes weak language which renders the measure useless (§21081.6(b) of CEQA statutes). As such, there is no way to determine the significance of this impact, much less assume a less than significant impact. The EIR must tie performance standards to its mitigation, and this must be addressed through revision to this mitigation measure.

3.19- Cumulative Impacts

60. Pg. 3.19-12 states that the contribution of the HST alternatives to cumulative local transportation impacts would be... less than cumulatively considerable under CEQA. This seems to be unsubstantiated as there is no fair argument presented to support the less than significant conclusion. Tables 3.19-1 through 3.19-10 describe 154 new projects within the HST study area, 126 of which are transportation projects. There is no substantial evidence as to how the proposed Project, in addition to the 154 projects, would have a less than significant impact to traffic in the study area. Pursuant to §15384(b) of the CEQA Guidelines, substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.
61. Pg. 3.19-13: Although the CALINE4 air dispersion modeling evaluation indicated that the HST alternatives would cause a less than significant impact for Project CO emissions, it is unknown whether the HST alternatives, in conjunction with the 154 projects occurring in the foreseeable future, would still result in less than significant impacts from carbon monoxide. As Bakersfield High School is considered a sensitive receptor and is in the vicinity of the Bakersfield Station, it is unknown whether the HST Project would create hazardous CO emissions that would impact the school. As such, the CALINE4 analysis must be conducted again to include the additional projects.

Section 4F/6F Evaluation

62. Pg 4-7: Elm Grove on the BHS campus should be considered for protection under Section 4(f). It is publically-owned, is open to the public and is adjacent to public streets, is used for outdoor recreation, and is considered a significant resource by the District. Elm Grove is an integral part of the historic-eligible BHS campus.
63. Pg 4-18. The athletic fields at BHS are listed as not being impacted. The fields will be as close as 100 feet to the Project. The athletes and spectators will likely be adversely affected by noise and vibration. The sudden onset of HST noise will be particularly disruptive to athletic events. The sudden onset of noise has not been adequately addressed in the EIR. A finding of no impact is not justified because no analysis has been completed.

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Concluding Remarks

The District's analysis of the BNSF and Bakersfield South Alternative Alignments leads to an obvious conclusion and preference:

The BNSF alignment will have far greater significant and unavoidable impacts to the BHS campus than will the Bakersfield South alignment. The District's expert educational opinion is that the BNSF alignment will severely disrupt the educational mission of BHS during construction and ongoing HST operations. The loss of the IA Building and parking and their presumed relocation to a yet-to-be-determined location may present insurmountable challenges to the viability of the BHS campus. The District believes that the cost and time schedule for mitigation of the BNSF alignment will be far greater than mitigation required for the Bakersfield South alignment. It is imperative that the High-Speed Rail Authority take these comments into consideration and provide a revised project description and EIR/EIS that adequately documents, analyzes, and mitigates the many significant project impacts of both alignments.

Sincerely,



Donald E. Carter, Ed.D.  
Superintendent



David Reese  
Principal, Bakersfield High School

DEC/DR:bs

October 12, 2011

From: Jon L. Brady  
J&R Environmental Services  
17900 Auberry Road  
Clovis, CA 93619

Chris Brewer  
Vintage Resources  
179 East Pine Street  
Exeter, CA 93221

To: Mr. Jeffrey O'Neal, AICP  
Provost & Pritchard Consulting Group  
286 West Cromwell Avenue  
Fresno, CA 93711-6162

Via email: [joneal@ppeng.com](mailto:joneal@ppeng.com) (Signed Hard Copy via post mail)

Re: Preliminary Phase II Results of Formal Evaluation of Bakersfield High School,  
Bakersfield, California as Part of the High Speed Rail Project

Dear Mr. O'Neal,

Mr. Brewer and I have completed our preliminary work on the Phase II evaluation of Bakersfield High School located in the city of Bakersfield, Kern County, California. We have made a preliminary determination that the high school campus appears to be eligible for the National Register of Historic Places under Criteria A and C as a historic district. It has further been determined that the campus appears to be a historical resource for the purposes of CEQA.

**Below is the summary of our findings:**

Comments are hereby submitted specific to the information and conclusions made about the Bakersfield High School campus on the DPR 523 forms in the Historic Property Survey Report completed by JRP Historical Consulting, LLC, for the California High-Speed Train Project EIR/EIS Fresno to Bakersfield Section.

While the document and forms are well-written and lend credibility to the consultancy of JRP Historical Consulting, LLC, the conclusions reached about the campus of Bakersfield High School are erroneous and contrary to the local conception of the historic campus and the guidelines for the evaluation of historic properties. We do not intend to attempt to educate the consultants or other reviewers, as they are professionals and should have a significant level of knowledge and expertise in the field. However, we are presenting for evidence, the Criteria for Evaluation of historic-era resources (buildings and structures) under the National Register of Historic Places and CEQA.

Information presented regarding the findings of the history and significance of these properties misleads the responsible reviewing agencies and the public as to the reality of the impacts of the project to historic resources that themselves have not been given full consideration of their historical significance. Since they are not adequately identified in the Historic Resources Evaluation Report (HRER), the actual environmental impacts are impossible to discern other than that they will be disastrous to the historic-era resources.

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When the failure to include relevant information occurs, a prejudicial abuse of discretion follows, which precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process. Unfortunately it is not just the Bakersfield High School campus that has been slighted in the review process and it can only be of great hope that others will speak up to defend the area's historic and cultural properties.

As professional historians/architectural historians, we categorically disagree with the assessment of this resource, the Bakersfield High School (BHS) originally known as the Kern Union High School. The BHS campus is unique as an institution of secondary education. It was the first such campus in the San Joaquin Valley south of Stockton. The campus encompasses nine blocks of the city of Bakersfield into a cohesive and identifiable campus unit. It has been known as a city within a city with nearly every service available to its students and faculty. The school is self-contained, and has been so for nearly its entire 117-year history.

Although the Criteria for Evaluation were used in a general sense in the study to evaluate properties along the entire proposed high speed rail route, they were applied sparingly on quite a number of properties in Bakersfield and perhaps other communities, including the campus of Bakersfield High School, a local, if informal, landmark for over a hundred years; the first of its kind in the south valley.

Quotations from the document's text are in *italics* and comments are in a normal font.

**Below is the National Register of Historic Place's Criteria for Evaluation**

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. *That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- B. *That are associated with the lives of significant persons in our past; or*
- C. *That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. *That have yielded or may be likely to yield, information important in history or prehistory.*

**Critique of the document's Evaluation of BHS**

JRP Historical Consulting, LLC, identified the period of significance for BHS as extending from 1934 to 1948. The only building that it considered during this period was Harvey Auditorium that was designed by master architect, Charles H. Biggar. For the purposes of this letter report, we are defining the period of significance as extending from 1893 to 1960. The original consultants dismissed much of the campus as lacking in architectural merit and integrity. In that respect, it is understandable that they could not come to the realization that BHS had strong potential as a historic district. In this

brief review, we demonstrate that the high school campus is a historic district that strongly reflects the life work of Charles H. Biggar.

The statement of significance on the document's DPR 523 form begins with an incorrect statement saying that the "high school does not have direct important association with historic events or trends."

Bakersfield High School is eligible for the National Register of Historic places under Criteria A and C. The school was founded in 1893 as the first high school serving the entire County of Kern. It has been in continuous use as an educational facility since 1893, and has significant associations with the agricultural, petroleum, and other professions in Kern County and the state of California. The school has produced dozens of professional sports figures during its history as well as a like number of musicians and actors. With its founding, the school represented a cultural shift in the community, providing a never-before-available higher-education opportunity to the children of Kern County.

The document's DPR 523 forms categorically rejects any potential eligibility indicating that the high school campus has either direct important association with historic events or trends... (Criterion A or 1), stating: "*Under NRHP Criterion A and CRHR Criterion 1, the existing campus does not have direct or important associations within the context of the general growth of the city of Bakersfield and Kern County.*"

The form continues on to reject eligibility under Criterion B, properties associated with the lives of significant persons in our past, stating "*Under NRHP Criterion B or CRHR Criterion 2, the campus is not significant as an historic district for direct or important associations with the lives of persons important to history.*" *While some of the individuals who studied at Bakersfield High School might be considered important to history – for example, former Chief Justice of the Supreme Court and California Governor Earl Warren (1908), or New York Giants football player Frank Gifford (1948) – they do not have direct significant associations with the high school as defined under these criteria.*"(Criterion B or 2);"

While it is accurate to state that the individuals who attended high school here made their most significant achievements after their attendance, their career successes are largely due to the quality education provided at the school campus that allowed them to make such achievements. In other words, their careers were the result of their associations with the school and its campus.

The document continues to state: "*The campus is also not significant as an historic district under NRHP Criterion C or CRHR Criterion 3. The campus may have had potential significance as an important work of a master because architect Charles Biggar designed most of the buildings constructed between 1922 and 1948, and by 1948 the campus was a good example of his school building design work. Additionally, two new buildings were added to campus immediately after the earthquake. These buildings, thus, do not represent the work of Charles Biggar. Instead, the majority of buildings on campus represent the work of C. Barton Alford, W.J. Thomas, and Harold Leydenfrost (their careers are discussed above.) The redesigned buildings were modest in style and execution, and do not embody enough of the distinctive characteristics of a type of architecture as required for significance under this criterion. The buildings also lack the*

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*high artistic value that would merit listing on a national or state register, and they do not appear to be the work of master architects or builders."*

It is exactly the point that the campus "had potential significance as an important work of a master because architect Charles Biggar designed most of the buildings constructed between 1922 and 1948, and by 1948 the campus was a good example of his school building design work." The subsequent buildings finished by C. Barton Alford's firm were a direct result of Alford's association with Charles H. Biggar as his associate. It is also important to note that the statement about architects C. Barton Alford is erroneous and should be corrected. Alford's work is shown in the document. He is considered to be a local master architect, while Charles Biggar is more considered a regional Master.

*"Until the earthquakes in 1952, the school underwent general expansion in line with growth in the city, county, and state. Its expansion is typical of the growth of a metropolitan high school and does not constitute a historically significant trend or pattern of development. Nor do any other events occurring at the school during this period meet the threshold of significance. The 1952 earthquakes were important events for Bakersfield and Kern County. They damaged or destroyed a significant number of buildings, leading to a widespread effort to rebuild; however, not all repaired, rebuilt, or new construction have importance within this context. Evaluation of buildings that were repaired, versus buildings that were razed for new construction, should recognize this difference because it is not likely that repair of an earthquake-damaged building, even extensive repair, would be considered important within the context of post-earthquake redevelopment. For an infrastructural repair, rather than a new building, to rise to the level of significance required under these criteria, it would need to be associated with a significant event or trend beyond the occurrence of damage and subsequent repair.*

The statement of significance on the DPR 523 form saying that the "high school does not have direct important association with historic events or trends" is incorrect. Even later building repairs were designed by Barton Alford who worked for Charles Biggar for more than 10 years before starting his own firm. Alford had an intimate working knowledge of Biggar's work and it could be said that he continued on after Biggar died in 1946. The campus is a wonderful example of the career of Charles Biggar and his design team.

The document further states: *Under NRHP Criterion A or CRHR Criterion 1, this high school does not have direct important association with historic events or trends. The original Kern County High School, now Bakersfield High School, was established at this site in 1893 as the first high school in the county, but none of the built environment resources of the first iteration of the school remain in existence. The high school grew steadily through its first few decades as it served the needs of the area's growing population. By the time the Dust Bowl brought a surge of immigrants to the San Joaquin Valley, the high school was already planning to accommodate an increasing number of students and the school commissioned designs for several new buildings in accordance with its ten-year plan. Between 1918 and 1926, nine buildings were constructed on campus. The growth did not stop, and by the end of the war Bakersfield High School counted no fewer than 15 buildings to serve the nearly 4,000 students. The 1952 earthquake, which damaged much of Bakersfield's building stock, wreaked havoc on the school. In response, the school hired the architectural team of C. Barton Alford and W.J. Thomas (Harold Leydenfrost would join the team and later replace Alford) to redesign*

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*and retrofit most of the buildings. Some, like the old Auditorium and Administration Building, were torn down. Others received extensive renovating. By 1960 several new high schools had opened throughout Kern County, including East Bakersfield, North High School, and South High School. The school continues to serve as the oldest high school site in the county; however, no buildings from the first three decades remain."*

The enormity of the impact of Kern County High School, now Bakersfield High School, on the whole county is incalculable and is not accurately depicted in the document. Buildings from as early as the 1920s do remain, mostly in their original design. The entire campus as it existed in the 1920s still exists in the same format. Thousands of people have passed through the campus over the years, watching its slow and consistent pace of change in architectural design from the neoclassical designs of the 1920s to his ultra-modern architecture.

*And, while it was the first high school in the county, this alone does not constitute an important event or trend under these criteria. Schooling in the county had occurred for decades, and secondary education was taught in primary schools prior to Kern County High School, and by the late 1920s two new high schools were built in Kern County: McFarland (1926) and Shafter (1928). NRHP guidelines state that "mere association with historic events or trends is not enough, in of itself, to qualify under Criterion A..." because the property must also have a specific important role within that context. The existing buildings of the Bakersfield High School campus do not date to the establishment of the first county high school and, therefore there is no direct important association with this event (US Department of Interior 1990: 12).*

*Until the earthquakes in 1952, the school underwent general expansion in line with growth in the city, county, and state. Its expansion is typical of the growth of a metropolitan high school and does not constitute a historically significant trend or pattern of development. Nor do any other events occurring at the school during this period meet the threshold of significance. The 1952 earthquakes were important events for Bakersfield and Kern County. They damaged or destroyed a significant number of buildings, leading to a widespread effort to rebuild; however, not all repaired, rebuilt, or new construction have importance within this context. Evaluation of buildings that were repaired, versus buildings that were razed for new construction, should recognize this difference because it is not likely that repair of an earthquake-damaged building, even extensive repair, would be considered important within the context of post-earthquake redevelopment. For an infrastructural repair, rather than a new building, to rise to the level of significance required under these criteria, it would need to be associated with a significant event or trend beyond the occurrence of damage and subsequent repair.*

Regardless of whether the buildings are new or refurbished, the high school campus is also eligible for listing in the National Register of Historic Places under Criterion C at the local level of significance for its representation of the post-war modernization process of early Twentieth Century Neoclassical architecture into a more utilitarian style of design. However it is important to note that these modernizations for the most part are reversible and, with or without them, the campus itself is the more important eligible property.

Continuing, the form states: *"In most cases, it is more appropriate to consider repair work under NRHP Criterion C or CRHR Criterion 3 for design/architecture or method of construction. Buildings that were wholly designed and built after the earthquake should*

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*be analyzed for potential direct importance within the context of post-earthquake design or technological response, or should be demonstrated to be important within another historical context. As an example, the Kern County Civic Administrative Center was built as an effort to consolidate several county offices that were previously scattered. County officials made a conscious effort to improve efficiency for access to public services. Additionally, the Civic Administrative Center was a large new complex of structures and was a substantial example of the rebuild effort, as well as representing the technological (engineering) response to the earthquake. Indeed, any project would need to meet this threshold. To meet these criteria, the property should represent an effort to significantly improve the facilities destroyed in the earthquakes, rather than simply replace them. Moreover, the property should have historic significance in scale and or design, and should be accomplished in direct response to the earthquake. Finally, the project would be eligible if its success also provided the impetus for other redevelopment projects".*

The Civic Administrative Center is nothing more than a replacement building for facilities that were used prior to the 1952 earthquake and aftershock that severely damaged the old Kern County Courthouse. Although departments were temporarily separated after that event, the first replacement building at Truxtun and Chester Avenues re-consolidated the departments. The new Administrative building was constructed due to the over use of the first replacement administrative building. Locally called "the Taj Mahal" for the lavish furnishings in the Board of Supervisors' chambers and facilities, the building is simply an expansion of the other one to the west.

*Research revealed that the rebuilding effort at Bakersfield High School represented a conscious effort to redesign and replace damaged or destroyed buildings. The project was also initiated immediately and in direct response to the earthquake, as repair work needed to be done to make buildings useable. The damage was so great administrators were having a difficult time running the school, the first day of classes was postponed and, when classes started, the school brought in temporary buildings to fulfill classroom needs. The Old Administration Building, Old Auditorium Building, the girls' wing of the Gymnasium, and a dorm building required demolition. Furthermore, Warren Hall, Ludden Hall, the Science Building, the Industrial Arts Building, the Agriculture Building, the boys' wing of the Gymnasium, and the Boiler Room needed extensive repair work. In response to the earthquakes, officials built a new Administration Building and Cafeteria. While school officials certainly attempted to improve the campus through new buildings, the primary goal was more basic: to open enough classrooms and school facilities so they could operate the school in a manner consistent with pre-earthquake standards. Therefore, this was not a significant attempt by officials to improve upon the old campus, and the buildings constructed in response to the earthquake do not appear to meet the criteria for listing in the NRHP or CRHR under NRHP Criterion A or CRHR Criterion 1. Under NRHP Criterion B or CRHR Criterion 2, these buildings have no direct important association with the lives of persons significant to history."*

The very issue of eligibility has been missed here in that the entire campus as a district is the significant resource, not just individual buildings. It appears that the researcher is equating the past circumstances with present-day life and conditions. At the time, Goldie Griffith and KCUHS sports teams were champions in the state of California when sports teams were the primary measure of a community and/or its schools. Is it not significant enough to be at the top of the class statewide for years? After Church and Lodge, high school sporting events were the most important social events of their time.

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Whole communities turned out for games and lived and breathed football during the season. Championship teams drew region-wide crowds. Bakersfield High School and Kern County Union High School before it had the most successful high school sports teams in the Valley, winning championships one after another.

The document goes on to state: "Only Harvey Auditorium is architecturally significant under NRHP Criterion C and CRHR Criterion 3 as the work of local master architect, Charles Biggar. Biggar was a prolific and generally recognized master in his trade, working primarily in Bakersfield and Kern County. His oeuvre includes two buildings listed in the NRHP for their architectural significance: The Bakersfield Californian building (#83001183) and the First Baptist Church (#79000478; Figure 8), both in Bakersfield. He was also known for his work on important commercial buildings in Bakersfield, including the Fox Theatre, Tejon Theatre, and Haberfelde Building. Many of his designs, however, were for school buildings. When he drew plans for Harvey Auditorium, for instance, nearly all the buildings on campus were his. Additionally, he designed East Bakersfield High School's original buildings, as well as several throughout Kern County. The Harvey Auditorium was one of his last buildings, and demonstrated a shift in architectural styles. Moving away from revival styles – the First Baptist Church, for example, was done in a Richardsonian Romanesque with Spanish Revival influences – and Neoclassical style seen on campus, Biggar chose a Streamline Moderne style for the auditorium. Even the contemporary East Bakersfield High School auditorium represented a more Spanish Revival style. The trend incorporated in his design of the Harvey Auditorium represented a broader modern movement of the 1930s. While Harvey Auditorium features several utilitarian features, it also includes elements of Streamline Moderne, such as smooth concrete surfaces, horizontal and vertical banding, and rounded corners. An incarnation of the popular Art Deco, Streamline Moderne was less ornamental than its predecessor. It emphasized a stylized yet restrained modernism, featuring smoothed surfaces, flat roofs, curved walls, streamlined grooves, and glass blocks (McAlester and McAlester 1984: 465). Character-defining features for the auditorium include its massing, shape, flat roof, smooth concrete surface, horizontal and vertical bands, rounded corners, multiple double-door entrances separated by vertical columns, wide concrete steps and entrances, large frosted windows above doors, prominent projecting walls that bookend the west entrance, rows of multi-light metal awning windows, and flat concrete awnings with rounded corners. Other character-defining features: the orientation of the auditorium facing the central quadrangle and its visual relationship to the other campus buildings, including the Industrial Arts building complex.

The JRP consultants fail to note that prior to Biggar's work on the auditorium at BHS, he designed the "L" shaped Industrial Arts Building that stands adjacent to the original Industrial Arts Building. These two buildings demonstrate how Charles Biggar adapted to the demands of stronger materials along with concerns for safety in our public school system. The design of the "Moderne"-style new industrial building by Biggar is an important statement, architecturally, in how those that excel in their respective professions are willing to adapt with the times. The 1930s Industrial Arts Building reflects the shift in Biggar's thought process as it relates to architectural design and use of stronger and more contemporary materials.

The narrative continues with: "The remaining buildings are not individually significant for possessing distinctive characteristics of a type, period, or method of construction. They

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also are not important examples of a general architectural style and/or a specific architect's design. Additionally, while many were originally designed by Charles Biggar, most were redesigned in the post-earthquake period, removing most traces of his original plans. Those buildings that were not redesigned (north wing of Industrial Arts, Griffith Stadium, south wing Spindt Hall, Water Tower) are not significant examples of his work. They do not represent a particular phase of his career, an aspect of his work, or a theme of his profession. Instead, they are modest examples of his career. The north wing of the Industrial Arts Building is a modest Streamline Moderne building, featuring smooth concrete walls, a flat roof, and two entrances with "SHOPS" etched into the surround. Griffith Stadium is primarily utilitarian, as its main design is based on the function of seating a sports audience. The west wall features some Neoclassical elements, such as partially exposed full-height columns, and a cornice. Nonetheless this concrete structure features otherwise unadorned seats on the east side. The south wing of Spindt Hall also features Neoclassical details, like a cornice, partially-exposed columns, and elaborate decorative entrance surrounds. The Water Tower is a modest, utilitarian structure. These buildings are not significant for possessing distinctive characteristics of a type, period, or method of construction. They are not important examples of a general architectural style and/or a specific architect's design, and are not the work of master architects or builders. They also do not possess high artistic value, as required under these criteria."

In a district, buildings do not have to possess high artistic value themselves. They also do not have to be the best and finest examples of the architect's work. Charles Biggar's architectural designs for the school demonstrate the architect's work in progress as he grew older and more experienced in his practice; Biggar was able to use the Bakersfield High School campus as a pallet of design work, from his early neoclassical designs to his ultra-modern Industrial Arts Building and the culminating design of his life's work, Harvey Auditorium. It's all Charles Biggar, even the repair work under the Field Act in the 1930s to the mid-1940s.

A good narrative on the architects continues with an erroneous conclusion: "The architects C. Barton Alford, W.J. Thomas, and Harold Leydenfrost, who redesigned several buildings and prepared plans for the Cafeteria and new Administration Building, were not generally recognized for their greatness in architecture. Even though they had successful careers, they did not rise to the standards set under these criteria. Furthermore, the buildings imprinted with their design are modest examples of the International style. Therefore the buildings designed and redesigned by them are not eligible for listing in the NRHP or CRHR for their architecture. Alford and Thomas operated an architectural firm located in Bakersfield, receiving several Kern County projects during the mid twentieth century. Alford graduated from the University of Southern California in 1939, moving to Bakersfield to work as a draftsman with Charles Biggar's firm, Biggar & Associates. By 1943, he was employed as an inspector with the US Department of Education, but returned to Biggar & Associates by 1945, where he remained until starting a firm with W.J. Thomas in 1949. Alford and Thomas designed, among others, the Sierra Junior High School (1952), North High School (1953), and Kern County General Hospital (1955). In 1957, Alford and Thomas made Leydenfrost partner of the firm, and by 1960, Alford left to start his own company. Thomas and Leydenfrost designed Burroughs High School at Naval Ordnance Test Station at China Lake, the Haberfelde Ford Facility in Bakersfield, at least two East Bakersfield High School buildings, and several buildings at Kern Valley High School in Lake Isabella. In

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1954 and 1955, the Alford and Thomas-designed Cafeteria and Administration Building were built, and the boys' and girls' gyms were almost completely rebuilt. The Cafeteria and Administration building are modest examples of the International Style. The architectural characteristics of this style represented in these buildings include flat roofs, asymmetrical walls, broad cantilevered overhangs sheltering long walkways, and large window walls. The style in public and commercial buildings became popular in the mid twentieth century throughout the United States. The Gymnasium wings received lamella roofs, a popular roof form on gymnasiums for this period. In this form, an interlocking wood frame, creating a diamond pattern, supports a wood roof. These buildings are not significant for possessing distinctive characteristics of a type, period, or method of construction. They are not important examples of a general architectural style and/or a specific architect's design, and are not the work of master architects or builders. They also do not possess high artistic value, as required under these criteria.

It appears that researchers did not look at the buildings with any detail in mind. They clearly have distinctive characteristics of a type and period of construction. The gymnasias, for example, are wonderful examples of Lamella roofs and barrel vaults and represent the newest technology in engineering long-span structures at the time. They are wonderful examples of state-of-the-art technology and design of the late 1950s. The Industrial Arts Buildings, both north and south, are fine examples of their types of architecture, one being a streamline Moderne design and the other a modified neoclassical design with International elements. Harvey Auditorium is a classic Streamline Moderne building, eligible for the National Register of Historic Places on its own merits. Griffith Stadium is a wonderful Utilitarian structure remaining from the early days of the campus. Many of the other buildings are modified Neoclassical buildings with a strong International flavor. More importantly, the interior spaces of those buildings that were upgraded on the exterior, such as the south wing of the Industrial Arts complex, are generally original in design and materials. The building interiors remain as they did in their original design. For example, Warren Hall's half-basement classrooms and wide stairwells are reflective of the building's original design of spaciousness. Anyone who attended school there will remember this.

The narrative also erroneously states: "The campus also includes several buildings and structures, such as the East Stands and Storage Building, Industrial Arts Prefabricated Building, Student Activity Building, Ludden Hall Auxiliary Building, Elm Grove Kiosk, and Sports Fields Prefabricated Buildings, which are modest and unremarkable utilitarian construction. As such, these buildings are not significant for possessing distinctive characteristics of a type, period, or method of construction. They are not important examples of a general architectural style and/or a specific architect's design, and are not the work of master architects or builders. They also do not possess high artistic value, as required under these criteria.

Some of these buildings were later additions and, at the time of their construction, modern engineering and design had changed and there was no reasonable and economic method of retaining the then-current architectural style of the rest of the campus. Negative reference to these buildings only detracts from the real issue – that there is sufficient integrity of the campus as a whole to consider BHS as a historic district.

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The writing continues: "Between 1952 and 1962, Thomas and Leydenfrost redesigned Ludden Hall, Spindt Hall's north wing, Warren Hall, the Science Building, and the south wing of the Industrial Arts Building. While the buildings remained, the brick siding, most roofs and windows, and most architectural details of the Biggar designs were removed. They were replaced with concrete siding, aluminum windows, and flat roofs. Importantly, most of the main entrances, which displayed the most prominent architectural details, were taken off the buildings, replaced with modest concrete entrance surrounds. The redesigned buildings were modest in style and execution, and do not embody enough of the distinctive characteristics of a type of architecture as required for significance under this criterion. The buildings also lack the high artistic value that would merit listing on a national or state register, and do not appear to be the work of master architects or builders.

Under NRHP Criterion D or CRHR Criterion 4, these buildings are not significant as sources (or likely sources) of important information regarding history. They do not appear to have any likelihood of yielding important information about historic construction materials or technologies."

The problem with this statement is two-fold: The site of the old Polytechnic building in Elm Grove was previously occupied by the first county hospital in Bakersfield. At the time of the construction of the Polytechnic building over a century ago, bones, limbs, and other medical material were excavated from the site, they being the result of amputations and other medical procedures from the old hospital disposal. The second issue is the location of the Industrial Arts Buildings was part of the site what was once known as Reeder Hill, also known as the Yokut village of Woilu. The hill and village site were mostly removed with the construction of the San Francisco and San Joaquin Valley Railroad in 1898, but the land where the school sits was not all that disturbed until the construction of those buildings. Therefore Criterion D or 4 may actually apply to this resource.

**Criterion A: Education**

The Historic Context of the document is well-written and generally correct. Short of a few errors in historical fact, it accurately depicts the school's history. It also states the importance of the campus to the community, thus making it difficult to understand why the finding of "not eligible" was made.

The researcher's statements, "Kern County's first high school matured into an important educational institution by the early twentieth century..." and "...county voters overwhelmingly passed a measure establishing its first high school district, with orders to immediately open a school in Bakersfield" clearly demonstrate the significance to the population of Kern County of the founding of the high school and its continuing importance to the education of Kern County's youth.

The document states: "NRHP guidelines state that "mere association with historic events or trends is not enough, in of itself, to qualify under Criterion A..." because the property must also have a specific important role within that context. The existing buildings of the Bakersfield High School campus do not date to the establishment of the first county high school and, therefore there is no direct important association with this event."

NRHP guidelines first state that "A property can be associated with either (or both) of two types of events:

- A specific event marking an important moment in American prehistory or history and
- A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.

NRHP Criterion A calls for properties that are associated with events that have made a significant contribution to the broad patterns of our history.

The application of National Register Criterion A states that "a property can be associated with either (or both) of two types of events:

- A specific event marking an important moment in American prehistory or history and
- A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation."

The above two statements demonstrate the specific event of the founding of the high school and the pattern of events or historic trend in the continuing maturation of the school into an important educational institution. Although the buildings from the original campus no longer exist, their replacements reflect the continuing effort and plan to provide a higher level of education for Kern County's children. It is this pattern of events that have made such a significant contribution to the city and county. The campus is a whole unit of cohesively-planned buildings that are characteristic of a continually-changing campus design that reflects the historic fabric of its original character. The Bakersfield High School campus clearly does just that. It is a well-defined community of buildings that reflect the campus' historic features with a moderately-modified design reflecting the normal changes through time.

The document then states: "The 20 buildings and structures recorded here are part of Bakersfield High School, which opened at this site in 1893 as Kern County's first high school. At the time it was known as Kern County High School and classes operated out of two rooms in a nearby grammar school. Soon, though, the high school district built a new schoolhouse in what is now Elm Grove on campus. That building, called the Polytechnic School, and several others built prior to 1922, were demolished and replaced during subsequent decades. The building effort continued into the 1930s with Bakersfield architect Charles Biggar designing all campus buildings between 1918 and his death in 1946. This important effort included the planning for Harvey Auditorium, construction of which started near the end of the Great Depression and was finally completed after the close of World War II. Bakersfield High School during the post-war period changed dramatically when, in the summer of 1952, a series of earthquakes, including two major temblors, struck in and near Bakersfield. This disastrous summer left several buildings damaged beyond repair, and many others needing extensive rehabilitation work. The architectural team of C. Barton Alford, W.J. Thomas, and Harold Leydenfrost were hired to redesign the high school. Their work drastically altered the appearance of most of Biggar's buildings, but added a unifying theme that remains today.

In the late nineteenth century, Bakersfield had successfully grown into a regional urban center for the surrounding southern San Joaquin Valley. Throughout the 1870s and

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1880s, Bakersfield experienced sustained growth based on Kern County's sheep and cattle industry; later, it thrived as irrigation transformed Bakersfield's hinterland into rich agricultural fields teeming with alfalfa and fruit orchards. By the 1870s, downtown Bakersfield boasted a county courthouse, town hall, several hotels, three saloons, and a brewery owned by Henry A. Jastro, city founder Captain (sic)." This should read Col. "Thomas Baker's son-in-law. In 1874, the town replaced Havilah as the county seat, ensuring its continued growth. By 1888 Bakersfield added 145 town lots, greatly expanding the size of the platted city. Although the "great fire" destroyed nearly 150 businesses a year later, the town recovered in the ensuing decade. Having been bypassed by the Southern Pacific for neighboring Sumner (presently the incorporated neighborhood of East Bakersfield), the competing San Francisco & San Joaquin Valley Railway (soon acquired by the Atchison, Topeka & Santa Fe Railway [Santa Fe]) opened a Bakersfield station in 1897 (Bailey 1984: 37-39, 45; Baker 1937: 17-19; Hoover 1990: 121, 132-133; Robinson 1961: 24-28, 34; Lewis Publishing 1974: 232; Los Angeles Times 1898 May 29, 1898 Oct 20).

As the city's economy, size, and infrastructure grew, more and more people found it to be a preferable place to live and raise families. Education and construction of school buildings had long been a part of the local community and by the 1890s demand grew for a secondary institution. From 800 residents in 1880, the city counted more than 2,500 ten years later, and due to the discovery of nearby oil, almost 5,000 by 1900, with an additional 11,000 people living in unincorporated Kern County at the time. Elementary schools had already been established in the city, and by the late nineteenth century began preparing students for a university education, a demand of the growing populace. The University of California opened in the late 1860s; however, to get to the Berkeley campus, students needed an education higher than the state-required elementary courses. While some primary school teachers taught preparatory courses, many students missed out. Local demand for a high school also coincided with a growing national perception that an industrialized United States required a populace with a higher level of education. More than simple literacy – a significant goal of elementary schools – many industrial occupations required workers to understand new scientific and technological advances. Californians petitioned for a change, and the state legislature passed two high school bills in 1892 allowing counties and incorporated cities to form high school districts. Within two years, and with persistent lobbying from Kern County Superintendent of Schools Alfred Harrell, county voters overwhelmingly passed a measure establishing its first high school district, with orders to immediately open a school in Bakersfield. In January 1893, Kern County High School instruction began in two classrooms at Bakersfield's Railroad Avenue Grammar School. Within two years, a new building was finished in present-day Elm Grove, fronting 14th Street (Figure 1). By the end of the decade, the high school had begun a four-year program and graduated several students, including its first black graduate, valedictorian Henry Edward Simpson (Hendrick 1980: 24; Blue and White 1993 Jan 12; Historic Population 1850-2000). Kern County's first high school matured into an important educational institution by the early twentieth century. As attendance grew and coursework expanded, further elements were added to the high school educational program. Attendance at the high school rose from 25 original students, to 120 a decade later, and more than 300 by the early 1910s. Students from outlying areas were transported to Bakersfield where they lived during school sessions.

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Over time, the growing student body could choose from a wider selection of courses beyond the original intention of preparing young scholars for college, as the public soon called for something more. Students, many believed, should be educated for life. In response, the school opened Manual Training and Home Economics departments to oversee many of the new courses, such as domestic sciences, woodworking, electricity, drafting, and agriculture. The high school experience also evolved to include cultural and recreational activities as the school hosted dances, organized theater and musical performances, and offered sporting opportunities. (De Mel 1966). As in many school arenas, physical education and sporting activities became an important part of school life at Kern County High School. In 1917, the state passed legislation requiring the inclusion of physical education in the curriculum and the following year, a new \$65,000 gymnasium with a swimming pool was built to meet state requirements for student exercise. These changes also provided opportunities for students to participate in all forms of sports, but one sport in particular gained state-wide prominence and became a source of pride for several decades. Students at Kern County High School had already started a football squad at the turn of the century and it quickly became the school's most popular team. Coach Fayette Birch, a Stanford graduate, helped build the high school team into a competitive unit; however, it was D.M. "Goldie" Griffith, who arrived in 1908, and transformed the Drillers into a winning team. Griffith also headed the Mathematics Department and he took the Drillers to repeated undefeated seasons, nineteen San Joaquin Valley titles, and seven state championships. In 1926, the team averaged 60 points per game. His impact on the school was honored as early as 1923, when the new Charles Biggar-designed grandstands were named Griffith Stadium for him—the associated football field became known as Griffith Field (Figure 2). Griffith continued the Kern County High School success until his retirement from coaching in 1948 (Bakersfield Californian 1908 Sep 14, 1923 Sep 11, 1923 Dec 22, 1948 May 13, May 20; Blue and White 1937 Feb 18; Blue and White 1993 Jan 12; Hendrick 1980: 28; Los Angeles Times 1923 Jun 28; Wallace n.d.: 85-86, 102-103).

Widespread expansion of the Kern County High School campus in the 1910s and 1920s reflected the growth of Bakersfield and the surrounding community, as well as the general acceptance of high school education – a development witnessed throughout the state and country. Bakersfield's proximity to Kern County oil fields was a boon to the city during this period, and the high school honored this importance by naming its mascot the Drillers. In fact, the football coaches were notorious for bringing in "ringers" from the oilfields to play on the team, thus guaranteeing a tough game and victory. The 1910s, in particular, proved an oil-rich decade for Kern County that flooded the area, and Bakersfield in particular, with new citizens. The city's population nearly tripled, and by 1920 more than 18,500 people lived within its bounds. Many of these new arrivals elected to place their older children in high school, for, even though compulsory education required children to attend school through age 16, enforcement of this state law was lax. By 1915, the High School Board separated from the Bakersfield City School District and became the Kern County Unified School District. Kern County High School thus became Kern County Union High School, and contrary to what appears to be popular belief, the students called it KC or KCUHS, being proud of their autonomous school from the others in Bakersfield.

In 1920, enrollment at the high school was around 1,200 students, and school officials estimated that would rise to 1,400 in 1921. This expansion mirrored what was happening

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*in the rest of the state, largely precipitated by the state legislature's 1902 authorization of a tax to fund high schools and technical schools. The statewide financing of secondary education brought about significant expansion, which included greater access for children of working class parents and ultimately the high school population in California jumped from 12,620 in 1900, to nearly 127,000 twenty years later (Bakersfield Californian 1921 Jul 26; Hendrick 1980: 24, 28; Wallace n.d.: 81).*

*At Kern County High School, this increased enrollment and expanded curriculum spurred the need for better and larger infrastructure to support campus operations. An early effort to improve the school started in 1906 when the Administration Building was constructed (demolished 1952). The building, designed by the San Francisco architectural firm Stone & Smith, was erected on the corner of 14th and F streets, but it did not completely meet the school's growing need and a third building was planned. Thomas B. Wiseman, a contemporary and sometimes partner of future Kern County High School architect Charles Biggar, then designed the Manual Arts Building, which was finished in 1911 at a cost of \$10,000 (demolished 1938). While these two buildings added significantly to the campus, the school board approved a fourth school building only a few years later. An Oroville Clark-designed Auditorium was added to the campus in 1914 (known commonly as the Old Auditorium from the mid 1930s until it was demolished in 1952). In the ensuing years, World War I occupied the attention of Bakersfield residents, but growth and expansion continued, pushing the school to meet new and challenging demands (Bakersfield Californian 1905 Nov 13, 1906 Jan 16, 1914 Jan 15; Wallace n.d.: 81-82).*

*After World War I, the school evaluated its needs for the future and determined that its present stock of buildings would hardly suffice for its growing student body. By 1921, the school predicted a post-war boom large enough to require a plan, and while noting that it would only construct any future buildings when the need arose, the school board announced preparations for two new buildings, additional shop buildings, and the new Griffith Stadium (discussed above).*

*Charles Biggar received his first commissions on campus for the Agriculture (1922) and Domestic Sciences Buildings (1922), already under construction when the report was prepared (Figure 3). The Domestic Sciences Building was renamed Ludden Hall in dedication to Arthur Ludden, who had recently died in a car crash. Biggar played an instrumental role in the expansion plans and he immediately followed this building with designs for Griffith Stadium (1923), the Science Building (1923), the Industrial Arts Building (south wing, 1924), the Boiler Room (1924), and the Library Building (the north wing of what is now Spindt Hall, 1925). Of this first wave of Charles Biggar-designed buildings, all have either been demolished (Agriculture Building) or significantly renovated in subsequent years (discussed in detail below) (Bakersfield Californian 1921 Jul 26, 1922 Mar 7, 1922 Apr 1, 1922 Sep 27, 1923 Sep 6, 1924 Dec 2; Wallace n.d.: 87, 116).*

*Charles Biggar greatly influenced the physical characteristics of the Bakersfield campus; however, his Kern County High School work was only one part of his long career. Charles Biggar was a prolific architect whose designs also laid the developmental groundwork for important public, commercial, and religious institutions throughout Kern County. Biggar began in his craft at the University of Illinois, moving on to the Ecole des Beau Arts in Paris in the early 1900s before returning to the states to take up private*

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*practice. His drafting work took him to Illinois, Tennessee, and Seattle, but he eventually settled in Los Angeles as head designer for the firm Morgan and Walls. Shortly thereafter, he partnered with Charles Kysor, and the duo planned the Los Angeles Public Library Vernon Branch, completed in 1915. World War I interrupted his design work, as he enlisted and served in the army. Biggar returned to his architectural career when the war ended. His post-war career took him farther inland, to the growing city of Bakersfield, where he opened his own successful firm. In addition to the Kern County High School buildings, Biggar designed the Haberfelde Building, Bakersfield Californian Building, Fox Theatre, the initial buildings at East Bakersfield High School, and numerous Kern County libraries, including the Delano, Mojave, and Shafter branches. He also worked extensively with other Kern County schools, drawing plans for the Roosevelt School's combination gymnasium and auditorium, Standard School's gymnasium in Oildale, the auditorium and administration building at Taft's Lincoln School, Horace Mann School's auditorium, and Conley Grammar School's auditorium in Taft. Biggar's connection with Kern County High School, though, became a constant source of employment. His 1920s buildings were received with such high regard he was called upon in the 1930s and 1940 6, 1937 Mar 12, 1941 Apr 8, 1944 Apr 27, 1946 May 17; Kern County Museum 2010; Pacific Coast Architecture Database 2009).*

Important to this discussion is the 1933 Field Act that directed the State Division of Architecture to dictate standards for school reconstruction, establish a building code, and enforce a program of construction inspection for schools to ensure earthquake-resistant school structures. This came after the devastating 1933 Long Beach Earthquake that severely damaged a significant number of schools in Southern California. The structural failures of unreinforced masonry schools resulted in earthquake-resistant design and construction being mandated for public schools K through 12 and community colleges. The efforts of California Assembly Member Charles Field resulted in the passage of the Field Act on April 10, 1933. The law and its various revisions authorized the Division of Architecture of the State's Public Works Department to review and approve all public school plans and specifications, providing general supervision of the construction work. To date, no Field Act school has failed in an earthquake. However, many historic schools were demolished because of it. Bakersfield High School was fortunately not one of them.

During this period a variety of modern innovations to school plans were implemented, reflecting educational reforms of the time and encompassing advances in ventilation, illumination, hygiene, sanitation, school furnishings, and landscaping. Many schools constructed after the Long Beach Earthquake had a mix of classicism, Art Deco, and streamlining, now referred to as "PWA Moderne." New buildings utilized the latest technology and were frequently designed by prominent architects of the period. Bakersfield High School already had its prominent architect in Charles Biggar.

The narrative further states: "A Depression-era expansion might seem contradictory, given the economic situation as the decade before World War II brought severe hardships across the country, but Kern County Union High School's continued enrollment increases led to a renewed era of construction. The Great Depression brought high unemployment figures, but the Dust Bowl migration also drove many unemployed families into the San Joaquin Valley and to Bakersfield. The population influx during this economic nadir resulted in a need for change. Commercial and industrial businesses could not employ the growing masses, construction work generally

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suffered a lack of financial backing, and the housing stock in and around Bakersfield could not keep up with the demand. Compounding this devastating economic climate, enrollment at the high school continued to grow, and soon the high school's buildings were incapable of handling the large number of students. In the mid-1920s, more than 1,900 Kern County youth attended the school and nearly 2,500 attended the school during 1931. Enrollment for 1935 climbed to around 3,000 high school students, with an additional 600 attending Bakersfield Junior College, which opened began classes at the high school in 1913. The high school campus also hosted night school courses beginning in 1918, which attracted high enrollment and by 1935 nearly 1,000 students participated in night school. One suggestion made to the school board in the early 1930s would meet the demand for more facilities and could also employ out-of-work contractors: construction of the new auditorium (Bailey: 91-93; Bakersfield Californian 1931 Sep 23, 1934 Sep 10, 1935 Jan 25, 1935 Dec 6, 1942 Mar 9; Blue and White 1931 Oct 1; Stein 1973: 21-24, 51; Wallace n.d.: 52, 86, 110, 127).

The new auditorium would take a decade and a half to complete and in the meantime, the school added other buildings to campus, helping stimulate a suffering local economy while fulfilling the need for more classrooms. The junior college experienced the greatest growth during this period, as students sought to continue their education in hopes of going to a four year university. Non-transfer students also attended junior college, using the school as training for a particular trade, such as nursing, accounting, and electrical technology. Junior College became so popular that the nearly 500 students in 1931 overwhelmed the school's building stock. By the late 1920s, work was started on the junior college's new building at the corner of California Avenue and F Street. This three-part building was completed in the mid 1930s and featured a south and middle wing for the junior college and the north wing for high school classrooms and a cafeteria. The junior college classrooms were quickly filled, as enrollment for the 1935-36 school year topped 900 students. In the 1950s, this Biggar designed building was named after Earl Warren, a California governor and Chief Justice of the Supreme Court, who graduated from the high school in 1908 – although he did not continue at the junior college after commencement."

It should be noted that Bakersfield College did not exist until 1913. Again, this statement has the appearance of trying to diminish the significance of the high school campus. "Construction activity in the 1930s also included the Biggar-designed south wing of the library building. Opened in 1937, this concrete addition nearly doubled the size of the existing library. While it retained some of the architectural details of earlier buildings, a significant difference between this building and the older Biggar buildings was the lack of a brick veneer. The exposed concrete was apparently meant to accommodate earthquake safety laws put in place following the 1933 Field Act, which regulated the way school buildings were constructed after a devastating Long Beach earthquake. Biggar also designed plans to expand the Girls' Gymnasium (1937) and construct a new Water Tower (1933) in this decade. The high school district also made an important purchase of 20 acres in East Bakersfield, a site for which Charles Biggar would design a new high school to meet the city's growth (Bakersfield Californian 1931 Sep 23, 1934 Sep 10, 1935 Sep 5, 1935 Dec 5, 1936 Jun 1, 1936 Aug 5, 1936 Dec 18, 1937 Jan 1; De Mel 1966; Olson 2003; Wallace n.d.: 110, 127, 161; Warren 1956).

During this expansive period, one project more than any other met with controversy, delays, and growing anticipation. The new auditorium, at the time the city's biggest

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project ever, was designed to replace the outdated, small, and dangerous existing auditorium. However, while it was conceived in the early 1930s, construction did not start until later that decade, and it remained unfinished until three years after World War II. Kern County voters decided at least twice to put off paying for the new building before finally agreeing in 1935. The auditorium had topped a 1933 county-wide plan to spend nearly \$1.5 million on public works projects, but the following year, voters – who generally supported the project – could not muster the two-thirds majority needed for the \$230,000 auditorium measure. Even though a petition urged the school board to administer a second vote, the issue remained dormant for several years, while other projects – such as the library addition – moved forward. When a state engineer and the city's fire chief condemned the old auditorium in 1939, rendering it uninhabitable, the school board revisited the matter. Although school functions were relocated to the then new Fox Theater on H Street, public outcries complained about the need to replace a building that was less than 20 years old during a period when funds were short. In addition, many in the city wanted a civic auditorium for the entire community and believed the school's building would not suffice. Nonetheless, the alternative left to the school was costly – \$70,000 to bring the building up to code – and plans were drawn to build a new edifice following completion of the school's new shops building Bakersfield Californian 1933 Sep 6, 1933 Sep 20, 1934 Jul 2, 1934 Sep 12, 1934 Sep 15; 1935 Jul 11; 1939 Mar 28; 1939 Apr 18, 1939 Dec 8)."

"This move seemed to assure that by the early 1940s students at the school could enjoy a new auditorium for their assemblies, plays, and performances. But timing was unfortunate, as World War II would interrupt completion of the building and set off a legal scuffle that nearly prevented the auditorium from ever opening. Planning for the new building began in earnest as the 1930s came to a close when a committee representing those who planned to use the auditorium established some general guidelines desired for the new building, including occupancy and basic design features. Based on this, the school board instructed Biggar to prepare plans for a 1,800-seat auditorium in early 1940. After a summer tour of America's South and East Coast, Biggar submitted working plans to the school's board of trustees in September; however, the board requested that final drawings reflect suggestions by Vern O. Knudsen, a consulting acoustical engineer. Biggar returned final drawings in December (Figure 5). With the project already delayed by a couple months, the board decided to change the site of the new building. It was originally planned for the block bounded by F, G, 13th, and 14th streets, but was moved one block east to save the old elm trees on that lot. This decision created Elm Grove, a quad-like park at the center of campus that features elms planted in the late nineteenth century. Once the new block was purchased – at a cost of \$43,000 – and cleared of existing buildings – for nearly \$200,000 – the site was ready for construction. Ashby & Opperman, a local general contracting firm, was awarded the project for its low bid for base construction, but the board disagreed with the company's submitted costs for subcontracted work, such as electrical, plumbing and heating, and ventilating. Those contracts were awarded individually. Crews broke ground in 1941 with a push to get the building opened by early 1943, with an estimated \$726,000 price tag (Bakersfield Californian 1939 Sep 5, 1939 Dec 12, 1940 Mar 12, 1940 Jul 13, 1940 Sep 24, 1940 Sep 27, 1940 Oct 17, 1940 Oct 31, 1940 Dec 28, 1941 Feb 27, 1941 Mar 11, 1941 Mar 18, 1941 Apr 9, 1941 Apr 17, 1941 Sep 12, 1941 Nov 11).

More than a third of the work on the auditorium was complete when the United States entered into war with Japan in December 1941 and non-essential private and public

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construction work across the country was quickly halted because materials, such as steel, were reserved for the war effort. Bakersfield's new auditorium was a non-essential project according to the United States government and as early as April 1942, subcontractors noticed materials were impossible to acquire. The school board, however, saw things differently. It pressed federal officials to grant a priority rating for the auditorium, which would free up sparse steel for the construction crews. Not surprisingly, the War Production Board (WPB) rejected the proposal, and subsequently the school board sought to make the subcontractors legally and financially responsible for the work they could not finish. While the legal dispute would continue throughout the war, inevitably construction came to halt. Laborers prepared the site for long-term inactivity, protecting it from weather damage and protecting students and citizens from accidents. The latter, however, was not entirely avoided, as one student died from a fall in early 1943 (Bakersfield Californian 1942 Feb 12, 1942 Apr 14, 1942 Apr 21, 1942 Apr 28, 1942 May 5, 1942 May 12, 1942 May 26, 1942 Jun 3, 1942 Jun 9, 1942 Jul 28, 1942 Dec 15).

It was only after the war in Europe ended that the auditorium standstill would be lifted, propelling construction toward a concrete end date. In late 1944, WPB representatives signaled that a European victory would free up restrictions on materials. But the legal dispute between the school board and contractors was never resolved, and threatened to derail the project. Hearings in the case brought by contractors and subcontractors concluded in early 1945, leaving it to Judge W.L. Bradshaw to decide how the wartime stoppage affected contracts between the school district and contractors. Building companies argued that when construction ended due to the war rationing, contracts were dissolved. They figured they should be paid for the work completed and new contracts should be written to cover future work. The school board, on the other hand, wanted work to continue under the old contracts, arguing that the contractors were responsible for completing work for which they were contracted. The companies would be paid when the work was finished. Even as Nazi Germany surrendered and the WPB gave the school's project a priority rating if construction began within 90 days, the issue remained in court. The cessation of war altogether in August, however, removed the 90-day restriction, leaving only the legal battle and increased cost to be determined. In November, the school board and contractors agreed to drop the case and continue construction after district voters approved an additional \$183,000 necessary for the auditorium's completion. Work resumed at the start of 1946, moving the school forward, finally, to a finish date (Bakersfield Californian 1944 Oct 10, 1945 Jan 11, 1945 Jun 7, 1945 Jun 8, 1945 Oct 25, 1945 Nov 8, 1945 Nov 9, 1945 Dec 1).

Construction moved steadily forward and the auditorium finally opened in 1948. Unfortunately, the building's architect died in 1946, and the president of the school board and strong proponent of the project since its inception, T.N. Harvey, died in late October 1948. On October 18, an at-capacity crowd of nearly 1,800 people gathered for the San Francisco Opera Company's performance of the Italian opera La Boheme, setting what the Bakersfield Californian called a record for the city's largest indoor assemblage. Harvey was present at the opening performance, but missed the dedication ceremonies on November 8th. In a tribute to his work on the auditorium project, the school board named the new building after Harvey during the open-house dedication that included a recounting of the history of the auditorium project. While it did not initially gain enough public support, over time, the project became the city's pet project. The original \$300,000 project was not preferred by voters in 1933, but would have provided students

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with a much needed replacement theater, local construction workers – many of whom were unemployed – with steady work, and the community with a large hall for local gatherings. It also had the backing of federal aid, part of President Roosevelt's New Deal programs. By the late 1930s, when the old auditorium was condemned, the plan turned into a half-million dollar modern building, with high-quality acoustical engineering and additional classroom space. As the United States propelled into World War II, the auditorium evolved into a \$726,000 unfinished construction site embroiled in a legal dispute that threatened its completion. By the end of the war, the school board and construction companies set aside their differences and proceeded forward on this nearly million-dollar venture. When it opened, the cost totaled \$1.25 million, and by all accounts appeared to be a great success, propelling the school into a post-war era that would soon face new and difficult challenges (Bakersfield Californian 1946 Jul 17, 1948 Feb 23, 1948 Oct 19, 1948 Nov 4, 1948 Nov 9; Bakersfield High School and College 1948) The post-war period was marked by rapid population growth, extensive development, and devastating earthquakes. The return of veterans and the associated population boom compelled the school district to pursue expanding the existing facilities within the county. By this time, Bakersfield High School (its official name after 1945) had reached its bounds. Attendance remained relatively unchanged in the subsequent decades, as increasingly more schools were added to the city. However, the present composition of Bakersfield High School was shaped largely by two disastrous earthquakes that rattled much of Kern County in 1952 and led to a significant effort to rebuild the region. The first, the Tehachapi Earthquake, hit in July and killed fourteen people. It was followed in August by the Bakersfield Earthquake, which killed two people and damaged or destroyed many buildings and structures throughout the city and surrounding area." The second earthquake noted here was in reality an aftershock of the Tehachapi or White Wolf Fault earthquake centering on Arvin, east of Bakersfield.

"Fortunately, Bakersfield High School students were on break and nobody was reported injured or killed on campus. The buildings, however, did not fare as well. Ultimately, the old Auditorium Building, in which classrooms were still being used, the Administration Building, the Girls' Gymnasium, and an apartment building located near the Junior College Building were torn down as a result of the earthquake. Additionally, the south wing of the Junior College Building and the Boys' Gymnasium were determined unsafe for use. The lack of facilities in which to teach high school forced the school to make immediate plans for temporary and long-term solutions (Bakersfield Californian 1952 Aug 8, 1952 Aug 16, 1952 Aug 18, Wallace n.d.: 190-200).

Not surprisingly, Bakersfield High School was not alone in this effort to rebuild. The city immediately began constructing a new city hall (see DPR 523 form 006-300-04), civic center (see DPR 523 form 00629001), and Mercy Hospital expansion.

Changes to municipal buildings did not occur immediately. For example, as seen in the following paragraph, City Hall was not built until 1956, and the Civic Center in 1959, seven years after the aftershock. It was well into the 1960s before most of the damage was repaired in the city of Bakersfield.

"The city and county focused foremost on repair and reconstruction of the damage and then turned to urban planning issues, such as traffic concerns, annexation proposals, and expanding social and civic services. Three hospitals in the area also renovated their facilities, spending \$7 million. Religious organizations built worship centers, industrial

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companies built warehouses, and commercial businesses built offices, while the city updated important civic buildings, constructing a new Civic Center that provided for improved government and public services. The Kern County Civic Administrative Center was constructed between 1956 and 1959, and correspondingly, there was steady growth in residential construction (Los Angeles Times 1954 Apr 25; Bailey 1984: 96-100; Rand McNally & Company, 1960; USGS Gosford 1954).

What followed was a plan to renovate or rebuild damaged and old buildings and construct new buildings to replace demolished facilities. Early in the process, school officials predicted it would take ten years to return the campus to full capacity; however, a \$17-million bond measure passed in January 1953 for all Kern County high schools helped push the various projects forward. Construction began immediately on the north and south wings of the Junior College Building.

The work on the building included removing the brick façade, replacing the roof, and removing many architectural details. The walls were coated with concrete, while original tile roofing was removed and replaced with a flat roof. Architectural elements, such as entrance surrounds and faux columns, were replaced with an accordion wall detail and projecting concrete columns. As one Bakersfield Californian article stated, the work performed on the Junior College Building set a pattern to be matched on other buildings. Namely, many of the architectural elements originally designed by Charles Biggar would be replaced with new plans that emphasized safety. The Boiler Room, Science Building, north wing of the Library, south wing of the Industrial Arts Building, and Ludden Hall received similar treatments by the early 1960s. Brick façades were almost universally eradicated, and a flat roof often replaced a tile-covered hip roof. Porticos, columns, pedestals, and other entryway features were also taken down, replaced with more modest entrance surrounds. The boys' and girls' gymnasium wings were torn down to the first floor and a lamella roof was added to the building. A cafeteria was built where the old Administration Building stood, and the new Administration Building was attached to the Junior College Building's north wing. In 1956, the Junior College moved to a new campus, and the building (hereafter Warren Hall) was renamed after Chief Justice Earl Warren.

When the Library Building was finished and dedicated in 1962, it was renamed Spindt Hall after former principal Herman A. Spindt. Unlike many of the other buildings, Spindt Hall retained its original roof, with tile roofing; however, fenestration was drastically reduced throughout. The tile roof on the south wing of the Industrial Arts Building was not replaced in kind, and like other buildings, it lost much of its original architectural character during reconstruction. Indeed, after reconstruction was finished, the entire campus had an entirely new appearance (Figure 6) (Bakersfield Californian 1952 Sep 20, 1952 Oct 14, 1953 Jan 29, 1953 Mar 10, 1953 May 25, 1954 Dec 31a, 1954 Dec 31b, 1955 Apr 11, 1955 Nov 16; Blue and White 1952 Sep 22, 1952 Oct 1, 1953 Sep 8, 1961 Aug 19; Thomas & Leydenfrost 1961; Wallace n.d.: 197-201, 204-205). This is disputable statement. Many of the buildings were refurbished, but not all of them and the campus are still identifiable by those who attended high school before 1952. Continuing: "Since the early 1960s, major changes in secondary education in and around Bakersfield primarily took place at newer campus'. Indeed, the Kern High School District (KHSD) currently boasts 18 campus' and 35,000 students, not including three other Kern County high school districts and several unified school districts with high schools. Sixteen high schools in KHSD cover the City of Bakersfield. By the late 1960s,

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construction projects at Bakersfield High School paled in comparison to other campus'. For example, an \$8 million bond issue in 1967 proposed building a new campus in northeast Bakersfield, adding a music building to East Bakersfield High School, and spending more than \$650,000 on building additions and improvements at North and South High Schools. At Bakersfield High School, the main project included improving classroom lighting for \$44,000. With the growing population and emphasis on new high schools, the distribution of students became increasingly more equal. In 1975, Bakersfield High School graduated 412 students, but was closely followed by all other Bakersfield campus': North High School graduated 405, Highland High School graduated 375, South High School graduated 343, East Bakersfield High School graduated 300, and Foothill High School graduated 297. This trend would continue, with the district continually adding new campus'. At present, the student distribution is relatively even. Bakersfield High School still maintains a high number of students, but other city schools, like Stockdale High School, Ridgeview High School, and Foothill High School, either have more students or are only close behind."

Bakersfield High still has the highest number of students. At any rate, 1975 statistics are irrelevant and meant to dismiss any argument of significance for the campus. "Changes to Bakersfield High School usually took the form of updating existing buildings. In 1968, for example, stairwells on Griffith Stadium were removed and the interior received updates, and in 1986 elevators were added to the Industrial Arts Building and Warren Hall. Not all changes were relatively minor, though. In 1977, a fire ravaged the Administration Building, requiring significant reconstruction to the interior and roof. Nonetheless, original architect C. Barton Alford worked with the school to prepare designs very similar to the original plans. Additionally, the Concessions Building was added east of the football field after 1981, as was the Ludden Hall Auxiliary Building. Around the same time, two Sports Fields prefabricated buildings were added to campus (Bakersfield Californian 1967 Sep 28, 1975 Jun 1, 1977 Aug 9; Stuhr 1986; US Department of Interior 1975, 1981; Wright & Metcalf 1968)."

The document states: "NRHP guidelines state that "mere association with historic events or trends is not enough, in of itself, to qualify under Criterion A..." because the property must also have a specific important role within that context. The existing buildings of the Bakersfield High School campus do not date to the establishment of the first county high school and, therefore there is no direct important association with this event."

This is an inaccurate conclusion, since the significance of the high school is not in its original buildings, but in the combination of buildings over a period of time. More than 85 percent of the buildings on campus predate the 50-year rule for eligibility. Short of this fact, criteria considerations e and g could well apply.

The document further states: "Until the earthquakes in 1952, the school underwent general expansion in line with growth in the city, county, and state. Its expansion is typical of the growth of a metropolitan high school and does not constitute a historically significant trend or pattern of development. Nor do any other events occurring at the school during this period meet the threshold of significance. The 1952 earthquakes were important events for Bakersfield and Kern County. They damaged or destroyed a significant number of buildings, leading to a widespread effort to rebuild; however, not all repaired, rebuilt, or new construction have importance within this context."

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The 1952 events were an earthquake on the White Wolf Fault and a major aftershock a month later. The expansion and growth of the county's largest high school and junior college campus in the manner of Bakersfield High is a significant pattern of development.

The following is also an incorrect statement: *"Evaluation of buildings that were repaired, versus buildings that were razed for new construction, should recognize this difference because it is not likely that repair of an earthquake-damaged building, even extensive repair, would be considered important within the context of post-earthquake redevelopment. For an infrastructural repair, rather than a new building, to rise to the level of significance required under these criteria, it would need to be associated with a significant event or trend beyond the occurrence of damage and subsequent repair."*

This is not a standard interpretation of the guidelines. The 1952 earthquake and aftershock completely changed the face of Bakersfield into a nearly unrecognizable city. The Bakersfield High School campus, however, remained a solid, albeit somewhat damaged, representation of its historic past, retaining most of its campus buildings and much of its architectural design through retrofit. The normal changes of the retrofit process after the Bakersfield aftershock were more to demolish and rebuild rather than save existing buildings. This campus did the opposite in saving its historic community of buildings by utilizing the then-current standards for earthquake retrofit, thus retaining much of the original integrity of the buildings behind a covering of plaster and wire. These changes are reversible, like the windows in the south Industrial Arts Building. The school was founded in 1893 as the first high school serving the entire county of Kern. It has been in continuous use as an educational facility since its beginning, and has significant associations with the agricultural, petroleum, and other professions in Kern County and the state of California. The school has produced dozens of professional sports figures during its history as well as a like number of musicians and actors. With its founding, the school represented a cultural shift in the community, providing a never-before-available opportunity for higher education to the children of Kern County.

The DPR 523 specifically states: *"Under NRHP Criterion A or CRHR Criterion 1, this high school does not have direct important association with historic events or trends. The original Kern County High School, now Bakersfield High School, was established at this site in 1893 as the first high school in the county, but none of the built environment resources of the first iteration of the school remain in existence."*

The campus is the fourth-oldest high school campus in the San Joaquin Valley, founded in 1893. For eligibility it is not necessary that the original buildings themselves remain on the campus. The principal buildings of the current campus were constructed during the 1920s and 1930s, and they constitute the majority of the extant buildings and structures. Throughout history of school campuses in California, it is intended that buildings change, essentially as does the student body. Growth is a primary element of school campuses, especially those like BHS where the extensive square-footage of the property allowed for quality planning for growth and development. All schools have their own growth patterns and plans.

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The narrative jumps around in historic time, presenting a scenario of jumbled dates back and forth and presenting a confusing time line for development of the campus. Stating: *"The high school grew steadily through its first few decades as it served the needs of the area's growing population. By the time the Dust Bowl brought a surge of immigrants to the San Joaquin Valley, the high school was already planning to accommodate an increasing number of students and the school commissioned designs for several new buildings in accordance with its ten-year plan." Between 1918 and 1926, nine buildings were constructed on campus. The growth did not stop, and by the end of the war Bakersfield High School counted no fewer than 15 buildings to serve the nearly 4,000 students. The 1952 earthquake, which damaged much of Bakersfield's building stock, wreaked havoc on the school. In response, the school hired the architectural team of C. Barton Alford and W.J. Thomas (Harold Leydenfrost would join the team and later replace Alford) to redesign and retrofit most of the buildings. Some, like the old Auditorium and Administration Building, were torn down. Others received extensive renovating. By 1960 several new high schools had opened throughout Kern County, including East Bakersfield, North High School, and South High School. The school continues to serve as the oldest high school site in the county; however, no buildings from the first three decades remain."*

Buildings from as early as the 1920s do remain, mostly with their original skeletal design. The entire campus as it existed in the 1920s still exists in the same building layout and design, short of the few that were demolished in the late 1930s due to the Field Act mandate.

The researcher's comment: *"while it was the first high school in the county, this alone does not constitute an important event or trend under these criteria."* Then indicating that *"Schooling in the county had occurred for decades, and secondary education was taught in primary schools prior to Kern County High School..."* reinforces the discussion that a centralized high school campus for Kern County was a significant event in education and socialization in the county, not diminishing the importance of the event. Further, the document states *"... and by the late 1920s two new high schools were built in Kern County: McFarland (1926) and Shafter (1928)"*.

In fact, the schools constructed at McFarland and Shafter were initially considered to be satellite schools, offshoots of Kern County Union High School, to help educate children in the north county, rather than have them travel to Bakersfield either to stay in the campus' dormitories or to take the railroad from those communities every day. The rest of the county was still served by the main campus of the county's high school in Bakersfield until 1938 when East Bakersfield High School was constructed. During this time, architecture for the campus was still being designed by the regionally-significant architect Charles Biggar, including retrofits. Biggar was the architect of the original designs of the buildings. Other architects involved were also regionally significant and included C. Barton Alford, who worked first for Charles Biggar and continued on his own with W.J. Thomas after Biggar died in 1946. During his career, Alford designed significant buildings in Bakersfield, including the Tejon Theater, Sierra Junior High School, and the then-new Kern General Hospital, the stadium-like auditorium at North High School, and other local school buildings. Though not the master architect that Charles Biggar was, Alford certainly designed quite a number of significant buildings in Bakersfield and Kern County.

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The period of significance for the Bakersfield High School campus is 1893-1962, signifying the original construction date of the campus through the completion of alterations to the gymnasium. The campus has a unified visual character and retains a moderate degree of integrity. The entire campus a prominent institutional example of Charles Biggar's design work, although many of his buildings have been refurbished. The structure of the campus from the 1920s is intact.

Criterion B calls for properties "that are associated with the lives of significant persons in our past." Among the many who have attended and graduated from Bakersfield High School, the school has produced some of the best and brightest of California and the United States. Examples are Earl Warren - California Attorney General, three-term Governor of California, Chief Justice of the United States Supreme Court, Presidential candidate, and chairman of the Warren Commission; Kevin McCarthy - United States Congressman; Walter Stiern, California Senator; Dorothy Donahoe, State Assemblyperson; The city's Mayor, Harvey Hall; Spain Musgrove - former NFL defensive lineman; Jeff Buckley - former NFL football player; Michael Stewart - former NFL football player; Ric Drasin - actor, author, designer of the Gold's Gym and World Gym logos, and retired professional wrestler; Frank Gifford - Former New York giant, Member of the Pro Football Hall of Fame and former Monday Night Football commentator; Jeff Siemon - former NFL football player; Jeremy Staat - former NFL player; Robert Swift - former NBA player; Robert Duncan - Robert Symmes Duncan, American Poet, was a key figure in the San Francisco Renaissance; Theo Bell Former NFL football player; Pete Cross former NBA player; Larry Welz, noteworthy early contributor to underground comics movement; Dennis Ralston - Davis Cup Winner; and last but not least, Merle Haggard, who did not graduate but was a student from time to time. Many other lesser-known but equally significant graduates, writers, historians, attorneys and judges, researchers and musicians, and sports figures, attended Bakersfield High School, including this writer, who graduated in 1968.

Criterion C requires properties "that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction."

The BHS campus is eligible as a historic district and should have been evaluated as such, rather than dismissing the campus as a dissimilar collection of tired old buildings not worth taking additional time to investigate. Although the writing quality in the forms is quite professional, the conclusion reached by the researchers was incorrect. The campus' Harvey Auditorium, which is so obviously eligible individually, stands out as a premier building of the campus.

The DPR 523 states "...while it was the first high school in the county, this alone does not constitute an important event or trend under these criteria. Schooling in the county had occurred for decades, and secondary education was taught in primary schools prior to Kern County High School, and by the late 1920s two new high schools were built in Kern County: McFarland (1926) and Shafter (1928)."

Historic names of Bakersfield High School and dates of operation:

- Kern County High School 1893-1915
- Kern County Union High School 1915-1945

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- Bakersfield High School 1945-present
- Bakersfield Junior College 1913-1956
- Bakersfield Adult (Night) School 1917-1985

Kern County Union High School (BHS) was the only high school in Kern County until 1938, when East Bakersfield High School was constructed and opened. The school's first name change occurred when "Union" was added after the high school separated from the Bakersfield City School District. Then it was known informally as K.C. or Kay See High School. The school was formally renamed Bakersfield High School by the School Board in 1945.

The school campus has been in the same location since its creation in 1893. Most of the original buildings are gone and a number of the buildings have been refurbished. Bakersfield's infamous 1952 earthquake and aftershock precipitated the reconstruction process to bring the buildings up to current earthquake code. The majority of the buildings on campus are multiple-floored. The campus' most prominent building, Harvey Auditorium, houses a large main theater as well as two smaller theaters, in addition to a number of classrooms. It has served as a venue for the local arts community since its construction in the late 1940s.

The campus has two Industrial Arts Buildings that house a functioning automotive garage, a wood shop, weight room and fitness center, and classrooms. It also houses the campus' archive and conservation class, another of the unique features of the campus. The present student population is over 2,800, one of the district's largest student bodies. At one time, in the 1960s, the campus population was over 5,000 students. As large as it appears, the BHS campus is one of the smallest campuses (26 acres) in the Kern High School District.

The Drillers have called Griffith Field their home field since 1923. The field features a monolithic concrete structure for home seating on the western home side with the Driller locker rooms inside it. The field is unusual in that the visiting eastern bleachers are located on the grass inside the track. The bleachers run from end zone to end zone with the front row only about 12 feet away from the sideline with nothing separating the fans from the field. Griffith Field can seat approximately 8,000 spectators. The Bakersfield High football tradition was the basis of the movie *The Best of Times* starring Kurt Russell and Robin Williams. The story is based on an actual football game in the mid-1970s between mighty Bakersfield High and the small insignificant Taft High School Wildcats.

The Drillers have been competing in football since 1896. The Drillers hold the California State records for most state football titles (7) and the most section championships (34), commonly called Valley Titles for being within the San Joaquin Valley. Bakersfield high has the most wins in California high school football History running neck and neck with Long Beach Poly at a close number two. The school also has championship wrestling, basketball, swimming, volleyball, and track teams.

Integrity

The document speaks of integrity: "*Harvey Auditorium generally retains integrity of location, design, setting, materials, workmanship, feeling, and association to its period of significance (1934-1948). Very little has changed since the building opened in 1948, and*

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*the surrounding area has retained its character of a mixed-use urban setting. It also retains its visual and functional connection to the school."*

As previously noted, JRP consultants identified the period of significance as extending between 1934 and 1948. If one considers Harvey Auditorium as the only eligible property then perhaps this period is acceptable. However, the period of significance for BHS should be 1893 to 1962. Given this set of parameters, one should look at the campus as a complete unit while differentiating between contributing and non-contributing elements of a proposed historic district. With respect to the entire campus, the integrity of all of the buildings should be more fully scrutinized.

It then states: "Several buildings dating to the 1920s have lost integrity of that potential period of significance. These include Warren Hall, Ludden Hall, Science Building, Spindt Hall, Industrial Arts Building, Gymnasium, and Boiler Room. Spindt Hall and Industrial Arts Building were altered significantly when second wings were built onto the original edifices. Also, following the 1952 earthquakes, all of these buildings were significantly altered to repair damage done during the temblors or to bring them up to state building codes. These buildings, as well as Cafeteria and Administration Building, appear to retain integrity to the post-earthquakes build and rebuild work done between 1952 and 1962. However, all of the buildings lack significance and do not meet the criteria necessary for listing in either the NRHP or CRHR."

Although the façade of Warren Hall was altered (materials), the massing, workmanship, location, design, and setting remain fairly well intact. It is partly for this reason that the statement of JRPs consultants as it relates to this building's lack of integrity is incorrect. Two other buildings also have integrity as related to their potential period of significance; these include the south building of the Industrial Arts complex designed in the Neoclassical style and the north building of the complex which was constructed in the 1930s in the Moderne style.

The old Neoclassic-style building of this complex underwent some changes to the façade and the roofline. The original fenestration and the entrance to the front façade were altered, but the original window piercings remained intact and now house energy-efficient windows. However, the fenestration on the other three elevations is original. Even with the ornamentation removed from the primary entryway, the integrity of the building as a whole exceeds 70%. The Moderne-style building of the Industrial Arts complex is a free-standing building with virtually no modifications. The interior spaces are as they were when this building was constructed. Consequently, the integrity of this building is excellent.

The document comments: "Some of the buildings and structures on campus appear to retain integrity of a potential period of significance. Griffith Stadium has undergone some changes since it was built in 1923; however, the changes are minor and do not significantly diminish the overall integrity of the structure. Water Tower, East Stands and Storage Building, and Industrial Arts Prefabricated Building also retain integrity to their potential period of significance (1940s-1950s). Nonetheless, they all lack significance and do not meet the criteria necessary for listing in either the NRHP or CRHR. Modern buildings, like Ludden Hall Auxiliary Building, Student Activity Building, Sports Fields Prefabricated Buildings, Concessions Building, and Elm Grove Kiosk, appear to retain

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*integrity. However, they also lack significance and do not meet the criteria necessary for listing in either the NRHP or CRHR.*

*Bakersfield High School does not retain integrity as a potential historic district to any potential period of significance. According to Department of Interior, for a district to retain integrity, "the majority of the components that make up the district's historic character must possess integrity." Moreover, a district does not retain integrity if it "contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment." Given the significant changes to the campus after the earthquakes of 1952, the campus does not retain the historic character of the 1920s Biggar-designed buildings. Moreover, several new and significant buildings were added since the 1920s, including Harvey Auditorium, Cafeteria, and Administration Building. The campus also does not retain integrity of the post-earthquakes design and rebuild period (1952-1962). As discussed, several buildings were redesigned or built after the earthquakes. But a significant number of the buildings were built before, and do not share the historic association of this rebuilding period. Moreover, the campus lacks historic significance as a district from any potential period of significance and does not meet the criteria for listing in either the NRHP or CRHR (US Department of Interior 1990: 46)"*

The Bakersfield High School campus is eligible for the National Register of Historic Places as a historic district under Criteria A and C, and perhaps also D, depending on the level of significance placed on the probable buried artifacts from the old Woulu village site, and the old county hospital site. The physical campus remains as it was in the 1920s when Charles H. Biggar started designing new buildings and structures for the campus. Although some modifications have occurred to a number of the buildings on campus, the majority of them are still recognizable as the buildings they were more than 50 years ago. In fact, nearly all of the modifications to the buildings were completed outside the fifty-year requirement, making them potentially-eligible elements of a larger district. The environmental document should be refined and rewritten to reflect this and to make note of the significance of this community landmark.

If you have any questions regarding this proposal, please contact me at (559) 299-4695, (559) 285-3575 (Cell), or by e-mail (professorjlb@hughes.net).

Respectfully submitted:

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Principal Architectural Historian/Owner

/s/  
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2 Incls:  
Attachment A – Integrity Chart  
Attachment B – Photographs of Selected Buildings

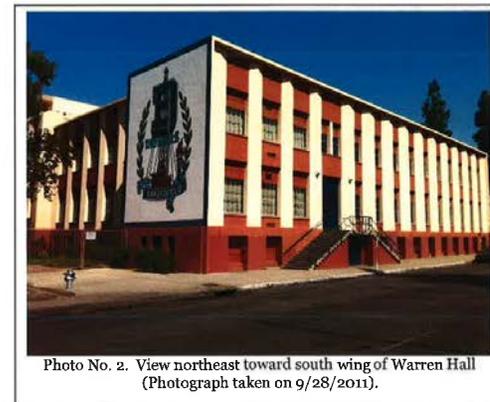
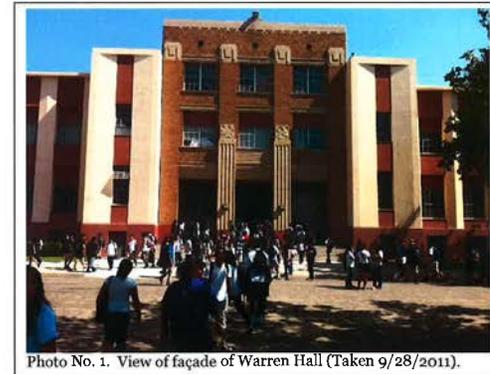
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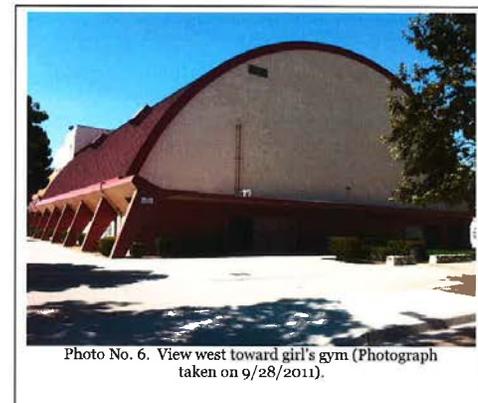
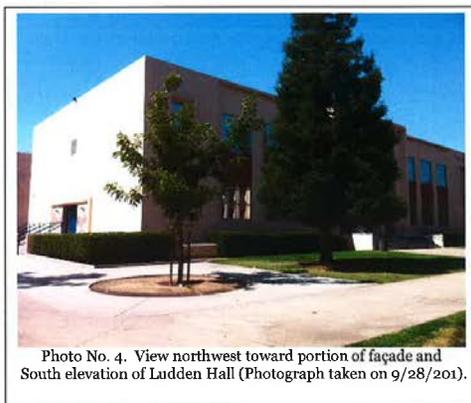
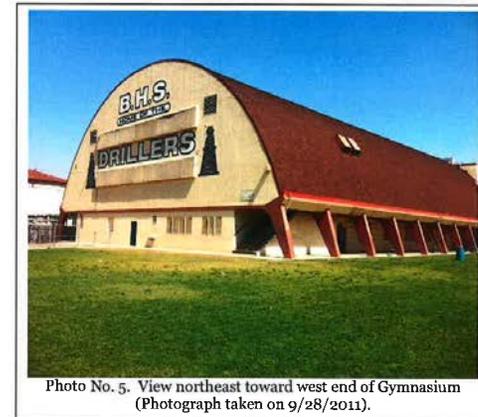
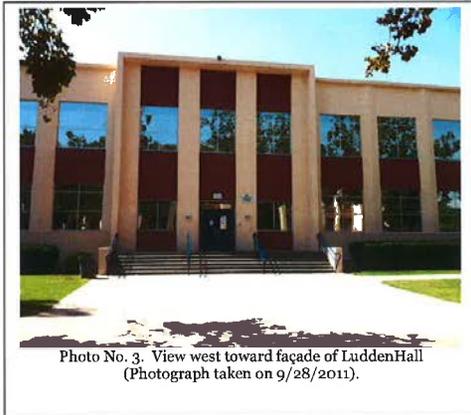
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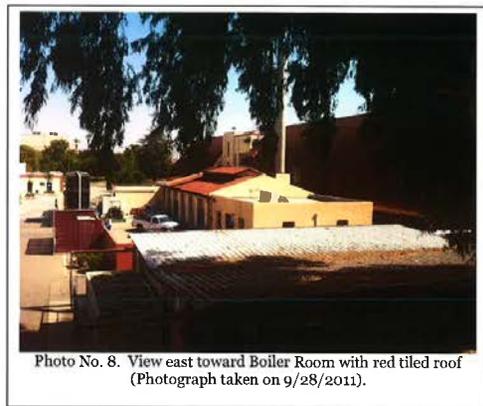
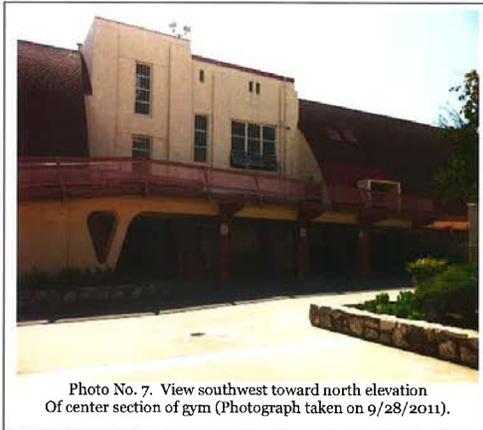
ATTACHMENT B: PHOTOGRAPHS OF SELECTED BUILDINGS



Attachment to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) -  
Sub318\_Carter\_10182012\_Attachment\_Original.pdf - Continued



Attachment to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) -  
Sub318\_Carter\_10182012\_Attachment\_Original.pdf - Continued



Attachment to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) -  
Sub318\_Carter\_10182012\_Attachment\_Original.pdf - Continued



Photo No. 11. View northeast toward west elevation and facade Of 1920s Industrial Arts building (Photograph taken on 9/28/2011).

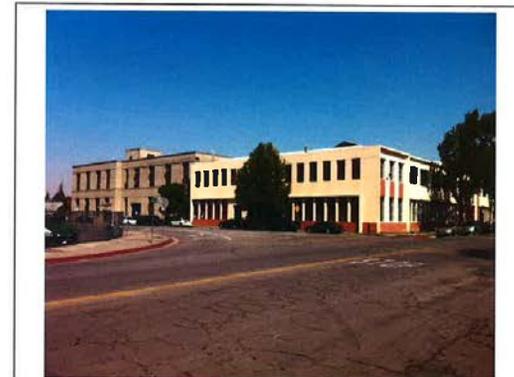


Photo No. 13. View northeast toward west elevation of 1930s Industrial Arts building next to 1920s Industrial Arts building that is in right portion of photograph (Photograph taken on 9/28/2011).



Photo No. 12. View southeast toward north elevation Of 1920s Industrial Arts building (Photograph taken on 9/28/2011).



Photo No. 14. View southwest toward rear elevation of North wing of Industrial Arts building (Photograph taken on 9/28/2011).

Attachment to Submission L028 (Donald Carter, Kern High School District, October 18, 2012) -  
Sub318\_Carter\_10182012\_Attachment\_Original.pdf - Continued



Photo No. 15. View southeast toward Elms Grove  
(Photograph taken on 9/28/2011).

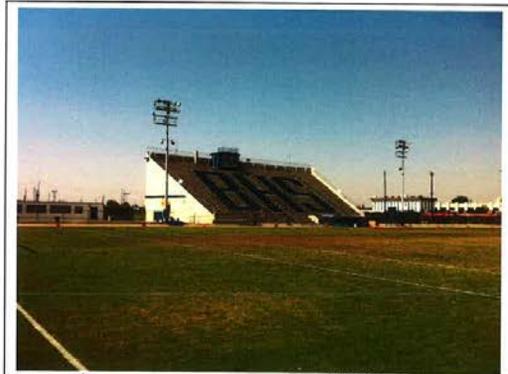


Photo No. 16. View northwest toward Griffith Stadium  
(Photograph taken on 9/28/2011).

Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)



**KINGS COUNTY  
COMMUNITY DEVELOPMENT AGENCY**

**Gregory R. Gatzka, Director**  
**Chuck Kinney, Deputy Director – Planning**  
**Darren Verdegaal, Deputy Director - Building**

Web Site: [www.countyofkings.com/planning/index.html](http://www.countyofkings.com/planning/index.html)

October 19, 2012

California High Speed Rail Authority Board  
c/o Mr. Mark McLoughlin  
1770 "L" Street, Suite 800  
Sacramento, CA 95814  
E-MAIL: [Fresno\\_Bakersfield@hsr.ca.gov](mailto:Fresno_Bakersfield@hsr.ca.gov)

Federal Railroad Administration  
c/o Mr. David Valenstein  
MS-20, W38-303  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
E-MAIL: [david.valenstein@dot.gov](mailto:david.valenstein@dot.gov)

Re: Comments Regarding the July, 2012 Draft EIR/Supplemental EIS for the Fresno-Bakersfield Segment of the California High Speed Rail Project

Greetings:

L029-1

**The purpose of this correspondence is to provide comments and put you on notice of the legal violations that will occur if the project Revised DEIR-Supplement DEIS (R-DEIR/S-DEIS) is approved and/or a ROD issued.** The Kings County Board of Supervisors requests this correspondence and each and every attachment referenced herein and incorporated hereby be entered into the administrative record of the Fresno to Bakersfield project segment of the California High Speed Rail project. In addition to the Exhibits specifically referenced herein, the 2011 comments previously provided are also included. Most of the comments were not addressed in the R-DEIR/S-DEIS.

The Kings County Board of Supervisors ("BOS") represents a constituency of 153,000 in Kings County ("County"), and with respect to the Tulare-Kings-Lemoore proposed station area, collectively speaks for a purported substantial ridership yet has not received the respect of coordination of this project from the California High Speed Rail Authority ("Authority"), the Governor of the State of California, the Federal Rail Authority ("FRA"), nor the U.S. Environmental Protection Agency ("USEPA"), despite its tireless efforts to coordinate. The Authority publicly ignored Kings County and its legitimate government and community concerns, conflicts and impacts, while promoting the opposite to the media. These efforts are outlined in prior correspondence (Exhibit A) and transcripts (Exhibit B) and additionally summarized below.

Twenty-five percent of the 114 mile "spine" of the statewide high speed rail project comes through Kings County agricultural land, yet Kings County has been consistently overlooked and avoided, and treated with disdain when it dared ask for information and coordination of the proposed project (see Exhibits A and B).

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L029-1

This correspondence provides comments on the R-DEIR/S-DEIS and seeks resolution of the issues that you have been adequately notified of over the last two plus years. It requires both procedural and substantive due process and your immediate and good faith effort to resolve these issues as mandated by both NEPA and CEQA and other relevant laws. Your failure to do so will result in irreparable harm to Kings County and its constituents. Your active resistance to Kings County's efforts have created an undue burden on Kings County. For that reason, Kings County will seek protections and exercise all remedies available to it by such laws. Ignoring this notice and these comments by moving forward with the project, will only magnify the irreparable harm that will most certainly occur.

L029-2

#1. California's 2025 Transportation Plan (CTP) indicates: "**Uncoordinated** decision making, single-use zoning ordinances, and low-density growth planning have resulted in increased traffic congestion and commute times, air pollution, greater reliance on fossil fuels, loss of habitat and open spaces, inequitable distribution of economic resources, and a loss of a sense of community." (CTP P.vi bold emphasis added) Despite the recognition that coordination is vital, the Authority has refused to coordinate and insists upon a destructive alignment that obliterates already impacted communities and their existing transit oriented development rather than choose the less destructive alternative along existing transportation corridors (Hwy. 99) which would serve a much greater ridership population. Why?

**KINGS COUNTY'S ATTEMPT TO COORDINATE THE PROJECT AND RESOLVE CONFLICTS**

- March 4, 2011 – Kings County Board of Supervisors wrote to Roeloff Van Ark expressing concern regarding impacts and seeking coordination;
- March 29, 2011 – Roeloff Van Ark wrote to County thanking it for its interest in the project but declining to meet to coordinate and directing the County instead to its Area Program Manager for the Central Valley;
- April 19, 2011 – CHSRA representatives appeared at County's scheduled coordination meeting, received hours of testimony regarding concerns and impacts, but refused to acknowledge coordination or discuss resolution of project conflicts and instead directed the County to the environmental review process;
- May 5, 2011 – CHSRA Chairman Pringle demeaned Kings County Farm Bureau Executive Director when she attempted to call attention to the lack of coordination;
- May 17, 2011 – CHSRA Area Program Manger for the Central Valley ignored the request for a follow-up coordination meeting where he was to bring solutions to conflicts raised at the April 19, 2011 multi-hour meeting and instead indicated "[i]f there are issues of particular interest that you wish to discuss, please advise ..."
- June 7, 2011 – CHSRA Program Manager again appeared before the Kings County Board of Supervisors and refused to coordinate, but assured the Board that all its concerns would be addressed in the environmental document;
- August 2, 2011 – Kings County Board of Supervisors wrote to Federal Railroad Administration, co-lead agent of the project, and requested it coordinate because CHSRA refused;
- August 12, 2011 – CHSRA released the Draft EIR/EIS which was posted in the Federal Register;

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- August 25, 2011 – Kings County Board of Supervisors wrote to Governor Brown outlining disappointment with CHSRA and lodging a plea for help from the Governor.
- September 12, 2011 – Federal Railroad Administration Administrator, Joseph Szabo responded to the County's request for coordination by recounting the environmental process, referring the County to the Draft EIR/EIS and thanking the County for its interest in the project. The response failed to address the County's coordination request and all of its concerns;
- October 12, 2011 -- Kings County Board of Supervisors submitted comments on the Fresno to Bakersfield Project Draft EIR/EIS which outlined unresolved concerns and issues with HSR plans through Kings County;
- November 2, 2011 -- Kings County Board of Supervisors sent a letter to Federal Railroad Administration Administrator, Joseph Szabo. It contained a 26 page history of attempted coordination and reiterated the unresolved issues with the CHSRA plans through Kings County;
- January 31, 2012 – Kings County Board of Supervisors wrote again to Governor Brown seeking a response to its August 25, 2011 correspondence and again asking for assistance in coordinating with the CHSRA and co-lead agent, Federal Rail Administration ("FRA");
- February 3, 2012 – New CHSRA Chairman Dan Richard wrote to Kings County Board of Supervisors to let them know their prior comments and suggestions "do not fall on deaf ears" and suggesting a new era of ability to work collaboratively.
- February 9, 2012 – Kings County Board of Supervisors wrote to CHSRA Chairman Dan Richard accepting his invitation to meet in person and coordinate the Project;
- April 3, 2012 – CHSRA Chairman Dan Richard acknowledged Kings County's May, 2011 letter to the CHSRA outlining 61 conflicts/issues and seeking resolution. Mr. Richard indicated: "*It is with great chagrin that I say to you something you already know, which is that those questions were never responded to by the High Speed Rail Authority. So let's just get that out right here. That certainly was not a proper way in which we needed to interact with either you or this community that you represent. So I want to acknowledge that, because it was wrong, and I want to try to see where we can start from here.*" (Pages 18-19 of transcript of April 4, 2012 meeting between Mr. Richard and Kings County Board of Supervisors) Mr. Richard continued by admitting that a lot of the issues are "highly technical" and agreed to work with Kings County to address those issues before the environmental document is re-released stating that at that point it "gets very formal". Finally, he admitted that "...we stubbed our toe a little bit in the past." (Pages 20-22 of 4-4-12 meeting). The agreed process was to have technical meetings with CHSRA staff which were transcribed by a court reporter and then the staff of Kings County would report to both Mr. Richard and the Kings County Board of Supervisors regarding the outcome and progress of those meetings. CHSRA staff would show up and listen, but were disorganized and never actually resolved any issues raised consistently by the County;
- May 4, 2012 – County and CHSRA staff met to reiterate unresolved issues (which had been detailed in advance correspondence) and to begin technical discussions;
- May 8, 2012 – County staff reported to Kings County Board of Supervisors and Mr. Richard regarding 5-4-12 technical meeting;
- June 4, 2012 -- County and CHSRA staff met to reiterate unresolved issues (which had been detailed in advance correspondence) and to begin technical discussions;

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- June 12, 2012 – County staff reported to Kings County Board of Supervisors and Mr. Richard regarding 6-4-2012 technical meeting. Staff expressed its frustration at lack of any progress as follows: “The technical meetings of May 4<sup>th</sup> and June 4<sup>th</sup> of 2012 have allowed Kings County staff to review with Authority staff and consultants groupings of unanswered questions or generalized answers, but to date has not resulted in the resolution of even one of the project’s conflicts with Kings County’s 2035 General Plan.” (Pages 5-6 of transcript of June 12, 2012 meeting between Mr. Richard and Kings County Board of Supervisors). Staff went on to detail the major outstanding issues that have yet to be addressed. Mr. Richard indicating that he is working on two specific major issues affecting Kings County: dairy re-permitting streamlining and the potential loss of Amtrak. He specifically indicated: “It’s my hope that within the next couple of weeks I can come back with a more specific process, but I actually have had those conversations about organizing a sort of a task force, ...that could work with the County to – to really start to get into those issues in detail.” (pages 32-33 of 6-12-12 transcript). We have been apprised of no progress on these issues since that date.
- June 27, 2012 – Kings County Administrative Officer, Larry Spikes, wrote to Chairman Richard to report frustration with the lack of progress and failure of communication.

**KINGS COUNTY’S EXASPERATION WITH CHSRA AND OPPOSITION TO HIGH SPEED RAIL**

- October 18, 2011 – Kings County Board of Supervisors Adopted Resolution 11-065 rescinding prior support of the project and opposing it in its entirety based on CHSRA’s “lack of transparency, failure to coordinate and resolve impacts, ignorance of the will of the people expressed in Prop. 1A and its ‘act now, ask forgiveness later’ approach to the Project”;

**GROWING OPPOSITION OF CALIFORNIANS AND GOVERNMENTAL SUBDIVISIONS OF THE STATE**

- Numerous political subdivisions and special districts in the State have come out in opposition to the Project;
- May 10, 2011 -- the Legislative Analyst’s office identified numerous problems that threaten the project’s success and called for legislative intervention to improve its likelihood of success;
- November 14, 2011 -- a lawsuit was filed by Kings County and taxpayers Jon Tos and Aaron Fakuda, to prevent CHSRA’s illegal use of Proposition 1A funding;
- December 6, 2011 -- Field Research Corporation issued results of its public opinion poll that found that 64% of those surveyed want another public vote on the \$98-billion project and that 59% would oppose because of changes in its cost and completion date;
- December 15, 2011 – U.S. House Committee on Transportation and Infrastructure Chairman, John L. Mica, held a hearing on “California’s High Speed Rail Plan: Skyrocketing Costs and Projects Concerns”;
- Congress eliminated high speed rail funds requested for 2012;
- January 3, 2012 -- a negative report to the State Legislature was issued by the Prop. 1A commissioned Peer Group. The report indicated: “We cannot overemphasize the fact that moving ahead on the (high-speed rail) without credible sources of adequate funding, without a definitive business model, without a strategy to maximize the independent utility and value to the state, and

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without the appropriate management resources, represents an immense financial risk on the part of the State of California.”;

- January, 2012 – the State Auditor issued a report on the troubled high-speed rail project, and indicated the CHSRA had addressed some of its prior concerns, but outlined a funding situation that “has become increasingly risky”, identified persistently “weak oversight” and insufficient and unqualified staffing, and violation of state rules prohibiting agencies from splitting contracts to avoid competitive bidding; and
- January 12, 2012 – CHSRA Chairman Umberg and Executive Director Van Ark resigned.

**GENERAL OVERARCHING COMMENTS**

L029-3

#2. Over the past year and a half, the CHSRA Project staff and consultants have routinely rejected, disregarded, dismissed legitimate comments and concerns brought up in relation to site specific impacts that will result from the Project. This R-DEIR/S-DEIS in many instances only provides a basic acknowledgement of potential impacts with simplistic supporting data. It fails to adequately analyze the potential impacts to many resources in Kings County and especially agriculture which serves as a significant economic framework that sustains local communities. This R-DEIR/S-DEIS in providing only Project impacts does not go far enough to provide sufficient impact information for the CHSRA Board consideration who will ultimately make Project decisions based upon this R-DEIR/S-DEIS information.

L029-4

#3. In order resolve some Project impacts and inconsistencies with Kings County plans, CHSRA staff met with Kings County staff on May 4, 2012 and June 4, 2012. Members of the CHSRA Board met with the Kings County Board of Supervisors on April 3, 2012, May 8, 2012, and June 12, 2012. These meetings resulted in little to no progress in resolving Project related impacts in Kings County and then were ceased by CHSRA due to the release of the R-DEIR/S-DEIS. Therefore, Kings County was placed in a position of having to review technical documents of the R-DEIR/S-DEIS in order to better understand the full potential impacts this Project would have on Kings County. The apparent rush to complete this Project is evident in the incomplete Project information and analysis on the environment, resources and other factors like local economic factors that will be impacted by the Project. A review of some of these R-DEIR/S-DEIS inadequacies is provided below, but not all inclusive as CHSRA provide a near bare minimum public review comment period of 60 days to review thousands of pages of complex technical documents.

**EXECUTIVE SUMMARY**

L029-5

#4. ES-16 The CHSRA intention to seek to acquire agricultural conservation easements in the station vicinity “to the extent practical dependent upon availability” confirms the proposed mitigation is illusory, unenforceable and ultimately ineffective. The R-DEIR/S-DEIS’s failure to evaluate whether there is sufficient land available for agricultural easements (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 728) and its reliance on agreements which have not yet been entered into (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 373) causes this mitigation measure to be illusory and ineffective.

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L029-6 | #5. ES-16 Where is the cost and proposed payment source of such possible conservation easements discussed? When will these mitigation measures be decided and actions taken to implement? Will a bond or some other form of insurance be provided to ensure they occur? Page S-1 indicates in footnote 1 that the project construction will occur "dependent on funding availability." This bonding and insurance should also be addressed to the extent the entire HSR system is never built. Kings County and its constituents would be severely damaged by a second Amtrak and a train to nowhere.

L029-7 | #6. The document must discuss and better define the potential scope, timing and cost of the mitigation program so that the Authority and public may properly assess the cost-feasibility of the project. The mitigation for passage of wildlife, for example, on a linear project of this magnitude, could be astronomical. The PEIR alone has approximately 17 pages of mitigation and monitoring, yet it is unclear what the costs of implementing these and project level mitigation will be. It is also unclear who will carry out each of the requirements.

L029-8 | #7. ES-20 Do landfills have adequate capacity to handle demolition waste?

L029-9 | #8. ES-20 Relocation of substations: where does the R-DEIR/S-DEIS analyze the potential impacts at the new location(s)? CEQA clearly requires an EIR to consider the potential impacts of displacing an activity to a new location. (*Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372.)

L029-10 | #9. ES-20 Reconstruction or reconductor of electrical transmission lines improperly defers analysis and mitigation of these activities to the power providers. The deferral of analysis of impacts from the construction or installation of infrastructure improvements necessary to implement the Project clearly violates CEQA's requirement that the analysis of potential impacts must occur before a project is approved. Since project cannot operate without these transmission lines, their relocation and/or reconductoring must be analyzed in the R-DEIR/S-DEIS as part of the Project. (*Tuolumne v. City of Sonora* (2007) 155 Cal.App.4th 1214.)

L029-11 | #10. Does the Public Utilities/Energy analysis consider potential impacts on demand and consumption?

CHAPTER 1 – PURPOSE AND NEED

L029-12 | #11. 1.2.1 (and S.4.1 and 4.3) all refer to the PEIR's requirement that the project "provide an interface with commercial airports, mass transit, and the highway network..." but the document never explains how and where this will be accomplished. For example, the Highway 99 alternative referenced in the PEIR was situated at the intersection of Highway 99, Highway 198, and the Visalia Airport where a station location was offered. Instead, a "BNSF" loop around the outskirts of either side of Hanford avoids the transportation hub right through the center of Hanford which was developed over a period of 10 years with the Kings County Association of Governments. This is nonsensical.

L029-13 | #12. 1-3 [§1.1.4] – Makes unsupported consistency statements.  
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L029-14 | #13. 1-5 [§1.2.4] – Makes unsupported conclusions of need without reference or citation.

L029-15 | #14. 1-5 [§1.2.3] – Indicates the 114 mile segment from Fresno to Bakersfield would provide "access to a new transportation mode" and a "potential test track". These statements are laughable. This area already has Amtrak service that meets the mentioned intercity demand. A non-electrified 114 mile track does nothing more for the majority of the population. The people in the middle have to drive an hour either way to catch a train from one end to the other. What mobility purpose does this serve?

L029-16 | #15. 1-30 [§1.5] If the R-DEIR/S-DEIS is "stand alone" and "tiering" it must analyze all reasonable alternatives. It has not. The whole premise of the project level EIR is that it is part of an overall system. It cannot be both because both the impacts and benefits would be vastly different.

L029-17 | #16. 1-32 The Business Plan revised phasing assumptions, so that full system operations will not begin by 2035 but will occur at some unknown and unspecified time later depending on funding availability, etc. Is the REIR based on phasing that assumes full system operation by 2035? If anticipated full system benefits will not be realized until some unspecified time in the future, IF AT ALL, the R-DEIR/S-DEIS has significantly understated potential adverse impacts by overstating the benefits of the Project and assuming they will begin by 2035, even while acknowledging they may never occur.

L029-18 | #17. 1-32 Interim use of the IOS for upgraded Amtrak service could have impacts not studied in the R-DEIR/S-DEIS, but no plans have been submitted so these impacts will be studied later by the appropriate operating agency. This approach constitutes improper segmentation and deferral of the analysis required by CEQA. Isn't there enough information known to provide a preliminary analysis? Is this part of the "blended system" which is identified as a "key component" of the Revised 2012 Business Plan?

L029-19 | #18. 1-31, 32 The "blended system" suggested in the Business Plan as the means to reduce the cost of the overall HSR system in order to complete it was not studied or adopted by the PEIR. In fact, Pg. 1, section 1.1 of the PEIR states: "The Authority does not have responsibility for other intercity transportation systems or facilities used for intercity trips, such as highways, airports, conventional passenger rail or transit." If there is a blended approach, how will it be part of the high speed rail system as required by the High Speed Rail Act and the PEIR? How will it account for the monetary self-sustainability requirement in the Act?

L029-20 | #19. 1-31, 32 The "blended system" approach makes the project alternatives a foregone conclusion without proper environmental review.

L029-21 | #20. 1-31, 32 The "blended system" unlawfully pre-commits resources as evidenced by MOUs with northern and southern California interests.

L029-22 | #21. 1-31, 32, both the "blended system" and F-B project violate Proposition 1A for the reasons detailed in the attached Second Amended Complaint which is incorporated as Exhibit D by reference.

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L029-22 | The Safe, Reliable High-Speed Passenger Bond Act for the 21st Century (Prop. 1A, 2008) did not contemplate the use of 19<sup>th</sup> century technology blending and hopping tracks to get from one end of this great State to the other.

L029-23 | #22. The April 2, 2012 Revised Business Plan of the Authority upon which the blended approach is based uses schemes, distractions and pure speculation to try to convince the reader it meets the exacting standards of the Act; however, it contains the same defects of the prior three renditions. How will this achieve the environmental benefits the PEIR and this project level document recite if it is an entirely different system?

L029-24 | #23. The Business Plan upon which the blended approach is based utilizes the same initial 130 mile segment, no matter how it is named, through the Central Valley using conventional, non-electrified rail. The entire Prop. 1A money will be spent on this segment, with no money in the bank or even on the federal or state horizon to complete the “blending” and transformation into a patchwork rail. Even with “blending”, the train hopping required to complete the Los Angeles to San Francisco trip violates Prop. 1A and exceeds its two hour and forty minute trip maximum requirement. How does this achieve what the Prop. 1A voters voted for? How does this achieve a mode of transportation that will reduce congestion and achieve environmental benefits?

CHAPTER 2 – ALTERNATIVES:

L029-25 | #24. 2.0 Three new alternates were developed based on comments. These were not contemplated or studied by the PEIR.

L029-26 | #25. 2-12 Power distribution system: where will these facilities be located? What construction and/or operational impacts will they have? As noted above, the R-DEIR/S-DEIS’s deferral of the analysis of potential impacts which may result from the installation of necessary infrastructure violates CEQA. Also, the R-DEIR/S-DEIS says that “traction power substations” require two acres each because they need “a substantial buffer area around them for safety purposes.” What is the safety hazard that requires such mitigation? The power demands for the project are not adequately addressed or analyzed.

L029-27 | #26. 2-110 The R-DEIR/S-DEIS says fill materials would come from local borrow sites and ballast would come from permitted quarries. Are these sites identified in the R-DEIR/S-DEIS? If so, where in the R-DEIR/S-DEIS are the analyses and mitigation for potential traffic, air quality and noise impacts associated with transportation of fill and ballast materials?

L029-28 | #27. The difference between alignment options and alternatives is confusing and not clearly distinguished or explained. The east and west side “alternatives” around Hanford in Kings County are really alignment options. There are no true alternatives. This is an unreasonable range of alternatives. The Highway 99 alternative and its alignment options should be reconsidered as it is a less environmentally harmful alternative and is a true alternative that meets the criteria adopted in the PEIR. A full comparison should be included in the R-DEIR/S-DEIS.

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L029-29 | #28. The BNSF “alternative” improperly tiers off the PEIR. That alternative was on the BNSF rail line through the City of Hanford which is consistent with existing transportation corridors and intermodal connectivity contemplated by the PEIR. If the alternative is not along an existing transportation corridor, it is not the least environmentally damaging practical alternative (LEDPA) as required by NEPA and is not consistent with the requirements of the California High Speed Rail Act. In a response to the California Department of Parks and Recreation’s August 19, 2004 comments on the PEIR, the Authority responded at AS004-1: “**The Authority is committed to utilizing existing transportation corridors and rail lines in the proposed high-speed rail system in order to minimize the potential impacts on California’s treasured landscape.**” Why does it apply a different standard and analysis to Kings County and its prime farm land when there is a feasible transportation corridor through the middle of Hanford and 18 miles east at the juncture of Highways 99 and 198?

L029-30 | EIR/EIS Section Kings County Public Works Comment  
 #29 General The amount of time allowed to review this document was totally  
 Comments inadequate. Accordingly, most comments are “broad brush strokes”.

Although covered in various comments, I want to point out a few major issues.

- 1) The design of overcrossings must take into account slow-moving oversized agricultural vehicles that often operate in the Tule Fog. It is not clear if this was done.
- 2) The Kings County Public Works Department is averse to requesting that the Board of Supervisors accept any additional road segments or structures (and features appurtenant to structures such as rails, embankments, fences, etc) for maintenance responsibility. The Authority should not assume that Kings County will accept any new features for maintenance and this document should reflect that scenario and mitigate for that eventuality.
- 3) The Authority must indemnify, hold harmless and defend Kings County against all claims, present and future, brought against the County due to events that happen on said road segments, structures and appurtenants constructed as part of, or required to be constructed as part of, this Project.
- 4) If this Project goes to construction, the County will need to be fully compensated for all damages to the County road system during all construction related activities.
- 5) Kings County has a federally funded traffic signal/bridge widening project at the intersection of 13<sup>th</sup> Avenue and Lacey Blvd (which is not discussed in this document). It is our position that design work must proceed even though a final decision on alignment will not be made for several months. Accordingly, Kings County has entered into an agreement for design services.

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L029-30  
 In the event that this intersection is relocated/rebuilt/removed, Kings County requires that a) all funds expended by the County be reimbursed by the HST Project, b) the Federal Highway Administration be reimbursed by the HST project for any funds expended on their behalf, and c) the "new" intersection be constructed with improvements contemplated by the County project, and funded by the HST Project.

6) In addition to this project at 13<sup>th</sup> and Lacey, the Authority seems to be unaware of two additional projects which have a bearing on this EIR: a signal project currently under construction at Lacey Blvd and SR 43 and the design of a roundabout at SR 43 and SR 137. Were the impacts of these projects taken into account in the drafting of this document?

7) There are references made throughout this document to standard design features, standard design features, and future plans of one type or another, that when implemented or designed to, will reduce impacts to a level that needs no mitigation. Without the opportunity to review these standard, generic features and plans and their impact on this specific Project, how can it be determined that impacts will be adequately mitigated?

L029-31 #30 Page 2.8 – At-grade profile  
 It is stated that at-grade track would be built on compacted soil. I assume that overcrossings will also be constructed using compacted imported material as well. I did not see a discussion of where this soil is coming from. The location of this borrow material has important implications on storm water permitting, surfacing mining, and the potential destruction of minor county roads. Borrow sites must be identified so that a proper evaluation of environmental impacts can be made.

L029-32 #31 Page 2-11 Grade separations  
 Figures 2-11 and 2-12 show typical at-grade crossings with overcrossings. I could find no discussion of the design standard for the vertical curves to be used, specifically will stopping sight or passing site distance standards be used? This is important in at least 2 areas. 1) Many of these crossings are in rural areas used extensively by farm equipment and implements of husbandry. These vehicles are allowed to exceed standard width and have no restrictions on which roads may be traversed. It is imperative that proper site distance considerations be given so that Kings County roads can be operated safely; 2) the longer vertical curves will have impacts on the operation of adjacent farming operations. It is necessary for this impact to be determined so that proper decisions can be made on this project.

L029-33 #32 Page 2-43, Table 2-8, and Page 2-89, State Route Reconfigurations  
 I see no discussion of the roundabout currently under design for the intersection of SR 137 and SR 43 discussed in the State Route 137 section. Why is a discussion of this project and the impacts of the HSR Project omitted from this analysis?  
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L029-34 #33 Page 2-93 Table 2-15  
 This table states that "Utilities are readily available" for the described Kings County-Hanford HMF. This site is not served by water or sanitary sewer by the City of Hanford. What utilities are readily available? What is meant by this phrase?

L029-35 #34 Page 2-108, General Activities, and Page 2-110 Pre-construction Activities  
 These sections provide a laundry list of activities to be conducted after this document is approved but before construction. The location of a number of the activities and facilities discussed in this section (batch plants, road closures, etc) need to be identified and discussed as part of this document so that a proper environmental evaluation can be made. Of major concern is the location of borrow sites for fill material. Without knowing the location of these sites and the routes from these sites to the "preferred alignment", it is impossible to determine the impact on the County road system. We need to know how many of our roads will be destroyed by construction activities.

L029-36 #35 Page 2-111 Major Construction Activities  
 While there are many paragraphs devoted to construction, I find no discussion of maintenance responsibilities for bridges, road crossings and roadways on modified alignments. Kings County, as most counties in California, does not receive enough maintenance dollars to maintain the roads and bridges we currently have in our inventory. Will the Rail Authority take on the maintenance responsibilities for all new bridges, road crossings, embankments, drainage facilities, fencing, increased road segment lengths, etc.?

L029-37 #36 Page 2-114 Permits  
 Please cite the basis for the contention that CHSRA is exempt from the requirements of the Streets and Highways Code that encroachment permits are required for work done on County roads.

CHAPTER 3 – AFFECTED ENVIRONMENT

Section 3.1 – Introduction

L029-38 #37. Page 3.1-3 Approach to the Analysis  
 The design of overcrossings to accommodate the needs of farm equipment and implements of husbandry is vital.

L029-39 #38. 3.1 Page 3.1-7 The CHSRA's Legal Authority to Implement Off-Site Mitigation to Occur  
**In the "unlikely" event that Kings County does not agree to accept maintenance responsibility for required improvements, will the CHSRA assume all maintenance responsibility and associated liability and indemnify the County against all claims and losses for the design and construction of mitigation measures?**  
**This section seems to state that CHSRA is not required to mitigate impacts if a local agency does not agree with the mitigation measure CHSRA seeks to impose, and the local agency must then live with the consequences of an unmitigated**  
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L029-39 | **impact. Please cite your authority for this opinion that CHSRA is not responsible to mitigate impacts of this Project.**

For most impacts, there are other standard practice and generally accepted mitigation alternatives that can be done and should be required of the CHSRA that would ensure greater responsiveness in addressing the community impacts resulting from the project.

The CEQA guidelines provide at section 15097(g) that: "when a project is of statewide, regional, or area-wide importance, any transportation information generated by a required monitoring or reporting program shall be submitted to the transportation planning agency in the region where the project is located. Each transportation planning agency shall adopt guidelines for the submittal of such information." I did not see a discussion of how CHSRA will implant this section, and such a discussion must be included in the EIR.

Section 3.1.4 state that the Authority, in some cases, will contribute its fair share of the cost for certain measures. This is an illusory and unreasonable mitigation measure in light of footnote 1 on Page S-I that indicates "Phase I would be built in stages dependent on funding availability". The only way to ensure that these measures were funded is if the Authority posts a performance bond to ensure the work is done consistent with appropriate standards.

Section 3.2 – Transportation

L029-40 | #39. Page 3.2-10 – Study Area for Analysis | This document states that because of traffic concentrations around stations, "the primary study area for traffic analysis consists of the potentially affected intersections and roadways surrounding each of the three proposed station sites". While this may be where traffic is concentrated, the document fails to consider the safety impacts of modifying the road system in the rural areas. This project will take flat, straight roadways used by oversized agricultural equipment and introduce both horizontal and vertical curves. This has the potential to dramatically increase high-speed vehicle accidents. Unless this impact is mitigated, this document is flawed.

L029-41 | #40. Table 3.2-1 | Table 3.2-1 does not list the City of Corcoran General Plan as a plan considered in the preparation of this analysis. Without consulting Corcoran's General Plan, this document is flawed.

L029-42 | #41. Page 3.2-10 Study | The documents states that study areas for the analysis of station sites  
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L029-42 | Area for Analysis | were defined after consultation with Public Works for Kings County. When did this consultation take place?

L029-43 | #42. Page 3.2-36 | Table 3.2-8 – 7<sup>th</sup> St. and 6<sup>th</sup> St. do not intersect with SR 198. Perhaps the author meant 6<sup>th</sup> and 7<sup>th</sup> Avenues. If so, this error is repeated throughout the document, and sometime used interchangeable. For example, in Table 3.2-46, the Intersections portion is incorrect while the Roadway Segments portion is correct. This is unnecessarily confusing.

L029-44 | #43. Figure 3.2-12 | This figures show SR 43 as having a posted speed limit of 50 MPH. That is incorrect.

L029-45 | #44. Page 3.2-65 | The document states that "Fresno, Tulare, Kings and Kern counties RTPs all recognize in the HST as an important state program benefiting the San Joaquin Valley by connecting it to major metropolitan areas". Please cite a Kings County specific document that provides a reference for this in the context of this EIR.

L029-46 | #45. Page 3.2-66 Construction Period Impacts | Please provide a citation to the specific measures that the Authority and FRA would implement to reduce impacts on circulation.

L029-47 | #46. Page 3.2-66 Impact TR's | I did not see a discussion of the impact of construction equipment on County roads in this section.

L029-48 | #47. Page 3.2-66 Impact TR #1 | A detailed Construction Transportation Plan must be a part of this document and be reviewed and approved by not only cities, but Counties. Without a proper vetting of this document as part of the environmental review, it is not possible to determine if impacts have been mitigated properly.

Please provide a citation for the County's authority to designate truck routes throughout the County. If the County has this authority, will the CHSRA provide for the enforcement?

L029-49 | #48. Page 3.2-69 Impact TR #7 | This section states that rural road closures would have negligible intensity under NEPA and be less than significant under CEQA, due to low volumes. Did the analysis take into consideration emergency vehicles and commercial/agricultural vehicles?

L029-50 | #49. Page 3.2-74 | In the event that the Kings County Board of Supervisors does not approve these closures, what impact will this have on the Project?

L029-51 | #50. Page 3.2-125, 3.2.6.4 through 3.2.6.6 Restriction on Construction Hours | As a practical issue, how will the Authority restrict trucks hauling material from using adjacent roads outside of the stated times? How will the number of employees coming to or leaving the site be limited?

In the event the County has no ability to designate truck routes, how  
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L029-51 | will this impact be mitigated? Who will pay for the costs to enforce compliance with the truck routes?

Who is tasked with conducting these surveys and submitting reports to the Authority? Is it the intention that the Authority will pay for all damage to all roadways used by construction equipment and vehicles hauling material? How will the county be compensated for the decrease in the useful life of pavement caused by construction related activities? Will surveys include non-visual assessments of before and after pavement conditions?

L029-52 | #51. Page 3.2-128 TR MM#1  
 When will it be determined if alternative road access is not feasible? Who will make this determination? On what criteria will the determination be made? This determination should be made before this document is approved. Only when this determination is made will the true impact to agriculture and residents be known.

Section 3.3 – Air Quality

Comments are incorporated into other sections.

Section 3.4 – Noise and Vibration

Comments are incorporated into other sections.

Section 3.5 – EMF/EMI

Comments are incorporated into other sections.

Section 3.6 – Utilities and Energy

L029-53 | #52. 3.6-15 [§3.6.3.4] The R-DEIR/S-DEIS states that the Study Area for potential impacts of the HST system on electricity generation and transmission is the entire state because the HST system would obtain electricity from the statewide grid and therefore, the analysis cannot apportion the use of any particular generation facilities to a particular regional study area. [See also p. 3.6-43.] Even if this approach were legitimate for impacts of the entire system, the R-DEIR/S-DEIS’s assumption is not valid for the regional impacts of the Fresno to Bakersfield segment of the Project, especially in light of comment on page 1-32 that the entire system will not be built-out by 2035, if at all. Accordingly, the R-DEIR/S-DEIS must describe the existing energy demands in the region, quantify the amount of energy that will be needed for construction and operation of the Project (i.e., the Fresno to Bakersfield segment), including peak demand, and determine whether the Project will result in a significant impact on public utilities and energy resources.

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L029-54 | #53. More information regarding the infrastructure and configuration of train related systems such as electrical supply substations, booster stations, catenary wires and safety features such as perimeter fencing is necessary. These infrastructure features contribute to overall impacts.

L029-55 | #54. 3.6-19, 22 Private groundwater wells are a major source of water supply in the region. Where does the R-DEIR/S-DEIS identify the specific private groundwater wells that will be affected by the Project?

L029-56 | #55. 3.6-42 Energy Baseline: uses dual baseline approach, including existing conditions and “background” (i.e., No Project) conditions as they are expected to be in 2035, citing the *Neighbors for Smart Rail* case. However, this judicial decision may no longer be relied on since it has been accepted for review by the California Supreme Court.

L029-57 | #56. 3.6-43 Electrical Requirements: Looks only at “statewide energy changes that would result from the HST System.” “The analysis conducted for this project estimated the changes in energy use anticipated throughout the state with and without the HST System.” This is a “program level analysis and does not provide the site specific analysis required by CEQA in a “project” EIR. Also, Table 3.6-12 assumes significant reductions in energy consumption as a result of the entire system, but earlier the R-DEIR/S-DEIS said the benefits of the entire system may not occur. [See p. 1-32.]

L029-58 | #57. 3.6-50 PUE Impact # 3: Effects from water demand during construction: What facts/data support the conclusions in this paragraph (top of page)? What is the impact of using agricultural land with water for project use? Will existing agricultural operations be relocated? Will they have same access to water at relocation sites? Will the impacts of demand simply be displaced by taking agricultural land with water?

L029-59 | #58. 3.6-50 PUE Impact # 4: Effects from Waste Generation during Construction: The R-DEIR/S-DEIS assumes 50% of approximately 3 million cubic yards of construction/ demolition waste “could” be reused or recycled, then concludes the Project would not result in a significant impact. However, the RDEIR (1) fails to identify the landfills to which the C&D waste would be sent, and (2) fails to impose any requirement that contractors meet 50% diversion requirement. As a result, there is not substantial evidence supporting the conclusion that impacts would be less than significant. The R-DEIR/S-DEIS also fails to discuss AB 341 which (1) establishes policy goal of 75% diversion by 2020, and (2) makes it mandatory for businesses/public entities to recycle commercial solid waste.

L029-60 | #59. 3.6-51, 52 PUE Impact # 5: Conflicts with Existing Utilities: The R-DEIR/S-DEIS states that if utilities cannot be relocated or modified within the construction footprint, or if relocation affects areas outside the footprint, additional environmental analysis would be conducted, if necessary. This approach constitutes an improper deferral of the analysis and mitigation required by CEQA and an unauthorized delegation of the CHSRA’s duty to make a finding regarding the significance of the impacts. (See *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4<sup>th</sup> 48.)

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L029-61 #60. 3.6-55 Impact PUE # 8: Potential Conflicts with Electrical Facilities: BNSF Alternative: How many of the 34 transmission lines will need to be replaced? Where does the R-DEIR/S-DEIS analyze the potential impacts of relocation on the areas to which electrical facilities will be relocated?

L029-62 #61. 3.6-60 Impact PUE # 11: Potential Conflicts with Water Facilities: Although it says there will be 129 conflicts with other types of water facilities (but does not identify where or what), the RDEIR omits private wells from the list of water facilities that will be affected, despite the previous statement that "private groundwater wells are a major water supply source for the region" (R-DEIR/S-DEIS, p. 3.6-19, 22). The R-DEIR/S-DEIS also acknowledges there will be some water facilities that must be relocated, but does not identify the number, type or location of these facilities or the city or county in which they are located, or the potential impacts on the area to which the facilities would be relocated, so the conclusion of less than significant impact is not supported by substantial evidence. In addition, the R-DEIR/S-DEIS says that where relocating an irrigation facility is necessary, the CHSRA shall ensure that the new facility is operational before disconnecting the original facility "where feasible." However, this is not required as a mitigation measure and the R-DEIR/S-DEIS fails to provide any standards for determining when it is "feasible." The R-DEIR/S-DEIS must analyze what impacts will occur if it is not feasible to provide uninterrupted service. (See *Gray v. County of Madera* (2008) 167 Cal.App.4<sup>th</sup> 1099.)

L029-63 #62. 3.6-63 Has the Authority (CHSRA) obtained permission to construct the new wells needed to serve the proposed Kings/Tulare Regional Station?

L029-64 #63. 3.6-69 PUE Impact # 14: Effects from Waste Generation during Operation: Will project be required to comply with AB 341 and its mandatory recycling?

L029-65 #64. 3.6-71 PUE Impact # 16: Energy Construction Period Impacts—Common Impacts: The R-DEIR/S-DEIS says that impacts will be less than significant because "standard best management practices would be implemented onsite so that nonrenewable energy would not be consumed in a wasteful, inefficient or unnecessary manner." But the R-DEIR/S-DEIS fails to identify what those BMPs are who will ensure they are implemented. When ordinary public and private development projects typically are required to mitigate energy consumption during construction, for both air quality as well as energy reasons, how can the biggest construction project in California history have a less than significant impact?

(Second ¶) Also, the impact finding appears to depend on the assumption that the project will contribute approximately "annual energy savings." But this refers to operations, not construction, and the R-DEIR/S-DEIS acknowledged earlier that there is no assurance these savings will occur under the Revised Business Plan. (See p. I-32.) Also, the R-DEIR/S-DEIS says construction will consume 7,010.2 billion Btu, but gives no benchmark for the public to evaluate the scale of this consumption or the extent of the impact or whether it is significant.

L029-66 #65. 3.6-77 [§3.6.6] Project Design Features: The R-DEIR/S-DEIS says project design features will reduce or avoid impacts, but fails to identify what these features are, how they will reduce or avoid impacts, or provide any data to establish they will reduce impacts below significance.

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L029-67 #66. 3.6-77 [§3.6.7] Mitigation Measures: The R-DEIR/S-DEIS says relocation of substation will affect important farmland and farmland under Williamson Act contract, then says mitigation for these impacts is described in Section 3.14, Agricultural Resources. The R-DEIR/S-DEIS must state here what the recommended mitigation is.

L029-68 **Public Utilities and Energy (Section 3.6 of the EIR/ EIS)**  
 #67. Page 5-74 of CIATR states that "Effects would be greater than those of the BNSF Alternative due to potential conflicts with electrical facilities. Displacement of current electrical facilities would occur with the Hanford West Bypass 1 Alternative and even with mitigation impacts would remain significant and unavoidable." Where is the comparative analysis that inventories existing facilities that would be impacted? This statement presents a bias towards the Hanford West Bypass 1 Alternative as there is no acknowledgment of the Southern California Edison electrical utility facilities and lines that would be crossed in the BNSF Alternative. Without a comparative analysis and site specific inventory this claim of greater utility disruption along the Hanford West Bypass may improperly present biased information to the CHSRA decision makers in their preferred alignment selection.

Section 3.7 – Biology

L029-69 #68. Page 3-21 of the Biological Resources and Wetlands Technical Report Figure 3-1 and other Figures of the Biological Resources and Wetlands Technical Report state that there is information which contains confidential information and therefore has not been included on the websites version of the Technical Report. Please provide the citation of the government code which states that the biological resource and/or wetland information is in fact confidential and must be withheld from the public or provide the public with this information with an adequate period of time for review and comment.

L029-70 #69. Page 5-200 of the Biological Resources and Wetlands Technical Report States that use of rodenticides and herbicides in the project footprint will be restricted; however, this is in direct contradiction to BIO-MM#4 which states that the weed control plan will identify permitted herbicides as well as methods for application.

L029-71 #70. 3.7.6 Project Design Features Page 3.7-160 States that "As discussed in Chapter 2.0, Alternatives, wildlife crossing opportunities will be available through a variety of engineered structures, including dedicated wildlife crossing structures, elevated structures, bridges over riparian corridors, road overcrossings and undercrossings, and drainage facilities (i.e., large-diameter [60- to 120-inch] culverts and paired 30-inch culverts). For a more detailed discussion of the crossing structures, including figures depicting the frequency and locations of these structures, refer to Figures 3-3a through 3-3d and Section 5.6 of the Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report (Authority and FRA 2012a)." However, Figures 3-3a through 3-3d are missing from the Fresno to Bakersfield Section:

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L029-71 Biological Resources and Wetlands Technical Report and Section 5.6 of the Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report fails to discuss details of the crossing structures. The lack of this information makes it impossible for the public to comment as to whether or not this could create a predatory situation in which species are funneled through these crossings and predator's are able to trap their prey at these locations resulting in additional species take.

L029-72 #71. Bio-MM#4. Prepare and Implement a Weed Control Plan Page 3.7-163 States that the weed control plan will address the "Identification of weed control treatments including permitted herbicides, and manual and mechanical methods for application. Restriction of herbicide application from use in Environmentally Sensitive Areas." However, the environmental document fails to describe what would constitute an environmentally sensitive area and no standards are listed to inform the public.

L029-73 #72. Bio-MM#5. Prepare and Implement a Biological Resources Management Plan Page 3.7-164 States that the "Performance standards and guidelines specific to each resource category are summarized in Bio-MM#63, as part of the HMMP." However, Bio-MM#63 is specific to Compensate for Permanent and Temporary Impacts on Jurisdictional Waters, I believe that the reference is probably wanting to direct the reader to Bio-MM#62 which is specific to the Preparation and Implementation of a Habitat Mitigation and Monitoring Plan.

Bio-MM#62 Prepare and Implement a Habitat Mitigation and Monitoring Plan fails to specify what the final success criteria will be. Examples of what success criteria could be are provided however without specific performance standards the public is unable to determine if the mitigation measure proposed resolves the impacts or not. In addition Bio-MM#62 further states that the site may be required to meet the performance standards only in selected years therefore, once the specific performance standards are created they may not be followed in any given year and thus the mitigation would not mitigate the impacts.

L029-74 #73. Bio-MM#4. Prepare and Implement a Weed Control Plan Page 3.7-163 States that the Success Criteria would be established by a qualified biologist and also that if the success criteria are not met then remedial actions would be identified and implemented. The lack of specific performance standards violates CEQA Guidelines Section 15126.4. A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; and the agency may not rely on mitigation measures of uncertain efficacy or feasibility. Bio-MM#4 should be revised with specific performance standards which outline what criteria will be utilized to determine success and it should also outline standards for how violations of

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L029-74 the weed control plan will be dealt with and resolved.

L029-75 #74. Page 5-200 of the Biological Resources and Wetlands Technical Report States that the Corcoran Bypass Alternative would create a grade-separation for SR 43, Whitley Avenue, SR 137, and Waukena Avenue and further goes on to state that other roads would be closed at the HST right-of-way; however, they fail to specify which roads will be closed. The roadways which are to be closed should be disclosed to the public.

L029-76 #75. Page 3-42 of the Biological Resources and Wetlands Technical Report States that area's on the far side of the BNSF right-of-way between Fresno and Corcoran and between Wasco and Bakersfield were not surveyed. Why were surveys not conducted on both sides of the BNSF right-of-way alignment especially when there are areas as shown on the California Natural Diversity Database which indicate that species and/or habitat exist on both sides of the alignment? The purpose of the EIR is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (California Public Resource Code 21002.1.a). Failure to provide full disclosure of all impacts from a project to the public and the decision maker is a violation of CEQA.

L029-77 #76. Page 3-44 of the Biological Resources and Wetlands Technical Report A list of land managers was provided of whom was contacted to determine the bloom status of sensitive plant species in the special-status plant study area. Why were no land managers from Kings County contacted? As indicated on the California Natural Diversity Database Kings County has many special-status plant species which could be impacted of which a local land manager from Kings County could have better assisted the Authority for plants within Kings County.

L029-78 #77. Page 5-132 of the Biological Resources and Wetlands Technical Report States that "Among those special-status wildlife species that were determined not to occur within the Habitat Study Area, the following two federally and state-listed species required further analysis to warrant this determination: the California red-legged frog (*Rana draytonii*), federally listed as threatened and a California species of special concern, and the giant garter snake (*Thamnophis gigas*), federally and state listed as threatened." I was unable to locate anywhere within the EIR/EIS which provided evidence that the further analysis had been completed and included within this EIR/EIS.

Section 3.8 – Hydrology

L029-79 #78. 3.8-27 The RDEIR states that: "Groundwater is a major water supply source in the study region. For example, the predominant water supply source for domestic use within unincorporated communities is the individual, private well system, and most source water for municipal supply is

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L029-79 groundwater.” The RDEIR also states that: “The source water used as local municipal supply is primarily groundwater” (p. 3.8-31).

#79. 3.8-45 However, with respect to Impact HWQ # 3 (Temporary Impacts on Groundwater), the RDEIR does not provide any information regarding whether wells would be affected, lost or abandoned by construction or their number, location or who and how many people they serve. As a result, there is not substantial evidence to support the RDEIR’s assumptions and conclusions.

L029-80 #80. 3.8-56 Impact HWQ # 7 – Permanents Impacts on Groundwater Quality and Volume: Although the RDEIR discusses use and drawdown of groundwater for HST facilities, it also does not provide any information re whether wells would be affected, lost or abandoned as a result of project operations. As discussed in more detail in the comments below regarding Section 3.14 (Agricultural Resources), the CHSRA acknowledged that the RDEIR is deficient when it stated, in a letter to Kings County dated July 13, 2012, that “[a] comprehensive survey of private water supply wells was not undertaken for the EIR/EIS because the level of project impact analysis for this document is at the regional/community scale rather than at the individual property owner scale.” The RDEIR is inadequate because it fails to provide a site specific analysis of the Project’s impacts on groundwater in the affected area.

Section 3.9 – Geology

L029-81 #81. 3.9.2 [§3.9.2.1] The first two sentences are duplicative. Please explain how you came to the conclusion that the cited laws reduce the risk to an “acceptable” level of seismicity.

L029-82 #82. Where do you discuss the volume and source of dirt needed for the construction aspects of the project. Those would likely create a need for a SMARA permit. How has that been evaluated in relation to the physical conditions? How has transportation of the dirt been identified and evaluated in terms of the diesel exhaust in the air, and the digging impacts on the air, and the impacts to local roads from the heavy trucks?

Section 3.10 – Haz Mat

L029-83 #83. Throughout the Haz Mat section the statement is made as to the unavailability of data from the United States relating to the operational and response safety of the High Speed Rail (HSR). It resorts to operating success of European and Asian systems because no rail system in the U.S. is capable of the 220 mph proposed speed. If no data exists in this country how can potential impacts to the emergency response community be labeled as negligible? This is entirely unsupported opinion that is disturbing and causes one to question the correctness of the conclusion. In fact, if European history is the model, the conclusion is at best questionable since European history with rail disasters is substantial. Many large fatality transportation incidents have involved rail systems both in the U.S. and abroad. In view of the potential for serious impacts and the need for related emergency response, this area has not been adequately reviewed, assessed, and demonstrated in the prepared document.

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L029-84 #84. Many of the systems involved in the safe operation of the HSR require maintenance. It is effortless to make statements in the pre-construction and pre-operation phase as to the preservation of these systems. What plan is available to ensure the continued operational servicing of these protections? The impact is not only in the rail system itself, but also the facilities operated by the Authority. As stated in the R-DEIR/S-DEIS, maintenance facilities and passenger stations will have life safety systems in place to protect human life. Who will ensure compliance with local and state regulations regarding these systems, particularly when money is already an issue with the project. When that occurs, maintenance intervals are often extended based on financial capability or prioritization of resources. The EIR does not address this fact adequately.

L029-85 #85. As a rural based county, we have many open land areas that are unsecured and access is freely available. Given the current social climate, an act of terrorism cannot be discounted by any person or group. The fact that open access to the HSR is available along the entire Fresno to Bakersfield route, regardless of security fencing and/ or systems, opportunity for acts of terrorism are real. The R-DEIR/S-DEIS dismisses this probability as negligible when in fact it does exist. This type of incident would quickly overwhelm emergency resources and capabilities and requires planning and resources that may not be readily available, particularly in rural areas.

Section 3.11 – Safety and Security

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#86. 3.11-A Safety and Security Data – should be updated to acknowledge the two train accidents that occurred in Kings County on October 1, 2012 which occurred after this document was prepared. As overcrossing will still allow vehicular travel and farm equipment access over and elevated above the HSR alignment, there still exists the potential for human error caused accidents and spill over onto the HSR alignment. The responsibility for first responder emergency response will fall to local government agencies and their law enforcement, fire, and public works crews.

L029-87 #87. Where does the R-DEIR/S-DEIS acknowledge the possibility of accidents and reliance upon local emergency responders? Avoiding this discussion only serves to benefit CHSRA from evaluating potential emergency service impacts and evaluation of potential mitigation measures.

L029-88 #88. In section 3.11.3, “Methods of Evaluation of Impacts”, here again the document pits the International versus U.S. in their analysis. Again how can this be done when by their own statement no system exists in this country that allows for 200 mph rail speeds? The comparison is not valid and emergency services are approached differently in Europe, Asia, and the United States. This must be revisited and provide more analysis based on existing and proposed conditions and less conclusion without fact.

L029-89 #89. As it relates to emergency response times both during and post construction, the use of out of direction routes will extend response times by law, fire, and EMS responders. This will present life-threatening situations that will impact the survivability of medical emergency patients. The extension of response times related to fire incidents will result in longer fire growth times and put occupants and firefighters in an increased atmosphere of endangerment on their arrival.

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- L029-90 #90. As stated on page 3.11-29, response times to incidents involving HSR will be increased due to limited rail crossing roads and bridges. However the delay in response to a HSR incident pales compared to the delay that will be experienced by resident and business's that are located or reside in this county. Limited crossing will surely impact emergency responders in delivering adequate response times to emergency calls. Travel distances that are increased by 2-4 miles will severely impact and delay life saving EMS, rescue, and fire services to our citizens. This fact as not adequately addressed in the R-DEIR/S-DEIS as currently written and provides no clear mitigation for this reduction in life saving services. While vehicle versus train incidents do occur at many of our current at grade crossings, the total number of these incidents are minimal. Response to medical emergency incidents is the largest percentage of responses the fire department is dispatched to. Delays in providing treatment will result in a decrease in survivability and increase the chances of negative health issues. This must be addressed.
- L029-91 #91. The reasoning used to determine how the Heavy Maintenance Facility would significantly increase the demand for fire and ambulance services as compared to the burden created by having to travel additional distances to provide emergency response escapes the reader.
- L029-92 #92. Impact fees need to be determined based on the total impact to emergency response needs and conditions. If additional stations, personnel, or equipment are needed then fees need to support the additional impact(s) to the emergency response system. Those are quantifiable based on state-mandated response times and should be addressed within the document.
- L029-93 #93. Communication is the key to the successful completion of any emergency incident. As an emergency response provider, the Kings County Fire Department has a need to communicate with all agencies within the county. No systems or needs for scene communications are discussed as part of the R-DEIR/S-DEIS. Since common communications are part of every federal and state emergency response plan, how does the Authority plan to address this issue? Communications between trains and train dispatching does not adequately address emergency needs between first responders and HSR personnel.
- L029-94 #94. Citing emergency planning laws, but not identifying how the Authority plans to deal with the host of safety concerns is insufficient. Citing General Plans that were adopted prior to the project also fails because these plans did not anticipate a 220 mph train system. Citing the resources each fire department in the vicinity possesses does not analyze whether these resources are sufficient to deal with the eventuality of a train accident or the specialized resources that may be needed. It does not deal with response times in relation to changed transportation patterns caused by the project. It does not deal with safety concerns during construction. It does not deal with the additional cost burden on the relevant jurisdictions.
- L029-95 #95. 3.11-15 -- The proposed alignment in Kings County runs mostly through county jurisdiction around the City of Hanford and the City of Corcoran -- why are law-enforcement stats from the Kings County Sheriff's Office not used in this paragraph?
- L029-96 #96. 3.11-25 [§3.11.5.1] -- Indicates that emergency response incidents "would be monitored" and "if it were determined that the HST project increased demand for these services, a fair-share impact

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- L029-96 fee to local service providers would be negotiated" to reduce the impacts to negligible intensity. Who will be doing the monitoring? How will that occur? What monitoring tools are in place to do this?
- L029-97 #97. 3.11-25 paragraph 1 -- As compared to what? Yes the train itself will most likely be safe and reliable but the impact to surrounding traffic could be significant.
- L029-98 #98. 3.11-34 paragraph 3 -- "Negligible intensity" -- Based on what comparison?
- L029-99 #99. 3.11-35 Safety and Security # 8 -- Costs are not captured due to future roadway modification needed through coordination with local emergencies response. This is a significant impact.
- L029-100 #100. 3.11-37 -- There is an admitted acceleration of growth due to the impacts of having a station in Kings County; yet once again there is no mitigation for the best farmland in the world.
- L029-101 #101. 3.11-42 Safety and Security #16 -- There are lots of opinion in this paragraph. What is the basis for these opinions? How will they prevent suicide attempts?
- L029-102 #102. Why is there no safety and security section to address weather? Specifically the densest fog in California is located in Kings County at a very low elevation where the fog forms. There should be a safety and security paragraph that specifically addresses the impacts that fog is going to have not only on the train but the surrounding traffic flow or lack thereof, caused by the train in Kings County.
- L029-103 #103. Page 3.11-15 Law Enforcement I find it curious that Kings County is cited as the source for City of Hanford police response times. Is this a correct citation?
- L029-104 #104. Page 3.11-35 **It is stated that "limited traffic impacts are expected as a result of the closures and diversion of traffic. Because the project design would include coordination with emergency responders to incorporate roadway modifications that maintain existing traffic patterns and fulfill response route needs, effects on the response times by service providers would have negligible intensity under NEPA and would be less than significant under CEQA". This sounds like wishful thinking. Until such plans are developed and approved by local agencies, how can the Authority make such a determination? Has any modeling been done to estimate impacts to response times?**
- L029-105 #105. Page 3.11-34 Motor Vehicle, Pedestrian and Bicycle Safety What is the basis for the stated assumptions that "most farm equipment would be able to travel within one lane" and "In accordance with standard safety practices, it is assumed that warning vehicles would be placed at either end of the overcrossing when this large a piece of equipment was being moved"? Please cite the standard safety practices referred to here with respect to farm equipment and implements of husbandry. I did not see a discussion of features designed to prevent vehicles or objects from falling or being thrown from overcrossings. Have these

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L029-105 | design features been studied? Who will maintain these features?  
 L029-106 | #106. Page 3.11-37 Project The first bullet makes a reference to a detailed construction  
 Design Features transportation plan that will involve coordination with local  
 jurisdictions and a traffic control plan. These plans should be part of  
 this EIR and subject to review by local agencies before it is assumed  
 that coordination will in fact take place and the plans approved.

Section 3.12 – Socioeconomics

L029-107 | #107. The combination of elimination of the Highway 99 alternative, the elimination of the  
 BNSF alternative connected to the planned transportation hub, and the California Legislature’s recent  
 enactment of AB 1779 have converged into a perfect storm of bias and discrimination in violation of  
 Title VI of the Civil Rights Act on an already underserved and socioeconomically challenged  
 population.

a. By eliminating the Highway 99 alternative and bringing it to the outskirts of Hanford and  
 within Kings County the Authority and the Legislature have destroyed an 11 million dollar annual  
 revenue source for the City of Hanford, have destroyed a 10 year investment in the creation of a  
 transportation hub, and have harmed an already economically challenged population in the City of  
 Corcoran, many of whom rely heavily on Amtrak to go to work, obtain groceries and supplies, and to  
 attend doctor’s appointments and conduct other business.

b. AB 1779 essentially indicates that Amtrak will be eliminated unless the adjacent counties  
 continue the service with their own resources after three years of ongoing funding from the State. This  
 bill was presented to the Governor on September 13, 2012. It essentially eliminates the 5<sup>th</sup> busiest  
 Amtrak rail corridor in the nation unless the surrounding counties take on this responsibility. A  
 summary of the bill as it relates to the Central Valley follows:

“This bill would specifically authorize an additional interagency transfer agreement to  
 be entered into with respect to the San Joaquin Corridor, as defined, if a joint powers  
 authority and governing board are created and organized. In that regard, the bill would  
 provide for the creation of the San Joaquin Corridor Joint Powers Authority, to be governed by  
 a board of not more than 11 members. The bill would provide that the board shall be  
 organized when at least 6 of the 11 agencies elect to appoint members. The bill would provide  
 for the authority to be created when the member agencies enter into a joint powers  
 agreement, as specified. The bill would provide for future appointments of additional  
 members if the service boundaries of the San Joaquin Corridor are expanded.

Existing law requires the level of service to be funded by the state pursuant to a  
 transfer agreement to not be less than the current number of intercity round trips operated in  
 a corridor and serving the same endpoints.

This bill would require the level of service funded by the state to remain the same  
 during the first 3 years following the effective date of the transfer agreement, and would  
 require the entity assuming responsibility for a corridor to provide that level of service. The  
 bill would prohibit termination of feeder bus services except for specified reasons.”

This comes at a time when Counties are suffering severe funding challenges due to the reduction  
 in property tax related to the great recession and economic downturn, due to the State realigning many

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L029-107 | of its responsibilities to counties without adequate funding, and due to the State’s historic budget deficit.  
 Title VI By eliminating Amtrak and bypassing a majority Hispanic, limited English speaking  
 population, the Authority and FRA on a collision course of not only limiting access to a federally funded  
 project, but eliminating access to the only reasonable means of access to necessary public services by an  
 already underserved population. This violates Executive Order 13166 which requires federal agencies to  
 use federally funded projects to improve access to limited English speaking populations and Title VI of  
 the federal Civil Rights Act which prohibits discrimination against LEP populations such as Corcoran.  
 Evidence of this wrong not only is explicit in the course of action described above, but the complete  
 dismissal of the Authority to the County’s pleas for coordination, the City of Corcoran’s plea for  
 coordination, and the Authority’s adoption of an LEP plan after all of the major decisions have already  
 been made. Resolution HSRA No. 12-15 was adopted May 3, 2012. This is a day late and a dollar  
 short. It indicates that “It is the policy of the California High-Speed Rail Authority (Authority) to  
 communicate effectively and provide meaningful access to limited English Proficient (LEP) individuals  
 on all the Authority’s programs, services and activities. The Authority shall provide free language  
 assistance services to LEP individuals whom we encounter or whenever an LEP individual requests  
 language assistance services.” It further relays that “The Authority will treat LEP individual with  
 dignity and respect.” Unfortunately, the Authority will not even treat the public officials who represent  
 these individuals with dignity and respect. It refuses to hear and resolve the concerns of Kings County  
 Board Supervisors and City Council members of the City of Corcoran. Evidence of this treatment is  
 well documented as outlined above and in transcripts. Resolution 12-15 was simply another box the  
 Authority checked in order to push its project forward no matter what. The FRA has condoned this  
 behavior by ignoring the requests of Kings County in the same manner as the Authority.

L029-108 | #108. 3.12.3.1 – Socioeconomics, Communities, and Environmental Justice Data Collection  
 and Analysis - Disruption or Division of Established Communities

The last paragraph of this section, on page 6 states the following:

*“As the proposed project is in the San Joaquin Valley, one of the wealthiest agricultural areas in  
 the nation, an attempt has been made to also consider project impacts on the broader  
 ‘agricultural community’ that exists throughout much of the region. This consideration seems  
 appropriate given NEPA’s directive to examine potential effects with sensitivity to local context.”*

To characterize the San Joaquin Valley as “one of the wealthiest” implies personal income status  
 of the agricultural community as quite profitable. The San Joaquin Valley and the state of California, in  
 general, have been cited for decades by various personalities as having vast riches or richness. While the  
 state has its share of wealthy landowners, the riches being spoken of are in its natural resources  
 environment. The San Joaquin Valley is the most productive area in our nation, and the world for that  
 matter, because of its natural resources found here, not wealth. The diversity of crops grown in the  
 Valley is because of its natural resources, not wealth. In fact our own congressional representatives have  
 actually referred to the San Joaquin Valley as the Appalachia of the West due to the “lack of wealth.”  
 How can a socioeconomic document characterize an impoverished area as one of the wealthiest? These  
 two sentences seem inconsistent in that they contain conflicting messages. While the project is proposed  
 to go through the heart of the San Joaquin Valley, it sounds like the message here is that you are basing  
 local community impact significance in relation to the impacts to the region as a whole? Yet the last

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L029-108 | sentence quoted above contains NEPA’s directive to examine potential effects with sensitivity to local context? How does a regional study provide for local context?

L029-109 | #109. *Employment (page 7)*  
 The description given to employment opportunities and the relocation of businesses to California does not provide where such businesses will establish themselves. It is offered that HST will provide better, more efficient transit to job sites. This project will serve the people of this country, and this state best by preserving agricultural lands. It is unfortunate for the people that CEQA and NEPA “pigeon hole” categories of life and the environment in such a way they lose their connection with each other and when considered separately, they don’t seem to present a circumstance needing mitigation until it’s too late. Employment created by this project cannot and should not be at the demise of our natural resources with which are used to feed us.

#110. *Economic Effects on Agriculture (page 8)*  
 The use of the term “production” implies yield/output of something produced. Agricultural, or farming operations might be relocated. Production on the other hand may or may not be relocated. Pistachios for example do not reach full “production” until the trees are at least twenty (20) years of age. They produce nuts (*production begins*) after six years and take another fourteen years to reach full yield. Relocating to a different type of soil might not provide the same potential realized at the original site. It is a loss of quantity potential, forever, when a producing commodity cannot be relocated. That amount of food producing land with a production potential realized has no place to be relocated to without having a negative effect or impact on a corresponding amount of land somewhere else.

Our agricultural land has perpetual potential to produce food as long as there is water and people to farm the land. A one-time payment based on average yield is an economic impact to the effected grower/producer due to the fact his land produced something of value every year, not once or twice in a life-time. Farmland is nothing like acquiring residential or commercial property. The farmland itself contains life that cannot always be relocated if at all.

3.12.4.3 Economic Setting

#111. *Agricultural Economic Setting (page 33)*  
 In recent times the term *Industrial Agriculture* is used to conjure opposition to agriculture by creating inaccurate and negative perceptions in order to develop negative emotions with the unknowing voting public. The report actually admits, “... are arguably the current model of large-scale, industrial agriculture for the world.” Railroads are an industry (only large-scale models?); entertainment is an industry; professional sports are an industry; yes, even agriculture is an industry. However, *Industrial Agriculture* is given a negative definition. The report’s comment of such is inappropriate and does a disservice to the very public for which it is written. The statement does not represent the small farmers who will be impacted. It actually ignores them.

3.12.5 Environmental Consequences

#112. *Overview (page 46)*  
 The natural resources, the environment of the San Joaquin Valley are found nowhere else in the world. I know it is contrary to population growth to oppose economic diversity, but the truth is, people looking for jobs outside of agriculture need to relocate out of the San Joaquin Valley. This country’s

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L029-109 | national security for future generations will be directly tied to every square inch of farmland that can be preserved for the purpose of producing food to eat, not businesses for jobs, or residential housing tracts. The environmental consequences here are eventual starvation, blight, and reliance upon foreign food sources.

3.12.5.1 No Project Alternative

L029-110 | #113. *Economic Effects (page 48)*  
 “Typically, these types of transportation projects do not have a long-term substantial effect on local revenues collected.” It is reasonable to fathom “typically” implies there are occasional exceptions to what is typically experienced. Kings County asked a question concerning economic loss to the local economy and has never received an answer. Any of the proposed routes through Kings County will result in the annual loss of \$15-20 million in the local economy. This isn’t a one-time loss, it will be a reoccurring (annual) circumstance with the loss of productive farmland in the county. How will this project mitigate such a circumstance? There are no employment options to offset the loss of \$15-20 million every year without taking more farmland out of production, which would continue to exacerbate the negative impact.

L029-111 | #114. *Economic Effects on Agriculture (page 49)*

The argument made here that HST will save farmland is nothing more than a biased salesman pitch. Where is the proof to back up such a boast? The fact of the matter is that policy makers don’t need HST as a reason to develop a viable farmland preservation policy. The last thing this part of our country needs is more people living here. There simply isn’t enough water to support the production of food and quench more thirsty mouths. CHSRA makes a very weak argument here.

L029-112 | 3.12.5.2 High-Speed Train Alternatives

#115. *BNSF Alternative (page 51)*  
 Is the BNSF Alternative the former Hanford-East alignment? Why is it now called something different from the previous EIR?

L029-113 | #116. *BNSF Alternative (page 64)*

The report states, “*Consideration is also given to the overall impacts of the project on the broader agricultural community in the Central Valley.*” Why is the statement made here if what was considered isn’t reported here? What was considered?

L029-114 | #117. (page 94)

The Baker facility in Hanford isn’t about the economic well-being of the local dairy and livestock operations. It is a vital component of a public works waste disposal infrastructure that protects the environment. Everything in the path of the HST isn’t about money, sometimes, such as Baker’s facility, it is long established infrastructure providing environmental protection.

L029-115 | #118. *Heavy Maintenance Facility Site Alternatives -Economic Effects (page 97)*

The Cambridge Systematics 2003, 2007 is a theory based on foreign country experience, since there is no High Speed Train experience in the United States.

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L029-116 | #119. Page 98 discusses consequences of the loss of property taxes to the counties due to right of way acquisition and the relative benign effects felt by residents of those impacted counties. The Economic effects study ignores the consequences the project creates with the loss of \$15-20 million in agricultural production. \$15-20 million represents economic activity resulting in sales tax revenues as well. When coupled with property tax losses, the negative impact, especially to Kings County, is significant especially because nothing in the report offers anything that will offset the loss into the indefinite future since it is a reoccurring annual loss.

L029-117 | #120. Sales Tax Revenue Effects (page 98) underestimates the losses in sales tax revenues. It reports a loss of \$1.5 million for the region. Based on the agricultural production losses, alone, in Kings County the loss of sales tax revenues is \$1-1.4 million annually.

L029-118 | #121. Agriculture Revenue and Employment Effects (page 102)  
 This section makes some great assumptions, very common to short-sighted, unrealistic, biased opinion. The reality, not reported, is an operator being displaced would need to find a willing seller in order to succeed at relocating his/her operation. This is no longer the undeveloped wild west, where land is "a-plenty." Farmable land, including a reliable supply of adequate quality water, is limited. It has all been converted to farming already in the San Joaquin Valley. The report is correct in reporting economic loss caused by relocation and its inconvenience/interruption with production.

L029-119 | #122. The California State Rail Plan 2007-08 to 2017-18 includes an environmental justice provision that indicates investments in transportation systems provide clear public benefits but may also generate unintended negative impacts such as air pollution, visual blight, and excessive noise and vibration. It provides California's goals for environmental justice "are to promote the fair treatment and meaningful involvement of all people in the transportation decision-making process. The State works to ensure that low-income and minority communities receive an equitable distribution of transportation system benefits without suffering disproportionate adverse impacts." (p.249). This has not been followed. Substantial ag land that provides jobs for farm labor workers and that feeds the world are being removed. The Amtrak station that serves a substantial minority and economically challenged population in Corcoran and Hanford are in jeopardy. A HSR station has been dangled as a carrot and generously included as "proposed" in much of the Authority's documentation to get the County to "go along" with the alignment variations proposed that do not comply with the PEIR, but a Cambridge Systematics 3/16/2010 Memorandum analyses various Hanford station scenarios and concludes as follows:

In sum, a station at Hanford/Visalia does not appear to offer a substantial locational or modal access advantage compared to the Fresno station for residents of Tulare County. Additional stops at Hanford/Visalia reduce through travel times and may require transfers compared to Fresno without a sufficiently compensating improvement in station access. At four hours per hour, the negative effect to through travelers begins to grow substantially and starts to impact major users. Based on the results described above, the likelihood of a positive ridership and revenue effect from a Hanford/Visalia station appears to be remote under the analyzed operating plans.

Despite these conclusions, the carrot continued to be dangled, planning money was offered, and the R-DEIR/S-DEIS continues to mention the station as "proposed" even though it appears to be illogical and

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L029-119 | cost prohibitive. This memo was never provided to Kings County despite its extensive attempts to coordinate with the Authority and FRA. Why?

L029-120 | #123. The document provides only a general narrative of impacts and analysis that seem to be based upon general assumptions rather than factual analysis of site specific impacts.

L029-121 | #124. The Project will cause a tax revenue reduction.

L029-122 | #125. The Project will cause only short-term increases in sales tax revenues from construction.

L029-123 | #126. The Project Level environmental analysis relies upon the entire system justification that is currently undetermined to its full extent. In addition, the Project Level analysis fails to analyze and fully consider the very real potential alternative of only partial build out of the HST system with only Merced to Bakersfield right of way and rail constructed and utilized for non-electrified Amtrak passenger rail service. The lack of future funding beyond the 3.5 Billion Federal and 3.7 Billion State Bond funds leaves HST project expansion beyond the two segments from Merced to Bakersfield in great uncertainty. Therefore, analysis and full disclosure of a possible multi-decade use of higher speed non-electrified Amtrak passenger rail service must be analyzed as it would result in a much less vibrant and more impactful reality for local communities impacted.

L029-124 | #127. Page 3.12-6 "an attempt has been made to also consider project impacts on the broader "agricultural community" that exists throughout much of the region." Project level specific analysis is required. Not broad brush. One size does not fit all.

L029-125 | #128. Page 3.12-8 "short-term reduction in agricultural production could occur."  
 "A dollar-value estimate of reduced agricultural production was calculated"  
 "These losses would be a result of both direct land acquisition for project right of way and indirect land acquisition near the project to provide new access roads along the edge of fields." The limited scope of these factors fails to consider other relevant disruptions to agricultural production.

L029-126 | #129. Page 3.12-30 HST Study Area Economic Setting – recognizes "Agriculture" as historically being the main industry in the region and many jobs in the study area are still related to this sector. States that "Agriculture is still the dominant occupation in the rural areas outside the cities, and that the majority of those who live in and near the study area are employed in that industry." Recognizes the importance and significance of agriculture to this region's local economy and community sustainability. Page C-1 of CIATR Appendix C Impacts to Agricultural Production Acknowledges that "The Central Valley of California is one of the most productive agricultural areas in the world." Page 3.12-46 "the project would cause disruption to the agricultural community in one of the nation's most productive agricultural regions." Page 3.12-49 states that any loss of agriculture production is considered a long term effect. Page 3.12-76 under Impact SO #8 Effects to the Regional Agricultural Community states that "disruption to the agricultural community in the rural areas of Fresno and Kings counties would be considered of substantial intensity under NEPA and a significant impact under CEQA in areas where the alignment departs from the existing BNSF corridor and introduces a new linear facility that would divide an existing community." All of these statements support the need for further

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L029-126 | detailed analysis and a revisit of other alternatives that utilize existing transportation corridors. Those have to be the alternatives that are LEDPA.

L029-127 | #130. Page 3.12-92 acknowledges that the Project will split agricultural parcels and states that "parcels could be rearranged." It also states that "This process would take some time and therefore short-term effects would be expected." However, there is no discussion or evaluation of what those potential effects or impacts or related time may be. As reconfiguration of agricultural parcels will not be under the complete control of the CHSRA, there must be an analysis that assumes worst case scenario of the Project disrupting or voiding agricultural production on Project right of way acquired land and remnant adjacent parcels to fully disclose the potential economic impacts to local communities and the region. This section does not disclose or define what "short-term" means or the length or duration of such generalized reference.

L029-128 | #131. This section further acknowledges that there will be "added operational expenses to farm this land" and that compensation for these expenses will be on a case by case basis through the property acquisition phase. Clearly, this approach avoids full disclosure of the potential private property impacts that may occur as a result of this Project. As local farming operations are already struggling to survive given the mounting surface water delivery shortfalls, increasing State regulations such as the pending Regional Water Quality Control Board Irrigated Lands program and new farm worker labor liability provisions, Air Quality regulations, diminished commodity prices, this Project's seemingly small disruptive impacts may serve as the tipping point of local farming operations being able to survive or fold up. Local agricultural production is a central economic engine to local cities and communities. These communities are also already struggling to maintain staffing and other resources. So how will this Project's impacts to the local agricultural community and production impact the local economy, jobs and sustainability of less affluent and urbanized areas? These environmental documents fail to address this very real possibility as individual property impacts are indiscriminately deferred to after the CHSRA decision to approve this Project and its associated EIR/EIS. By deferring project specific impact analysis, this project avoids full disclosure and evaluation of potential impacts, mitigation measures and effects upon local communities.

L029-129 | #132. Page 3.12-93 acknowledges that displaced agricultural facilities discussion provides a measure of the potential disruption to agricultural business operations. It further states that "The greater the number of these types of facilities that are disturbed by the project, the greater the expected short-term effect will be on agricultural operations needing to relocate these structures." The CHSRA staff and consultants in preparing this Revised Draft EIR/EIS have continually rejected Kings County's comments and continued requests to identify, inventory and evaluate specific private property agricultural production related facilities to fully disclose and analyze the potential extent of Project caused disruption, displacement and discontinuance of individual site specific agricultural facilities that on a regional level may not seem severe, but on an individual local farm may reduce agricultural business production to levels that are not able to sustain the business. Case in point is the rejection by CHSRA staff and consultants at the June 4, 2012 meeting when the URS consultant for engineering and environmental coordination stated that agricultural wells do not need to be inventoried or evaluated. As the Kings County Community Development Agency is the permitting authority for new wells in the unincorporated territory of the County, locally it is well known and recognized that groundwater well

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L029-129 | drillers are a year or more backlogged. When the Project is known to destroy and disrupt 44 deep water wells along the BNSF alignment and 22 along the Hanford West Bypass alignment in Kings County, the time delay for drilling a new well compounds the length and duration of agricultural production loss. Yet despite repeated comments and feedback to CHSRA for the need to analyze and address this issue, CHSRA staff and consultants claim to only be required to conduct a Project Level EIR/EIS at a communitywide or regional level of analysis and not be required to address private property site specific facility impacts during the environmental review phase.

L029-130 | Agricultural Businesses –  
 #133. Page 3.12-94 states that "special consideration is required in the relocation plan of dairy operations, and a rendering facility in Kings County. However, "special consideration" is not defined in terms of the extent of consideration, timing, intensity or requirements needed to demonstrate reasonable and fair relocation efforts. As the local land use approval processes for both dairies and a rendering plant can be highly complex and costly with lengthy processing times, this discussion does not address the potential local community impacts as they relate to undetermined production loss, business sustainability, and economic impacts to the local communities. As a dairy and rendering plant are also subject to CEQA compliance, these new permit applications could potentially be delayed due to their own environmental challenges. Thus, further disrupting the economic stability around local communities and other related businesses with economic ties to these business operations.

L029-131 | Split Agricultural Land -  
 Table 3.12-14  
 #134. Analysis does not take into account the potential severity of the split upon agricultural land. In general, agricultural land that is split along a straight north/south axis is less disruptive as remnant pieces can be reorganized with adjacent agricultural land more efficiently. However, the Project proposes diagonal northwest/southeast cuts across agricultural land where the project alignment diverges from and existing transportation corridor and cuts across agricultural land to reconnect with the existing BNSF corridor. These diagonally cut parcel remnants will provides less usability and square/rectangular land patterns which are typically of most farming areas. Diagonal cuts increases the disruption to efficient and organized land areas for agricultural production.

L029-132 | #135. Page 3.12-95 As discussion of the various alternatives is being made under the heading of "Impact SO 3#12 – Project Effects on Agricultural Businesses" the related tables and discussion on parcel splits and business relocations is inconsistent, contradictory and misleading to the reader. The subheading of "BNSF Alternative" establishes two tables (Table 3.12-14 and Table 3.12-15) to summarize the total number of agricultural parcels split and businesses relocated as a result of the BNSF alignment. Further discussion then addresses the Hanford West Alternatives and Corcoran Alternatives which are relative to Kings County. However, these discussions reference total number of parcel splits and business displacements that are not consistent with the above referenced tables. In comparison, Table 3.12-15 (Change in Agricultural Parcel Splits and Facilities Relative to the BNSF Alternative) portray conclusions that the Hanford West 1 and 2 Bypass Alternatives are less disruptive to agricultural land, while the Hanford West Bypass Alternative discussion on Page 3.12-95 references the number of parcel splits as greater than even the total number of agricultural parcel splits on Table 3.12-14. If it was the intent of the environmental document authors to reference total number of parcels split that include

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L029-132 | non-agricultural parcels, then the document fails to provide the corresponding table relative to total parcel splits beyond just agricultural parcels. However, this remains misleading to the reader as the title of this discussion (Impact SO #12 – Project Effects on Agricultural Businesses) is related to agricultural businesses. This same misleading information is also evident in discussions related to the Corcoran Elevated Alternative and Corcoran Bypass Alternative as well.

L029-133 | #136. If it is to be assumed that all tables and discussion in relation to “Impact SO #12” is related to agricultural parcels, then Table 3.12-15 presents conclusions that indicate the Hanford West Bypass alternatives as less disruptive in terms of agricultural land splits, while the discussion on Page 3.12-95 states conclusions that the Hanford West Bypass Alternative options will be more disruptive. For example, the BNSF alignment through Kings County is noted to split 45 parcels, and the table of alternatives shows that the number of parcels split by the Hanford West Bypass 1 option would result in 8 less parcels split. However, the discussion related to the Hanford West Bypass 1 option which is solely contained in Kings County identifies 60 parcels split. So while one table concludes that the Hanford West Bypass 1 is a less disruptive to agricultural land, the discussion concludes that the Hanford West Bypass 1 is more disruptive as it would split more agricultural land parcels.

L029-134 | #137. Page 3.12-96 discussion on Station Alternatives in relation to Impact SO #12 – Project Effects on Agricultural Businesses fails to disclose and address the relevant facts regarding local land use plans and priorities. Although this discussion does acknowledge that both the proposed Kings/Tulare Regional Station – East and the Kings/Tulare Regional Station – West are in agricultural areas and that no parcels or facilities will be displaced, it fails to acknowledge whether these sites are planned for urban type land uses by either the City of Hanford or County of Kings. In addition, it fails to acknowledge whether either site is located in the City of Hanford Sphere of Influence and in territory addressed under the Local Agency Formation Commission’s Municipal Service Review that coincides with the sphere of influence in determining where adequate municipal services can and are planned to be provided. As the proposed high speed rail station is an urban type use that connects to an urban oriented transportation service, and the Project environmental documents tout the economic benefits of inspiring and facilitating transportation oriented development around stations, the potential growth inducing impacts are not addressed. In fact, Page 3.12-97 in discussing Economic Effects as they relate to Project effects on Agricultural Business states a very clear contradiction to Projects proclaimed benefits whereby the HSR Stations’ “increased connectivity also translates into improved efficiencies in population growth as new growth concentrates around these stations’ areas, thus reducing urban sprawl into the region’s agricultural lands.” This environmental document fails disclose and acknowledge that the City of Hanford General Plan only plans for urban growth accommodation where the station is proposed for the Hanford West Bypass Alternative and that this site is located within the City’s Sphere of Influence. In comparison, the BNSF alignment running east of Hanford is located outside the City of Hanford’s planned urban land uses, and outside the City sphere of influence. As a proposed high speed rail station has the potential to increase urban growth demand around the station site, the BNSF alignment has the potential to have greater cumulative impacts on surrounding agricultural land that is planned and prioritized by the Kings County 2035 General Plan for long term agricultural land preservation. As this Project Level Revised Draft EIR/EIS relies upon complete full build out of an entire high speed rail system for touting the beneficial qualities and environmental impacts, it fails to adequately address the potential long term Project impacts upon agriculture as it relates to the unique

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L029-134 | circumstances where these two stations are proposed in agricultural areas outside existing urban areas where municipal services are not currently provided.

L029-135 | #138. Page 3.12-96 discusses “Economic Effects” as a sub-heading under “Impact SO#12 – Project Effects on Agricultural Businesses” yet the discussion fails to analyze or even discuss relevant Project related effects upon agricultural businesses. Instead, the discussion makes vague, generalized and unsubstantiated claims of economic benefit. The statement on Page 3.12-97 alludes to the Project “reducing urban sprawl into the region’s agricultural land.” However, this proclaimed benefit of the Project is directly contradictory to the facts of the Project as it proposes a Kings/Tulare Regional Station along the BNSF alignment in prime agricultural land that is prioritized for agricultural land preservation and not located within a planned urban area or area even served by municipal services. Therefore, the very siting of this station location in a prioritized prime agricultural growing area will result in unnecessary urban conversion of prime agricultural land and incite speculative development pressure around this Projects station location. As a result, there will be greater demand for urban conversion of surrounding agricultural land and ultimately increase the potential for urban sprawl in an area not planned by any local jurisdiction to accommodate future urban growth. The resulting impacts of locating this high speed rail station in a non-urbanized area is not acknowledged in this environmental document, nor is it adequately addressed to fully disclose to the CHSRA Board as a decision making body the full and potential impacts relative to this Project.

L029-136 | #139. Page 3.12-48 discusses No Project Alternative for economic effects, economic effects on agriculture, environmental justice effects.

L029-137 | #140. Page 3.12-49 Falsely assumes that by not building the HST farmland will be converted to urban uses, while in comparison building the HST will reduce conversion of farmland. As it is highly probably that by increasing transportation connectivity of smaller more affordable communities within the San Joaquin Valley to larger metropolitan areas with high incomes will increase growth pressures, it is more likely that the HST project will increase conversion of farmland. Large misleading assumptions are made in relation to San Joaquin Valley Cities and communities in that by a magical wand of HST an immediate transformation will occur and make highly desirable and vibrant downtowns with concentrated residential development. However, introducing higher income individuals from outside employment areas will likely propel the urban sprawl and less efficient development demand of Cities. There is also a likely scenario that by increasing connectivity to higher income individuals that there may be negative impacts upon housing affordability in the San Joaquin Valley communities as the local incomes of residents are significantly less than incomes of the large metropolitan areas of Los Angeles and San Francisco. Stanislaus County commuting patterns and demand for housing spill over from the bay area, as well as Kern County spill over from Los Angeles are relevant examples of increased growth pressure and housing demand that consumes farmland. Therefore, to claim that the HST project will reduce future growth conversion of agricultural land is not substantiated. The valleywide efforts under the regional Blueprint and Council of Government lead efforts to implement SB 375 with sustainable community strategies are more likely to result in a gradual change in development patterns within the San Joaquin Valley which will occur with or without a HST project.

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L029-138 | #141. Page 3.12-102 states that “reduced agricultural production would have and additional multiplier effect on the region’s economy and could adversely affect associated businesses”

L029-139 | #142. This section is filled with misleading sales promotion that relies upon generalized assumptions that are biased in favor of the HST without substantiated facts or documentation. For instance the Page 3.12-49 states that in relation to the No Project Alternative and Environmental Justice Effects that transportation improvements to rail, highway, airport, and transit systems may disproportionately affect minority and/or low-income populations. As some of these project may also “not likely” affect minority low income populations, this document is written in a manner that attempts to convince the reader of the HST superiority for benefits to the public.

L029-140 | #143. Page 3.12-51 “Construction would require a large number of employees, but is expected to have little effect related to temporary population increases and the potential increased demand for housing and community services. What about long term operation of the full HST system since most other sections rely on full build out benefits?”

L029-141 | #144. Artificial inflation of higher income housing demand.

L029-142 | #145. Impact Local Housing Affordability – there is no impact analysis for effects upon local housing affordability.

L029-143 | Environmental Justice:  
 #146. Page 3.12-9 “At the time this analysis was conducted in mid-2010, the 2000 census data were the most recent data available.” As this R-DEIR/S-DEIS provided sufficient time to update this analysis, why was 2010 Census not used?

L029-144 | Regional Population Characteristics:  
 #147. Page 3.12-14 Projected population relies upon outdated population estimates from the California Department of Finance for 2010. 2010 Census data reveals lower population actual counts. 2035 population estimates have not been revised to reflect current conditions, thus the analysis relies upon outdated higher population estimates for the region which are then used to support other related analysis for impacts and benefits resulting from the project.

L029-145 | Table 3.12-1 Existing and Projected Populations

L029-146 | Table 3.12-2 Minority Group Representation in the Region

L029-147 | #148. The footnote for this table states that 2000 Census and American Community Survey data was used. There is no acknowledgment of the 2010 Census and updated demographic information as it is more current and reflective of current conditions. The 2010 Census provides a more accurate total count for population and ethnicity which helps in determining minority groups.

L029-148 | #149. Page 3.12-21 Population and demographics for City of Hanford, Community of Grangeville, Community of Armona, and City of Corcoran (also Ponderosa and El Rancho) were developed using 2000 Census data information. Although the two unincorporated communities were

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L029-148 | newly added to the Revised Draft EIR/EIS in 2012 they were described with outdated census information and incorrectly rely upon outdated Department of Finance population estimates when more accurate total count 2010 Census data is available.

L029-149 | #150. Table 3.12-6 Minority and Low Income Percentages in the Region  
 Relies upon 2000 Census data as well.

L029-150 | #151. Page 3.12-41 EJ Study is faulty as it relies upon 2000 Census Data and does not take into account current demographic changes as reflected in the total count 2010 Census data that is readily available. Armona is 67% Hispanic while the DEIR/EIS states that it is not a minority EJ community.

L029-151 | #152. Page 3.12-42 and 43 Maps indicate Environmental Justice Analysis – URS 2012. Is the revised draft eir/eis required to update their analysis to take into account more recent data?

L029-152 | #153. Page 3.12-46 Overview of Environmental Consequences identifies outdated program references to Redevelopment

L029-153 | #154. Page 3.12-59 states that the “Hanford West Bypass 1 Alternative” and “Hanford West Bypass 2 Alternative” impacts would not occur in an EJ community. Even the State Department of Water Resources identifies the Community of Armona as a disadvantaged community for the purposes of Local Agency Formation Commission consideration in all annexations and sphere of influence updates. Corcoran was identified and discussed.

L029-154 | #155. Page 3.12-60 under Station Alternatives and in relation to the Kings/Tulare Regional Station for the West Alternative indicates that the Station alternative is not in an EJ Community.

L029-155 | AIR QUALITY:  
 #156. Page 3.12-46 states that “During construction, all the alternatives would have air quality impacts that with mitigation would be reduced to less than significant.”

#157. When the SJV Air Basin is in non-attainment, how can construction impacts be considered less than significant?

L029-156 | #158. Grading, Excavation activities are not fully analyzed for impacts to local communities including air quality impacts. There is no mention of compliance with the Surface Mining and Reclamation Act. This R-DEIR/S-DEIS fails to disclose how much fill dirt will be derived from within Kings County and the potential impacts such as loss of agricultural production, loss of prime soils, and other factors. It is also not disclosed how this material will be transported.

L029-157 | #159. Page 3.12-51 states that “If alternate road access is not feasible, the property will be considered for acquisition.”

There is no defined standard or criteria for what the CHSRA considers “feasible.” As it is well known and previously demonstrated that the CHSRA adds loosely defined policy and guidance language in many of their documents to allow the greatest flexibility for future project decisions, the likely

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L029-157 scenario will be that the CHSRA will elect the least costly alternative which will mean acquisition of agricultural land rather than more costly road development that requires long term maintenance. As there is no cost analysis to determine otherwise, this analysis must consider the worst case scenario that restricted access properties will be entirely acquired by CHSRA. The cost implications and added potential loss of productive agricultural land must be factored into the overall analysis for potential project related impacts, as well as the potential loss of agricultural production value and related community economic impacts.

L029-158 AIR QUALITY  
 #160. Page 3.12-76 Impact SO #9 Effects of Project Operations on Children's Health and Safety alludes to the claim that children health and safety will not be impacted since "All of the alternatives would result in improvements to air quality over the No Project Alternative. However, this claim is misleading and fails to account for the potential reality that this Project may result in only a partial build for an undisclosed number of years or even possible indefinite if additional HSR development funds fail to be secured. As the Project currently exists according to the CHSRA Business Plan and limited funding of 3.6 Billion Federal ARRA grant funding and 2.7 Billion Proposition 1A State Bond funds, the intent is to acquire rail right of way, construct rail alignment and place higher speed Amtrak trains for passenger service through 2022. As there is currently no dedicated funding to complete an entire HSR system from Los Angeles to San Francisco and only speculation as to future funding, the potential exists that higher speed Amtrak service may continue to operate on the HSR alignment beyond 2022. The Fresno to Bakersfield Revised Project Draft EIR/EIS inappropriately relies upon full build out HSR system for writing off a substantial number of significant impacts, and fails to disclose and address the more realistic Alternative of long term operation of high speed Amtrak service with combustion engine type locomotives that do not rely upon an electrified system of operation. Therefore, a Partial Build Alternative with long term Amtrak service that operates more frequently will result in greater air pollution and greenhouse gas emissions that either the BNSF Alternative or the No Project Alternative. Yet this Partial Build Alternative is not even contemplated in the Revised Project Draft EIR/EIS. As there is the potential for greater air quality impacts and greenhouse gas emissions from a Partial Build Alternative, the potential impacts to Children's Health and Safety are not fully analyzed and discussed.

L029-159 #161. Section 3.3, Air Quality and Global Climate Change does not address a Partial Build Alternative -- Question the validity of this unsubstantiated claim that the creation of "overpasses would again improve safety for children in the area over the No Project Alternative." Clearly the creation of roadway overpasses is solely intended to provide safe crossing over the HSR alignment and in fact may increase safety concerns where children attempt to cross over an overpass and are funneled into a tighter corridor with moving vehicles. As a Project overpass is not intended to address existing roadway, bicycle and pedestrian safety issues, an overpass built for crossing over HSR provides no benefit to existing conditions which is the No Project Alternative.

L029-160 #162. Page 3.12-77 states that "Physical impact of an HST leaving the right-of-way could only occur within roughly 100 feet of the right-of-way." The following statement claims that this is a "basic design feature of an HST System" to contain a train within the operational corridor. However, full design engineering for a fully functional HST operation is not provided and does not exist as part of the

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L029-160 Project details and information provided. As this Project level EIR/EIS is based upon on 15% of the HST Project design being completed it is intended to leave design aspects such as this for future contractors to figure out with no guarantee of this performance requirement. This section further claims that the train "would not contain cargo or fuel that would result in a fire or explosion, the proposed project would not substantially increase hazards to nearby schools." However, it is the clear intent of the CHSRA Business Plan and statements made on record by CHSRA officials as well as the California Division of Rails Official that higher speed Amtrak trains have already been purchased by the State and will be used on the San Joaquin Service line equivalent on the HSR alignment between Merced and Bakersfield. Therefore, the statements and conclusions in this Revised Draft Project EIR/EIS as they pertain to hazards and safety to nearby schools is false and misleading.

L029-161 Economic Impacts  
 #163. Page 3.12-98 states that the BNSF Alternative will result in short term property tax revenue reductions. For Kings County the estimated annual reduction is \$435,000. This discussion falsely portrays economic impacts within the four County region as being "negligible," as it avoids consideration of individual jurisdiction relevance. Local jurisdictions are not all equal and do not have the save proportional economic diversity and market relevance to each community.

L029-162 Impact SO #4 – Employment Growth  
 #164. 3.18 – check as it is suppose to discuss the potential impacts of population growth. This is stated as part of Page3.12-99 Impact SO #4 – Employment Growth -- States "given potential fiscal conditions for local county and city jurisdictions in the region, the context would add to budget deficits and could challenge government and public service budgets."

L029-163 #165. Where is the in-depth analysis or estimate of what that may mean to impacted communities?

L029-164 #166. Page 3.12-101 Impact SO #15 – Changes in School District Funding and School Access. What does "large number" mean in terms of residential displacements? In Armona along the Hanford West Bypass 1 and 2 alternatives?  
 23 students in Armona Union Elementary School District  
 19 students in Hanford Joint Union High School District.  
 Generalized statements to justify a pre-determined alignment and route.

L029-165 #167. Would Overpasses over both HSR and BNSF improve transportation safety? Less at grade crossings would potentially reduce the number of accidents at existing grade crossings. However, the creation of multiple overpasses over HSR and BNSF would add an entirely new transportation environment factor not currently experienced by local drivers. There would remain the potential for overcrossing accidents and the resultant spill over on top of HSR and BNSF tracks. Whether the risk potential is minimal or not, this potential impact has not been addressed. Therefore, reasonable mitigation to minimize the potential for vehicular accident spill over on overpass and on to HSR and BNSF has not been adequately addressed.

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L029-166 | #168. Page 3.12-102 acknowledges that “reduced agricultural production would have an additional multiplier effect on the region’s economy and could adversely affect associated businesses involved in related sectors such as agricultural services, food processing, and the transportation of goods.” Acknowledges that HSR cutting through agricultural facilities would likely face “a difficult and time consuming process given current and projected future environmental regulations.

Page 3.12-103  
 BNSF Alternative – Impact upon Kings County  
 \$9.7 Million in annual revenues (\$7.2 Million in dairy sector)  
 80 employees

Where is the analysis on this?

L029-167 | #169. Page 3.12-102 -- Dairy Operations  
 BNSF Alternative – not expected to relocate an entire dairy operation.  
 4 Dairy Facilities  
 1 Feedlot Facility

Anticipated that dairy operations could continue in the same location. Where is the analysis of the various regulations that affect this assumption?

L029-168 | #170 Reconfigure facilities – offer compensation to landowners who demonstrate a hardship.  
 What is the mechanism to ensure fair and equitable treatment in evaluating “hardship.”

L029-169 | #171. Noise – Page 3.12-103 states that “HST operation might cause noise that would disturb livestock.” This statement lacks substantiation and simply makes a generalized statement that “might” or “might not” apply. FRA 2005 established a threshold of 100 dBA SEL (sound exposure level) for single event. Distance of 100 ft would be less than 100 dBA SEL.

L029-170 | CROPLAND for Dairies  
 #172. Page 3.12-103 states that BNSF Alternative would acquire 188 acres of cropland in Kings County that are associated with animal operations used for nutrient distribution. States that the Project could force operations to alter current manure management practices and require them to find replacement locations for nutrient distribution. It assumed that animal operations would need to reduce their production in the short term until they found replacement land. The short term effect on Kings County dairy sector is estimated at \$7.2 million. This type of loss cannot be based on assumptions. Where is the analysis and mitigation discussion?

L029-171 | #173. Page 3.12-104 Bureau of Economic Analysis estimates that the additional multiplier indirect and induced effect to related sectors would be about equal to the direct loss in agricultural revenue. Approx. \$55 Million annually gross for all four Counties. Table 3.12-16 identifies Hanford West 1 and 2 as \$4.6 and \$5.4 Million less in impacts and 40 and 43 less in employment job loss. Where is the analysis and mitigation discussion?

**Agricultural Access and Project Road Closures**

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L029-172 | #174. Page 3.12-106 states that it is beyond the scope of the EIR/EIS to determine the potential impacts at the individual farm operation level. Will be considered on a case by case basis during property acquisition portion of the project. The contribution that they make to the overall economy of Kings County is reason for more than an individualized determination. The statements show the lack of knowledge of agricultural economy and practices. Where is the analysis and mitigation discussion?

L029-173 | Page 3.12-119 **Mitigation Measure SO-5: Provide access modifications to affected farmlands.**

#175. This mitigation measure is unenforceable and establishes no requirement that CHSRA provide access across the HSR grade separated alignment to maintain farm equipment connectivity between bisected farm properties. This measure only requires that “the Authority will evaluate with property owner input the effectiveness of providing overcrossings or undercrossings of the HST track.” The statement that “This mitigation measure will be effective because it will maintain access to farmlands for farmers whose property is bisected” is unsubstantiated as this measure will not be enforceable and the CHSRA may choose to not provide access. The property owner/farming operator will be left at a disadvantage in resolving this matter and be subject to limited benefits from right of way acquisition that may not take into account the full disruption to the larger farming operation beyond just the impacted parcel.

L029-174 | #176. Page 3.12-98 Provides an estimated breakdown of potential property tax loss to individual communities within the Fresno to Bakersfield Project HSR alignment. An approximate \$2.3 million annual loss in property tax revenue is anticipated to occur within the four County region impacted by this Project. This discussion also acknowledges that these economic impacts compound the current economic conditions and local budget deficits that are directly tied to local government services. The promoted economic benefits of Project construction identifies Kings County as benefiting \$460,000 in sales tax revenue during construction of the Project, while in comparison Fresno, Tulare and Kern Counties are estimated to receive \$9.4 Million. In order to fully understand the potential economic impacts there needs to be further clarification and discussion as to what period of time these benefits are estimated to be generated. As this Project is only projecting to construct right of way, rail and other supporting structures, but not the electrification system the question remains as to whether construction related sales tax benefits are defined to occur through 2017 when basic Project systems are constructed to utilize the Federal ARRA funds. (Page 5-148, Table 5-49 Contribution of Sales Tax Revenue during Construction). Kings County officials have commented and noted to the CHSRA agents over the past year that Kings County as a smaller rural/agricultural County with a total population of 153,000 and less diverse economic industries may face a larger and more disproportionate economic impact in comparison to surrounding Counties with larger populations and more diverse economies. Discussion on “Sales Tax Revenue Effects” resulting from the Project rely upon generalized region benefits by stating an estimated beneficial generation of \$1.5 million annually within the region. Page 5-144 of CIATR on Section 5.4.5.1 Construction - Economic Effects (from Sections 5.1.2 and 5.4.4) makes the generalized claim to economic benefits to the region. However, the R-DEIR/S-DEIS fails to acknowledge the potential economic impacts the Project will have upon community businesses that derive economic benefits from the existing Amtrak station in Hanford. An estimated \$11 Million loss to downtown businesses may occur as a result of shifting Amtrak service to the Project alignment and thereby eliminate Amtrak passenger service connectivity to this community. The likely result is that

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L029-174 | Amtrak service is shifted to the Project alignment and passenger rail connectivity to Hanford is replaced with Amtrak bus service to Bakersfield, Fresno or Merced. By not examining the potential economic implications of Amtrak service loss that is now legislatively tied to maintain consistency with the CHSRA Business Plan, local government jurisdictional sales tax loss in relation to where the economic benefits of HSR construction spending might be directed, the R-DEIR/S-DEIS fails to consider possible mitigation strategies that could potentially reduce disproportionate economic impacts in less fortunate communities impacted by the Project.

L029-175 | #177. This discussion also makes the claim that relocation of businesses will disrupt local sales tax generation and states that “this interruption in sales would lead to some potential short-term losses for communities adjacent to the project.” However, there no analysis is provided to determine what the potential sales tax loss would be relative to each jurisdiction. The CHSRA has already identified individual properties and businesses that may need to be relocated, yet there is no further effort to survey or inventory annual individual sales tax generation to adequately estimate the total sales tax that may be disrupted within each individual jurisdiction which would provide a more complete understanding and analysis of the potential loss to individual local governmental entities that are reliant upon Property and Sales Tax revenue.

L029-176 | #178. The “Fresno to Bakersfield Section: Community Impact Assessment Technical Report (Authority and FRA 2012a)” provides details on geographic and socioeconomic factors within the Project impacted region. This report, however, relies upon 2000 Census data and statistics and has not been updated to reflect more current and readily available 2010 Census data. As population, ethnicity, and other demographic factors have in some instances substantially changed over the past decade, this report fails to consider and evaluate the more current and relevant socioeconomic conditions.

L029-177 | #179. Economic gain with a region does not necessarily equate to economic gain within some of the smaller more rural jurisdictions where local economies are more closely tied to agriculture. As agricultural industries are not projected to receive positive economic gain from this HSR transportation construction activity, the more likely result would be that more densely urbanized areas with greater diverse industries and economies would be the likely beneficiaries of Project related economic benefits.

L029-178 | #180. This report also states on Page 5-42 that “The number of business relocations in Corcoran is 16, which is large given the small size of the city’s overall economy. In addition, the lack of suitable vacant replacement properties has the potential to further disrupt economic conditions. Therefore, the effect of these relocations on business operations in Corcoran would be substantial.” Where is the evaluation of potential mitigation measures to address this “substantial” community impact upon the rural City of Corcoran to minimize the Project’s economic effects upon this community?

L029-179 | Section 3.13 – Land Use

#181. 3.13-13 The RDEIR states that the HST is a federal and state project and, as such, “it is not required to be consistent with local plans.” Consistency with local plans is described “to provide a context for the project.” This is patently incorrect. The RDEIR acknowledges the Project will have impacts that require the relocation of affected uses, which will require the approval of local agencies.

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L029-179 | As a result, the consistency of the Project with local general plan and zoning requirements must be evaluated in the RDEIR.

L029-180 | #182. 3.13-14 Wouldn’t the BNSF Alternative also extend through areas of agricultural land uses, and therefore be inconsistent with San Joaquin Valley Blueprint Principles 7 and 8 and the Kings County General Plan, just like the Hanford West Bypass and Corcoran Bypass Alternatives?

L029-181 | #183. 3.13-15 Kings/Tulare Station Alternatives: Would annexation by City of Hanford receive separate environmental review? Would this be improper “piecemealing” of the project if annexation is required for the Hanford East Alternative? Where are the growth inducing impacts of Hanford East Alternative studied (due to proposed extension of services)? Where are mitigation measures for agricultural conservation easements described? To what properties would they apply? Would limiting parking result in displacing the impacts to other areas? Are Hanford East and West Station Alternatives consistent with Kings County General Plan?

L029-182 | #184. 3.13-16 If the land use designation in the General Plan would have to be changed to accommodate a Heavy Maintenance Facility in Kings County/Hanford, how can the existing zoning be a permitted use and be considered consistent?

L029-183 | #185. 3.13-17 [§ 3.13.3.2] CEQA Significance Criteria: why does the RDEIR not consider whether the Project would “physically divide an established community” as recommended in CEQA Guidelines Appendix G?

L029-184 | #186. 3.13-18 The RDEIR states the Project is a federal and state project and local land use plans are not “applicable” to the project and local agencies do not have jurisdiction over the project within the meaning of CEQA Guidelines Appendix G, so conflict with local plans is not considered an environmental impact. However, the Project will have impacts that require mitigation involving the relocation of existing facilities and the RDEIR acknowledges such relocation will require the discretionary approval of local agencies consistent with applicable general plans and zoning ordinances. Thus, the RDEIR must consider the consistency of the Project with local land use plans and ordinances. In addition, even if the RDEIR’s position were correct for direct impacts to the land on which the alignment resides (i.e., project footprint), the Project’s conflicts with adjacent and surrounding land uses—which are not within the CHSRA jurisdiction and are subject to local plans and are within local agency jurisdiction—may result in a significant impact. See § 3.13.3.3, Study Area, which makes this distinction between the study area for “direct effects,” which is the project footprint, and the study area for “indirect effects,” which includes the land outside the construction footprint.]

L029-185 | #187. 3.13-18 [§ 3.13.3.4, Affected Environment] States that, for example, the BNSF alignment would extend primarily through existing agricultural lands in Kings County, but does not provide any information to identify the particular lands affected, their size, current use or any other relevant characteristic.

L029-186 | #188. 3.13-35 Impact LU # 1 – Potential for Construction to Alter Land Use Patterns: The RDEIR describes impacts on agricultural land including temporary closure of roads for up to 18 months,

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L029-186 but says the disruption would be economic and agricultural, not a land use impact. The RDEIR also describes temporary use of approximately 2,000 acres of land outside the permanent footprint of the Project for construction staging, laydown, etc., which could last for up to 5 years. The RDEIR then says impacts would be less than significant because long-term land uses would not change and land would be restored after construction. However, the RDEIR fails to provide any facts or other evidence to support this conclusion, and no information is provided regarding the location of the 2,000 acres needed for construction staging and laydown. The absence of such site specific analysis of the potential impacts clearly violates CEQA's requirements for "project" EIRs.

L029-187 #189. 3.13-36 The RDEIR says that although construction would result in short-term land use that is incompatible with existing land uses, it would not cause a change in adjacent land uses, so impacts "would be significant under CEQA." Where is the mitigation for this significant impact.

L029-188 #190. 3.13-37 Impact LU # 2: Permanent Conversion of Existing Land Uses to Transportation Uses: (1<sup>st</sup> ¶) The RDEIR uses improper "ratio theory" in stating that footprint of project would require only 0.01% of acreage of land in the four-county area. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.)

L029-189 #191. 3.13-46 Impact LU # 3 – Land Use Effects of Parking Demand at Station Sites: (3d ¶) The discussion in the RDEIR is confusing. First it says there are no existing parking facilities at the potential Kings/Tulare Station, East of West alternatives, then the RDEIR refers to "the current parking layout for the two stations provides 2,280 parking spaces" in a surface lot at the Kings/Tulare Station, East, which would not be sufficient to meet expected demand. Are there currently any parking facilities or not?

L029-190 #192. 3.13-47 The RDEIR goes on to say that the CHSRA will discourage unplanned growth in the area by working with Hanford, etc. to provide parking at satellite lots, but defers any environmental review until the future "if this approach to serving the HST station is implemented." However, doesn't this approach have to be implemented to avoid the unplanned growth impact? And if so, deferral of the environmental review of the satellite lots violates CEQA. (See below re p. 3.13-57.)

L029-191 #193. 3.13-48 Impact LU # 4: Indirect Effects on Surrounding Land Uses: The RDEIR says there will be no impact from the proposed alignment because land use patterns along the proposed alignment will not change. The RDEIR also says there will be a significant impact from the proposed Kings/Tulare Station and from the proposed HMF due to increased growth incompatible with existing uses. However, the RDEIR fails to provide any site specific analysis, just very short paragraphs providing statements of conclusion with no supporting data or other evidence.

L029-192 #194. 3.13-49 Impact LU # 5: Potential for Future Increased Density and TOD Development at Stations.

L029-193 #195. 3.13-51 – 53 Kings/Tulare Station East and West would have significant indirect impacts because development related to project would cause changes in land use pattern and intensity that are inconsistent with surrounding uses and applicable plans. (1<sup>st</sup> ¶) The RDEIR discusses potential

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L029-193 mitigation measures, including purchase of agricultural conservation easements addressed in Section 3.14, and says the CHSRA "could" purchase easements surrounding the station and "could" provide a portion of the required parking in satellite locations, but admits "no specific site locations have been determined." The RDEIR thus is inadequate because it has not identified any specific site locations, has not determined whether agricultural land for conservation is available, and apparently does not require the CHSRA to implement any of these measures.

L029-194 #196. 3.13-57 [§ 3.13.6] Project Design Features: Once again, the RDEIR says the Authority "could" provide satellite parking, but does not require it to do so. Also, the RDEIR says design features could reduce temporary construction impacts, but doesn't state what they are and instead refers the reader to other sections of the RDEIR and says they include a construction management plan and dust control measures. This general reference is insufficient and the RDEIR must identify the specific measures which will avoid significant impacts from occurring and which the CHSRA will be required to implement.

L029-195 #197. 3.13-57 [§ 3.13.7] Mitigation Measures:  
 The RDEIR is inadequate because it relies solely on mitigation measures for air quality, noise and vibration, aesthetics/visual resources, and agricultural resources, but does not recommend any mitigation measures for land use impacts.

L029-196 #198. 3.13-58 [§ 3.13.8] NEPA Impacts Summary: The RDEIR uses improper "ratio theory" in stating that the affected land would only constitute 0.01% of total land in affected counties. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.)

L029-197 #199. 3.13-59 [§ 3.13.9] CEQA Significance Conclusion:  
 [1<sup>st</sup> ¶] The RDEIR incorrectly says 210 acres outside footprint will be affected. Should be "2,000" acres. See p. 3.13-35. The RDEIR also says the construction staging areas will be acquired from willing landowners, but does not say where they will be located or how large each one must be and thus there is no evidence to support the conclusion that they will be available. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692; *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 373.)  
 [2d ¶] The RDEIR says temporary construction impacts would be mitigated to less than significant through implementation of design features but, as indicated above, does not identify them. Also, there are no facts or analysis provided to show that the proposed design features and mitigation measures will be effective in reducing impacts below significance.  
 [3d ¶] The RDEIR says there are no mitigation measures proposed for the permanent direct or indirect impacts resulting from the permanent conversion of agricultural land for the alignment and station. This conclusion is inexcusable and inadequate. The RDEIR acknowledges there are at least a couple of feasible mitigation measures, such as acquisition of agricultural conservation easements on land surrounding the station, and providing smaller parking lot at station with satellite lots in nearby cities, but it fails to require them, with no explanation as to why. The RDEIR's conclusion of no feasible mitigation measures and the significant and unmitigated for LU Impacts # 2, 3, 4 and 5 means the RDEIR must evaluate alternatives that could avoid or substantially reduce these impacts. Does it do

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L029-197 | so? Does the RDEIR consider alternate locations for the alignment, station and HMF that could avoid or reduce the unmitigated impacts?

L029-198 | #200 3.13.1 Introduction (Page 3.13-1) The EIR/EIS states "The development of the HST project involves collaboration with the Fresno and Bakersfield jurisdictions on upcoming updates to local general plans and land use planning processes to establish opportunities for enhanced transit-oriented development (TOD) around stations (Transit Cooperative Research Program 2004). In this process, the Authority will minimize incompatibility issues with adjacent land uses and help foster a mutually beneficial transportation and land use plan."

Why has Kings County been excluded from collaboration to minimize incompatibility issues with general plan policies, adjacent land uses, and help foster a mutually beneficial transportation and land use plan?

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-199 | #201 3.13.1 Introduction (Page 3.13-1) The EIR/EIS states "By following existing transportation corridors as much as possible, the design of the HST project reduces land use conflicts."

The project does not follow existing transportation corridors as much as possible. Instead, the HSRA has chosen to shift the tracks from the BNSF corridor and veer off into agricultural areas and remove prime agricultural land from production. This is inconsistent with the *Safe, Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century*. See California Streets and Highways Code Section 2704-2704.21.

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-200 | #202 3.13.2.1. Federal (Page 3.13-2)

The EIR/EIS states "Isn't the project subject to the requirements of NEPA (which are Federal Regulation) due to the Federal Funds that are involved in the project? Additionally, as a co-lead agency, FRA is subject to Department of Transportation, Federal Railroad Administration, Updated Environmental Assessment Procedures For Considering Environmental Impacts. The update was made to eliminate outdated references, correct inconsistencies with the Council on Environmental Quality's NEPA implementing regulations and to "improve public access to the process that governs FRA's compliance with the National Environmental Policy Act (NEPA) and related environmental and historic preservation laws and regulations" which were adopted July 30, 1979, and updated May 18, 1999 and can be viewed at FRA Docket No. EP-1, Notice 5 (See Federal Register, Vol. 64, No. 101).

**Farmland Protection Policy Act [7 U.S.C. Sections 4201 to 4209 and 7**

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**CFR 658I**

The Farmland Protection Policy Act requires, before taking or approving any federal action that would result in conversion of farmland, the agency must examine the effects of the action using the criteria set forth in the Act, and, if there are adverse effects, must consider alternatives to lessen them in coordination with the Natural Resources Conversation Service.

There is no mention in the revised EIR/EIS as to whether or not the requirements of the Farmland Protection Policy Act have been met.

**3.13.2.2 State**

**California Land Conservation Act (Williamson Act) [California Government Code Sections 51200-51295]**

This voluntary program provides preferential tax incentives to qualifying property owners to discourage the conversion of agricultural and open space lands to other uses.

**Sustainable Communities and Climate Protection Act of 2008**

This statute requires regional planning agencies (i.e., Fresno Council of Governments, Kings County Association of Governments [KCAG], Kern Council of Governments (KCOG) to include a "Sustainable Community Strategy" or "Alternative Planning Strategy" in the next version of their Regional Transportation Plans (RTPs). The Sustainable Community Strategy (SCS) will coordinate land use, housing needs, and transportation/transit planning to meet the regional target for the reduction of greenhouse gas emissions from automobiles and light trucks established by CARB. Coordination is enforced by requiring transportation projects identified in the RTP to comply with the sustainable community strategy in order to receive state and federal funding through the regional housing needs allocation. The requirements of SB 375 will be reflected in the 2014 RTPs adopted by the Fresno Council of Governments.

L029-202 |

#203 3.13.2.C. Regional and Local Laws, Regulations, and Orders (Page 3.13-2)

The statement that regional and local plans and policies were identified and considered in the preparation of the analysis is not accurate since not all of the applicable policies of the 2035 Kings County General Plan have been included. The analysis selectively chose policies where the HSRA could make consistency findings and other policies were excluded where it is not possible to make consistency findings.

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L029-202 | The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS, despite the addition of the following language in the revised EIR/EIS:

The San Joaquin Valley Blueprint (2010) is a broad set of growth principles for the Valley adopted by its seven regional governments after an intensive community involvement program. The San Joaquin Valley Blueprint lays out a preferred scenario for the future of the San Joaquin Valley and may be used to guide growth over the next 50 years (San Joaquin Valley Regional Policy Council 2010). Compliance is entirely voluntary, and the Blueprint imposes no new requirements on either the regional governments or cities and counties of the San Joaquin Valley. The planning process involved seven councils of government and one regional transportation planning agency:

L029-203 | #204 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) The analysis in the EIR is not consistent with Section I of the Land Use Element (Page LU-1) which states "The Land Use Element remains consistent with the County's overarching priorities to protect prime agricultural land, direct urban growth to existing cities and community districts, and increase economic and community sustainability." The project does not protect prime agricultural land. Instead it shifts the tracks away from existing transportation corridors and takes huge tracts of prime agricultural land out of production and threatens the agricultural based economy in Kings County. In addition, the project would be establishing urban uses (track, potential station, and heavy maintenance facility) in agricultural areas. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan renders the EIR inadequate. See CEQA Guidelines § 15125(d).

L029-204 | #205 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) **The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.** Section I of the Land Use Element (Page LU-1) also states "General Plan land use designations and policies are designed to encourage compact and community centered development patterns that lower public service costs, make more efficient use of land, and discourages premature conversion of farmland to other uses. Policies embodied in this element are designed to balance the protection of individual property owners' rights and property value with the efficient provision of public services to the community at large and long term preservation of natural resources." The HST project within Kings County is in conflict with Section I since the project would result in urban growth in rural agricultural areas that do not have the ability to provide urban services (water and sewer service) and would result in higher public service costs. Shifting the track alignment from existing transportation corridors (Highway 99 & Interstate 5) does not make more

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L029-204 | efficient use of the land and instead results in premature conversion of farmland to other uses and potentially results in "leap frog" development that is inconsistent with the Land Use Element of the Kings County General Plan. The failure to discuss this inconsistency renders the EIR inadequate. See CEQA Guidelines § 15125(d).

L029-205 | #206 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) **The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.** The HST project is not consistent with Section I.D of the Land Use Element which states that "Kings County continues to direct urban growth within the "Urban Fringe" areas to cities for annexation, and looks to accommodate new unincorporated growth within the four "Community Districts" that are served by special districts." Instead the project places an urban development in a rural area where no services exist (water and sewer). Section I.D (Page LU-5) goes on to state "Centralized and focused growth in established urban areas will ensure that growth does not occur beyond the planned service range of water and sewer service providers. Growth beyond these areas can present severe environmental and public health problems as well as costly service delivery problems." The project is clearly inconsistent with Section I.D. and the project would present severe environmental and public health problems as well as costly service delivery problems as stated above. The failure to discuss this inconsistency renders the EIR inadequate. See CEQA Guidelines § 15125(d).

L029-206 | #207 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) **The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.** Section I.E.2 of the Land Use Element (Page LU-6) states that "Sphere reductions were done in coordination with existing City and County General Plan Land Use Plans, and under consideration of new Municipal Service Review requirements. Now that Sphere of Influence boundaries clearly coincide with areas planned for urban growth, new development within these spheres will be directed to annex to the nearest municipal service providing entity. Utilizing refined Sphere of Influence Boundaries that coincide with planned orderly urban growth plans can prevent urban sprawl and duplication of public services. In promoting planned, efficient urban development patterns, protection of agricultural and open space land will continue to prevent the premature conversion to urban uses." The HST project is inconsistent with Section I.E.2 since it places the track, potential station, and heavy maintenance facilities outside the Primary Sphere of Influence where there is no municipal service providing entity. As a result the project could result in urban sprawl and duplication of services and the project does not protect agricultural and open space land from premature conversion to urban uses. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan renders the EIR

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 inadequate. See CEQA Guidelines § 15125(d).

L029-207 #208 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8)  
 The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS. Section I.E.3 of the Land Use Element (Page LU-7) states "Under the coordination efforts of the Kings County Association of Governments, a Kings County Blueprint for urban growth was defined that emphasized city centered urban growth, economic development, and agricultural preservation." The HST project is inconsistent with Section I.E.3 because it places urban uses in rural areas without services, damages the County's agricultural based economy, and removes a large amount of prime agricultural acreage from production. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan renders the EIR inadequate. See CEQA Guidelines § 15125(d).

L029-208 #209 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8)  
 The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS. Section II of the Land Use Element (Page LU-9) states "In addition to the general land use distribution and intensity of land use discussion in the Land Use Element, other special land use considerations must also be addressed. These include areas within the solid waste sites for municipal and hazardous waste, flood plains, and operational areas around a military installation." Figure LU-6 on Page LU-10 shows that the closed Hanford Sanitary Landfill is located east of Highway 43, south of Hanford Armona Road. The HST alignment would run along the east boundary of the closed landfill and the EIR needs to analyze the potential effects of constructing the alignment over the closed landfill and demonstrate how public health and the environment would both be protected from accidental release of contaminants from the closed landfill. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on public health and the environment, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, § VIII (Hazards and Hazardous Materials).

L029-209 #210 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8)  
 The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS. Section III.A.1 of the Land Use Element (Page LU-13) states "Agricultural land use designations account for a vast majority of the County's land use. Included within this land use type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20 Acre Minimum, General Agriculture 40 Acre Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations relate to minimum parcel size, animal keeping, and agricultural service businesses.

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 These designations preserve land best suited for agriculture, protect land from premature conversion, prevents encroachment of incompatible uses, and establish intensity of agricultural uses in a manner that remains compatible with other uses within the County." The HST project is inconsistent with Section III.A.1 since it: 1) converts prime agricultural land to a non-agricultural use that has no relation to agriculture whatsoever, 2) results in encroachment of incompatible uses that will adversely affect agricultural operations, bovine dairy facilities, and agricultural service establishments that provide services to agricultural operations. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

L029-210 #211 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8)  
 The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS. Section III.A.1 of the Land Use Element states "General Agriculture - 20 Acre (North County): This designation is applied to rural areas of the county north of Kansas Avenue, excluding the Urban Fringe areas of Hanford and Lemoore, Communities of Armona and Home Garden, the Naval Air Station Lemoore, the Santa Rosa Rancheria Tribal Trust Land, and other small Rural Interface pockets of urban uses. Generally characterized by extensive and intensive agricultural uses, farms within this designation have historically been smaller in size. These areas should remain reserved for commercial agricultural uses because of their high quality soil, natural and manmade waterways, scenic nature with larger concentrations of orchards, vineyards, and valley oak trees." The HST project is inconsistent with the General Agriculture - 20 Acre (North County) designation because the project would convert agricultural uses on high quality soil to non-agricultural uses (track, potential station, and heavy maintenance facilities). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

L029-211 #212 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8)  
 Section III.A.1 of the Land Use Element (Pages LU-13 and LU-14) states "General Agriculture - 40 Acre (South County): This designation is applied to rural areas of the county south of Kansas Avenue, excluding the Urban Fringe areas of Corcoran, the Communities of Kettleman City and Stratford, and high slope areas of the Coast Ranges. Included within this designation are large corporate farming areas of the Tulare Lake Basin, and areas of the valley floor generally characterized by extensive and intensive

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L029-211 | agricultural uses. Extensive irrigation channels and levees divert surface water to support field crops along the valley floor and orchards along the Kettleman Hills. This designation allows intensive agricultural uses that by their nature may be incompatible with urban uses. Much of the land within this designation is also subject to flood hazard risk and should remain devoted to agriculture use to reduce the potential for future conflicts." The HST project is inconsistent with the General Agriculture - 40 Acre (South County) designation because the project would convert agricultural uses on high quality soil to non-agricultural uses (track, potential station, and heavy maintenance facilities). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-212 | #213 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) Section III.A.1 of the Land Use Element states "General Agriculture - 20 Acre (North County): This designation is applied to rural areas of the county north of Kansas Avenue, excluding the Urban Fringe areas of Hanford and Lemoore, Communities of Armona and Home Garden, the Naval Air Station Lemoore, the Santa Rosa Rancheria Tribal Trust Land, and other small Rural Interface pockets of urban uses. Generally characterized by extensive and intensive agricultural uses, farms within this designation have historically been smaller in size. These areas should remain reserved for commercial agricultural uses because of their high quality soil, natural and manmade waterways, scenic nature with larger concentrations of orchards, vineyards, and valley oak trees." The HST project is inconsistent with the General Agriculture - 20 Acre (North County) designation because the project would convert agricultural uses on high quality soil to non-agricultural uses (track, potential station, and heavy maintenance facilities). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-213 | #214 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) Section III.A.1 of the Land Use Element (Pages LU-13 and LU-14) states "General Agriculture - 40 Acre (South County): This designation is applied To: California High Speed Rail Authority and Federal Railroad Administration October 19, 2012 Page 50 of 135 Comments of Kings County on R-DEIR/S-EIS

L029-213 | Regulations, and Orders Kings County General Plan (Page 3.13-8) to rural areas of the county south of Kansas Avenue, excluding the Urban Fringe areas of Corcoran, the Communities of Kettleman City and Stratford, and high slope areas of the Coast Ranges. Included within this designation are large corporate farming areas of the Tulare Lake Basin, and areas of the valley floor generally characterized by extensive and intensive agricultural uses. Extensive irrigation channels and levees divert surface water to support field crops along the valley floor and orchards along the Kettleman Hills. This designation allows intensive agricultural uses that by their nature may be incompatible with urban uses. Much of the land within this designation is also subject to flood hazard risk and should remain devoted to agriculture use to reduce the potential for future conflicts." The HST project is inconsistent with the General Agriculture - 40 Acre (South County) designation because the project would convert agricultural uses on high quality soil to non-agricultural uses (track, potential station, and heavy maintenance facilities). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-214 | #215 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) LU GOAL B1 on Page LU-27 of the Land Use Element states "Protect agricultural lands throughout the County, and in particular along the edges of community districts and Urban Fringe by maintaining large parcel sizes and preventing the premature development of incompatible urban uses." The HST project is inconsistent with LU Goal B1 since the project would remove large amounts of prime agricultural land from production and place incompatible urban uses (track, possible station, and heavy maintenance facilities) in rural areas that do not have services (water and sewer). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-215 | #216 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) LU OBJECTIVE B2.1 on Page LU-30 of the Land Use Element states "Recognize agriculture as the highest and best use of agricultural designated land, and preserve the right of farmers and agricultural operations to continue customary and usual agricultural practices, and operate in the most efficient manner possible." The HST project is inconsistent with LU To: California High Speed Rail Authority and Federal Railroad Administration October 19, 2012 Page 51 of 135 Comments of Kings County on R-DEIR/S-EIS

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 (Page 3.13-8) | Objective B2.1 because the project converts prime agricultural land to non-agricultural uses. In addition, the HST project adversely affects farmers and agricultural operations by preventing them from continuing customary and usual agricultural practices. Finally, the HST project adversely affects farmers and agricultural operations by preventing them from operating in the most efficient manner possible. Existing agricultural fields and facilities would be bisected by the HST alignment causing greater driving distance to get to portions of agricultural fields and facilities located on either side of the HSR alignment. Segmenting fields and facilities will affect farmer's ability to irrigate crops bisected by the HSR alignment, making the farmers operations less efficient (more time to do same amount of work) and more costly (due to greater fuel labor costs). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-216 | #217 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | LU Policy B2.1.1 on Page LU-30 of the Land Use Element states "The primary use of land designated Limited Agriculture, General Agriculture, and Exclusive Agriculture shall remain devoted to agricultural uses and related support services." The project is inconsistent with LU Policy B2.1.1 since prime agricultural land would be converted to non-agricultural uses (track, possible station, and heavy maintenance facility). The project is neither an agricultural use nor a related support service. The project has no relation to agriculture what so ever. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-217 | #218 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | LU OBJECTIVE B2.2 on Page LU-31 of the Land Use Element states "Minimize and reduce the potential for conflicts between agriculture and non-agricultural urban uses." The project is inconsistent with LU Objective B2.2 because the project creates conflicts between agriculture and non-agricultural uses by taking prime agricultural land out of production, bisecting numerous agricultural operations making them less efficient, and the project establishes an urban use in an agricultural area that does not have services (water and sewer) to support the potential station and heavy

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L029-217 | maintenance facility. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-218 | #219 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | LU OBJECTIVE B2.3 on Page LU-31 of the Land Use Element states "Increase diversified business opportunities within agricultural areas when they are compatible with agricultural operations." The project is inconsistent with LU Objective B2.3 because the project would decrease the number of farming operations, dairy facilities, and farm related businesses (i.e. Baker Commodities) by establishing a High Speed Train, Potential Station, and Heavy Maintenance Facility that are not compatible with agricultural uses. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-219 | #220 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | LU GOAL B5 on Page LU-36 of the Land Use Element states "Agricultural conservation efforts that serve to protect the County's agricultural economy do not hinder the ability of cities and community districts to accommodate well planned orderly growth, and do not foster discontinuous patterns of Urban Fringe or Community District development that lead to urban sprawl." The project is inconsistent with LU Goal B5 because it does not conserve agriculture, it threatens the County's agricultural economy, it hinders well planned growth, and it fosters discontinuous patterns of Urban Fringe development that can lead to urban sprawl. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan, and to analyze the potential impacts on land use, population growth and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning), XIII (Population and Housing).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-220 | #221 3.13.2.C. Regional and Local Laws, Regulations, and

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L029-220 | Orders Kings County General Plan (Page 3.13-8) | project is inconsistent with LU Policy D1.3.2 because the project is a new development that does not comply with County General Plan policies. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan and to analyze the potential impacts on land use and population growth renders the EIR inadequate. See CEQA Guidelines § 15125(d) and Appendix G, §§ X(b) (Land Use and Planning), XIII (Population and Housing).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-221 | #222 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | LU Policy D1.6.3 on Page LU-44 of the Land Use Element states "Require new development proposals for urban growth within a Community Plan defined area to annex to the relevant Community Services District or Public Utilities District for the provision of municipal services." The project is inconsistent with LU Policy D1.6.3 because it would result in an urban development in an agricultural area where no urban services (water and sewer) are available. Annexation to a city or community service district is not possible since the HST route is outside of the primary sphere of influence of the city and community service districts. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan and to analyze the potential impacts on land use and population growth renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ X(b) (Land Use and Planning), XIII (Population and Housing).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-222 | #223 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | LU Policy D1.6.4 on Page LU-44 of the Land Use Element states "Approval of new development within a Community District shall be limited to the extent that district services and infrastructure are or can be made available." The project is inconsistent with LU Policy D1.6.4 since it would establish urban uses in a rural area without services (water and sewer). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan and to analyze the potential impacts on land use and population growth renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ X(b) (Land Use and Planning), XIII (Population and Housing).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-223 | #224 3.13.2.C. Regional and Local Laws, Regulations, and Orders | LU Policy D1.6.7 on Page LU-44 of the Land Use Element states "Require all new development proposals to contain information on municipal service capacity and infrastructure needs to evaluate whether the development can be accommodated by existing district services." The project is inconsistent

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L029-223 | Kings County General Plan (Page 3.13-8) | with LU Policy D1.6.7 since the development proposal does not contain information on municipal service capacity and infrastructure needs. As a result, it is not possible to evaluate whether the development can be accommodated by existing services. The County does not provide any services (water and sewer) in the unincorporated areas of the County. The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan and to analyze the potential impacts on land use and population growth renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ X(b) (Land Use and Planning), XIII (Population and Housing).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-224 | #225 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | LU OBJECTIVE E1.1 on Page LU-45 of the Land Use Element states "Require new development in city fringe areas (except a single-family house or secondary dwelling unit on an existing lot) to annex to the city, and encourage existing developed fringe areas to annex to the City where the City is the closest and most logical municipal service provider." The project is inconsistent with LU Objective E1.1 because it would establish urban uses (track, potential station, heavy maintenance facility) in rural areas that are not contiguous to a City or Community Service District and do not have the ability to provide service (water and sewer). The failure to discuss this inconsistency with the Land Use Element of the Kings County General Plan and to analyze the potential impacts on land use and utilities and service systems renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ X(b) (Land Use and Planning), XVII (Utilities and Service Systems).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-225 | #226 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) | RC Policy A1.1.2 on Page RC-39 states "Review new discretionary development proposals, including new or expanded uses within agricultural zone districts, to ensure that there are adequate water supplies to accommodate such uses. Projects should provide evidence of adequate and sustainable water availability prior to approval of a tentative map or other land use approval." The project is inconsistent with RC Policy A1.1.2 since it would establish a new use (track and heavy maintenance facility) within agricultural zone districts without providing evidence of adequate and sustainable water availability prior to approval. Has a water supply assessment been prepared for the project? No water or sewer service is available in the unincorporated areas of the County. The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan and to analyze the potential impacts on land use and

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L029-225 service systems renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ X(b) (Land Use and Planning) , XVII (Utilities and Service Systems).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-226 #227 3.13.2.C. Regional and Local Laws, Regulations, and Orders  
 Kings County General Plan (Page 3.13-8)

RC Policy A1.2.6 on Page RC-40 of the Resource Conservation Element states "Future development shall incorporate Low Impact Development (LID) principles to minimize long-term stormwater runoff. Such principles shall include:

- Permeable paving, such as pavers, porous concrete, or pathway comprised of decomposed granite that is effective in stormwater infiltration to help prevent excess runoff.
- Use of "urban bio-swales" to redirect stormwater into planter strips, rather than capturing runoff in pipes and diverting it to a remote location.
- Use of water efficient irrigation (e.g., drip irrigation system) to water trees, shrub beds, and areas of groundcover to eliminate evaporation losses and minimize runoff.
- Use of Predominately (75 percent) native plants and drought-tolerant landscaping wherever possible."

The project is inconsistent with RC Policy A1.2.6 because it does not incorporate Low Impact Development principles to minimize long-term stormwater runoff. The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan and to analyze the potential impacts on land use and hydrology and water quality renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ X(b) (Land Use and Planning) , IX (Hydrology and Water Quality).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-227 #228 3.13.2.C. Regional and Local Laws, Regulations, and Orders  
 Kings County General Plan (Page 3.13-8)

RC Policy A1.3.2 on Page RC-41 of the Resource Conservation Element states "Evaluate new urban development for compliance to SB610 and SB221 to ensure that adequate water supply sources and facilities are available to accommodate the new demand that would be created by such development." The project is inconsistent with RC Policy A1.3.2 since it would establish new urban uses (track, potential station, heavy maintenance facility) in rural areas where no water or sewer service is available without preparing a water supply assessment to analyze whether or not there is an adequate water supply for at least 20 years? The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan and to analyze the potential impacts on land use and service systems renders the EIR inadequate. See CEQA Guidelines §§ 15125(d),

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L029-227 15126.2(a) and Appendix G, §§ X(b) (Land Use and Planning) , XVII (Utilities and Service Systems).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-228 #229 3.13.2.C. Regional and Local Laws, Regulations, and Orders  
 Kings County General Plan (Page 3.13-8)

RC GOAL B1 on Page RC-43 of the Resource Conservation Element states "Maintain viable and productive agricultural land within the County, and ensure the long term preservation of the County's agricultural resources continue to provide a sustainable food supply and supports a vibrant local agricultural economy." The project conflicts with RC Goal B1 since the project does not maintain viable and productive agricultural land within the County. The project does not ensure the long term preservation of the County's agricultural resources continue to provide a sustainable food supply and the project does not support a vibrant local agricultural economy. Instead, the project removes a massive amount of prime farmland in Kings County from agricultural production and has an adverse impact on the local agricultural economy. The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-229 #230 3.13.2.C. Regional and Local Laws, Regulations, and Orders  
 Kings County General Plan (Page 3.13-8)

RC GOAL C1 on Page RC-45 of the Resource Conservation Element states "Encourage the conservation of soil resources that are critical to the long-term protection and sustainability of the County's agricultural productivity and economy." The project conflicts with RC Goal C1 because the project removes a large amount of prime agricultural land from production that is critical to sustaining the County's agricultural productivity and economy. The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-230 #231 3.13.2.C. Regional and Local Laws, Regulations, and Orders

RC OBJECTIVE C1.1 on Page RC-45 of the Resource Conservation Element states "Conserve prime agricultural soils, and avoid their conversion to non-agricultural uses." The project conflicts with RC Objective C1.1 because the project does not conserve prime agricultural

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L029-230 | Kings County General Plan (Page 3.13-8) soils and instead converts them to non-agricultural uses (track, potential station, and heavy maintenance facility). The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

L029-231 | #232 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) "Encourage soil conservation and management practices that maintain the productivity of prime soils throughout the County." The project conflicts with RC Goal C2 since the project would remove prime agricultural land from production and convert it to non-agricultural uses. The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

L029-232 | #233 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) "Evaluate all discretionary land use applications in accordance with the screening procedures contained in the Biological Resources Survey located in Appendix C. If the results of the project screening indicate the potential for important biological resources to exist on the site a biological evaluation (consistent with Appendix C) shall be performed by a qualified biologist. If the evaluation indicates that the project could have a significant adverse impact, mitigation shall be required or the project will be redesigned to avoid such impacts. Mitigation shall be provided consistent with the California Environmental Quality Act (CEQA), and applicable state and federal guidelines as appropriate. Mitigation may include habitat improvement or protection, acquisition of other habitat, or payment to an appropriate agency to purchase, improve, or protect such habitat." In order to meet the requirements of RC Policy D1.1.1, a Reconnaissance-Level Biological Survey would need to be completed for all of the territory within Kings County that the project (track, potential station, and heavy maintenance facility) would be located on. Page 3.7-7 of the EIR/EIS states that approximately 40 percent of the study area has been surveyed. 60 percent of the land within the study area has not had a Reconnaissance-Level Biological Survey conducted. The EIR/EIS has not demonstrated that the project has been evaluated in accordance with the screening

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L029-232 | procedures (Biological Review Criteria) in Section 8 on Pages 42 through 44 of the Biological Resources Survey. The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan, and to analyze the potential impacts on land use and biological resources, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ IV (Biological Resources), X(b) (Land Use and Planning).

L029-233 | #234 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) RC Policy D3.1.5 on Page RC-48 states "Refer all discretionary permit applications for projects along the Kings River and Cross Creek to the appropriate local, state, and federal agencies for review and approval." Has the project proponent consulted with the Kings River Conservation District concerning the project crossing the Kings River? Have potential impacts on the riparian environment of the proposed development been evaluated as required by RC Policy D3.1.3 on Page RC-48 of the Resource Conservation Element? The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan, and to analyze the potential impacts on land use and biological resources, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ IV (Biological Resources), X(b) (Land Use and Planning).

L029-234 | #235 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) RC Policy E1.1.1 on Page RC-49 of the Resource Conservation Element states "Complete the inquiry process outlined in Appendix C in the initial project review for development permits to determine whether the project is likely to have a significant adverse impact on any threatened or endangered species habitat locations, and to assure appropriate consideration of habitat preservation by development. Maintain current copies of California Department of Fish and Game and United States Fish and Wildlife Service maps showing locations of known threatened and endangered species habitat. If shown to be necessary, require the developer to consult with the California Department of Fish and Game, the United States Fish and Wildlife Service, and the United States Army Corps of Engineers as to potential impacts, appropriate mitigation measures, and required permits." In order to meet the requirements of RC Policy E1.1.1, a Reconnaissance-Level Biological Survey would need to be completed for all of the territory within Kings County that the project (track, potential station, and heavy maintenance facility) would be located on. Page 3.7-7 of the EIR/EIS states that approximately 40 percent of the study area has been surveyed. 60 percent of the land within the study area has not had a Reconnaissance-Level Biological Survey conducted. The EIR/EIS has not demonstrated

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L029-234 | that the project has been evaluated in accordance with the screening procedures (Biological Review Criteria) in Section 8 on Pages 42 through 44 of the Biological Resources Survey. The failure to discuss this inconsistency with the Resource Conservation Element of the Kings County General Plan, and to analyze the potential impacts on land use and biological resources, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ IV (Biological Resources), X (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-235 | #236 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) "Preserve agricultural land in open and economically sustainable sized parcels for farming and establishment of agricultural processing facilities." The project conflicts with OS Policy A1.1.1 since the project converts prime agricultural land to non-agricultural uses (track, potential station, & heavy maintenance facility). Open and economically sustainable sized parcels will be bisected by the new track alignment, thus making existing farming operations and dairy facilities less efficient and more costly to operate. The failure to discuss this inconsistency with the Open Space Element of the Kings County General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-236 | #237 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) OS GOAL B1 on Page OS-13 states "Maintain and protect the scenic beauty of Kings County." OS OBJECTIVE B1.1 on Page OS-13 states "Protect and enhance views from roadways which cross scenic areas or serve as scenic entranceways to cities and communities." The project is located within 1/2 of a mile of State Route 43 within Kings County and will be highly visible to traffic on State Route 43. The failure to discuss this inconsistency with the Open Space Element of the Kings County General Plan, and to analyze the potential impacts on land use and aesthetics, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ I (Aesthetics), X (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-237 | #238 3.13.2.C. Regional and Local Laws, Regulations, and Orders "Preserve roadside landscapes which have high visual quality and contribute to the local environment." OS Policy B1.2.1 on Page OS-13 states "Review new development and utility projects for compatibility and

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L029-237 | Orders Kings County General Plan (Page 3.13-8) potential for impacting scenic view sheds along highly traveled scenic routes." The EIR/EIS needs to review the project for compatibility and potential for impacting scenic view sheds along State Route 43 in order to be consistent with OS Objective B1.2 and OS Policy B1.2.1. The failure to discuss this inconsistency with the Open Space Element of the Kings County General Plan, and to analyze the potential impacts on land use and aesthetics, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ I (Aesthetics), X (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-238 | #239 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) "Plan and develop public and private transportation facilities consistent with the overall growth and development policies of the Kings County General Plan." The project is inconsistent with C Policy A1.1.5 because the project conflicts with numerous policies and objectives of the General Plan concerning the preservation of prime agricultural land.

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-239 | #240 3.13.2.C. Regional and Local Laws, Regulations, and Orders Kings County General Plan (Page 3.13-8) C Policy C1.2.4 on Page C-62 of the Circulation Element states "Coordinate with the California High Speed Rail Authority and Caltrans if a high speed rail corridor is to be established within the County, and plan for the establishment of transportation linkages to the nearest High Speed Rail Station." Kings County has made numerous requests that the California High Speed Rail Authority (HSRA) coordinate with the County concerning establishing a high speed rail corridor. However, the HSRA has refused to participate in the coordination process with the County in violation of the requirements of NEPA. Kings County documented the HSRA's failure to coordinate in a letter from the Kings County Board of Supervisors to the Federal Railroad Administration dated August 2, 2011. As a result, the HSRA choose a route that does not minimize conflicts with the policies of the Kings County General Plan and potentially devastates agriculture and the agricultural economy in Kings County. The failure to discuss this inconsistency with the Circulation Element of the Kings County General Plan, and to analyze the potential impacts on land use, transportation and circulation, and agricultural resources, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X (Land Use and Planning), XVI (Transportation/Traffic).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-240 | #241 3.13.2.C. HS Policy A3.2.2 on Page HS-43 of the Health and Safety Element states

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L029-240 Regional and "Support the maintenance and update of the "Kings County Emergency  
 Local Laws, Action Plan for Dead Animal Management" to maintain consistency with  
 Regulations, and the Dairy Element and ensure proper disposal of excess livestock fatalities  
 Orders resulting from extreme heat events." The proposed alignment of the project  
 Kings County would go through the existing Baker Commodities dead stock skinning  
 General Plan facility. The possible elimination of this facility would have significant  
 (Page 3.13-8) adverse impacts on the dairy industry in California and significant adverse  
 impacts on Human Health and Safety in the event of extreme heat events  
 causing livestock deaths, which last occurred during the summer of 2006.  
 The project conflicts with HS Policy A3.2.2 since Baker Commodities  
 would potentially be eliminated, thus making proper disposal of excess  
 livestock fatalities resulting from extreme heat much less likely. The failure  
 to discuss this inconsistency with the Health and Safety Element of the  
 Kings County General Plan, and to analyze the potential impacts on land  
 use, public health and safety, and agricultural resources, renders the EIR  
 inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix  
 G, §§ II (Agriculture and Forestry Resources), X (Land Use and Planning),  
 VII (Hazards and Hazardous Materials).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-241 #242 3.13.2.C. HS Policy B1.2.1 on Page HS-45 of the Health and Safety Element states  
 Regional and "Support long term preservation and sustainability of regional farmland as a  
 Local Laws, significant source of locally grown healthy food sources that are beneficial  
 Regulations, and to residents of the County." The project conflicts with HS Policy B1.2.1  
 Orders since the project converts prime agricultural land to non-agricultural uses  
 Kings County (tracks, potential station, and heavy maintenance facility), significantly  
 General Plan reducing locally grown health food sources that are beneficial to residents  
 (Page 3.13-8) of the County. The failure to discuss this inconsistency with the Health and  
 Safety Element of the Kings County General Plan, and to analyze the  
 potential impacts on land use and agricultural resources, renders the EIR  
 inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix  
 G, §§ II (Agriculture and Forestry Resources), X (Land Use and Planning).

HS Policy B1.4.1 on Page HS-47 states "Transport to hospitals and  
 emergency medical care is supported by timely response from ambulance or  
 emergency helicopter transport." The project is inconsistent with HS Policy  
 B1.4.1 since the project could potentially impact Kings County Fire Station  
 No. 4 Located at 7622 Houston Avenue, the fire training facility located at  
 7570 Houston Avenue, and the existing emergency helicopter transport  
 located at Kings County Fire Station No. 4. The failure to discuss this  
 inconsistency with the Health and Safety Element of the Kings County  
 General Plan, and to analyze the potential impacts on land use and  
 emergency access, renders the EIR inadequate. See CEQA Guidelines §§

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L029-241 15125(d), 15126.2(a) and Appendix G, §§ X (Land Use and Planning),  
 XVI(c) (Transportation/Traffic).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-242 #243 3.13.2.C. HS Policy C2.2.1 on Page HS-49 of the Health and Safety Element states  
 Regional and "Community planning efforts should evaluate the projected need for Fire  
 Local Laws, Department personnel and equipment and necessary funding support to  
 Regulations, and maintain current levels of service as community growth occurs." The  
 Orders project conflicts with HS Policy C2.2.1 since the project could potentially  
 Kings County impact Kings County Fire Station No. 4 Located at 7622 Houston Avenue,  
 General Plan the fire training facility located at 7570 Houston Avenue, and the existing  
 (Page 3.13-8) emergency helicopter transport located at Kings County Fire Station No. 4.  
 The failure to discuss this inconsistency with the Health and Safety Element  
 of the Kings County General Plan, and to analyze the potential impacts on  
 land use and emergency access, renders the EIR inadequate. See CEQA  
 Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ X (Land Use and  
 Planning), XVI(e) (Transportation/Traffic).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-243 #244 3.13.2.C. HS Policy C3.3.1 on Page HS-52 of the Health and Safety Element states  
 Regional and "Critically review new development proposals within a quarter mile of the  
 Local Laws, Kings County Fire Department heliport to ensure compatibility of structures  
 Regulations, and and uses with the operation of helicopters at County Fire Station No. 4."  
 Orders The project is located within a quarter mile of the Kings County Fire  
 Kings County Department heliport on Houston Avenue. The failure to discuss this  
 General Plan inconsistency with the Health and Safety Element of the Kings County  
 (Page 3.13-8) General Plan, and to analyze the potential impacts on land use and  
 emergency access, renders the EIR inadequate. See CEQA Guidelines §§  
 15125(d), 15126.2(a) and Appendix G, §§ X (Land Use and Planning),  
 XVI(e) (Transportation/Traffic).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-244 #245 3.13.4.A. The potential station, the track, and the heavy maintenance facility are all  
 Affected located outside the Primary Sphere of Influence of Hanford and outside the  
 Environment Blueprint Growth Area. No water or sewer service is available in the  
 BNSF Alternative unincorporated area of Kings County. The 2035 Kings County General  
 Kings/Tulare Plan directs urban growth to the Cities and Community Service Districts  
 Regional Station that are capable of providing urban services (water and sewer). Locating  
 (Page 3.13-18) urban uses in agricultural areas on prime agricultural land does not preserve

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agriculture, does not encourage city-centered urban growth, and is potentially devastating to Kings County's agricultural economy. The failure to discuss this inconsistency with the Kings County General Plan, and to analyze the potential impacts on land use, population and growth, and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X (Land Use and Planning), XIII (Population and Housing).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

The EIR/EIS is misleading concerning the potential Hanford Station. The EIR/EIS needs to disclose that the HSRA does not have funding to construct the potential Hanford Station and the HSRA has no plans to construct the potential Hanford Station. If the potential Hanford Station is to ever be constructed, one of the local jurisdictions (such as Kings County or the City of Hanford) would have to fund and construct the potential station. By including the potential Hanford Station in the EIR/EIS, the HSRA is artificially inflating ridership and revenue projections by including 430,000 residents within a 20 mile radius of the potential Hanford Station. If the HSRA had done its due diligence and coordinated with local jurisdictions, such as Kings County and the City of Hanford, the HSRA would be aware of the severe economic situation that is significantly impacting the budgets of local governments and realize that it is not financially feasible for local governments (Kings County and the City of Hanford) to fund the construction of the potential Hanford Station. Since the local jurisdictions are not capable of funding and constructing the potential Hanford Station, the residents of Kings and Tulare Counties would have to drive to either Fresno or Bakersfield in order to have access to the HST. The HSRA needs to revise and re-circulate the EIR/EIS in order to disclose this information. To the extent that the analyses of potential impacts on specific resource areas (e.g., air quality, traffic, noise, etc.) assumed the construction and operation of the potential Hanford station, the analyses must be revised to reflect that the potential Hanford station is both economically infeasible and inconsistent with applicable plans.

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

The station site is designated as Agriculture by the City of Hanford General Plan Land Use Map. The heavy maintenance facility is located outside of the City of Hanford planning area. Only three parcels within the City of Hanford planning area east of State Route 43 are designated Planned Highway Development (PHD). These three parcels are south of the San

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#246 3.13.4.A.  
 Affected  
 Environment  
 BNSF Alternative  
 Kings/Tulare

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Regional Station  
 (Page 3.13-18)

Joaquin Valley Railroad, north of State Route 198, and east of State Route 43. All other parcels east of State Route 43 are designated as Agriculture by the City of Hanford. The failure to discuss this inconsistency with the City of Hanford General Plan, and to analyze the potential impacts on land use and agricultural land, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agriculture and Forestry Resources), X(b) (Land Use and Planning).

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

In Kings County the potential station would not encourage beneficial high-density transit oriented development in an urban area. Instead the potential station in Kings County would encourage development (sprawl) in rural areas that do not have the ability to provide services such as water and sewer.

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

The EIR/EIS states that consistency with local plans and policies is not required. However NEPA provides specific direction as to how conflict (such as inconsistency with the 2035 Kings County General Plan) should be handled in the environmental study. At 42 USC 4332(E), the Act mandates that the agency shall: "(E) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (emphasis added) The High Speed Rail Authority (HSRA) is obligated to carry forward in the Draft EIS an alternative that resolves the conflicts between their proposed Project and Kings County's plans and policies. The Council on Environmental Quality (CEQ) regulations provide specific direction on how to resolve such conflicts with local plans and policies when preparing an environmental study. First, the agencies are directed to consider the local position early in the process: "Agencies shall integrate the NEPA process with other planning at the earliest possible time ... to head off potential conflicts" (40 CFR 1501.2).

Second, the purpose of the environmental study is to fully inform decision makers as to the human and environmental impacts of the proposal so that such impacts can be properly considered when determining whether or not to approve the project. The public shall have full disclosure of the impacts, not simply the filtered disclosure provided by the Authority's limited alternatives. "It shall provide full and fair discussion of significant impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the

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#247 3.13.5.A  
 Environmental  
 Consequences  
 Overview  
 (Page 3.13-25)

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#248 3.13.5.A  
 Environmental  
 Consequences  
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quality of the human environment." (42 CFR 1502.1) "The statement shall be prepared early enough so that it can serve practically as an important contribution to the decision making process and will not be used to rationalize or justify decision already made." (42 CFR 1502.5) "This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections of the Affected Environment and the Environmental Consequences, it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public." (42 CFR 1502.14) Simply addressing Kings County's questions in the Draft EIS does not fulfill the HSRA's duty under NEPA. A side-by-side comparison of their preferred route selections with one that would resolve the conflicts with Kings County is necessary. If the HSRA does not do this, it will have deprived decision makers, including the Federal Railroad Administration, and the public, of the opportunity to be fully apprised of the impact to Kings County.

Third, just as the CEQA Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable plans, the CEQA regulations very specifically require the Authority to analyze the conflict with our position when addressing the environmental consequences of their Project proposal. "It shall include discussions of (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State and local land use plans, policies and controls for the area concerned" (42 CFR 1502.16)(emphasis added) We are convinced, because of the HSRA's refusal to discuss our concerns, that the Authority in no way understands the full breadth of the conflicts of their alignment alternatives through Kings County. We are certain this lack of understanding will inhibit fulfillment of the CEQ regulations.

Fourth, the Authority's burden goes beyond just discussion of the conflict. The agency must work to reconcile its proposed alternatives with our County plans and policies. "To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistencies of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law."(42 CFR 1506.2) (emphasis added.) The Authority must develop an alternative that resolves our conflicts, and further describe how they will reconcile any inconsistencies between their preferred alignment and our position.

**The revised EIR/EIS does not address this comment, so the comment**

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#249 3.13.5.B  
 Environmental  
 Consequences  
 No Project  
 Alternative  
 (Page 3.13-26)

**applies to both the original and the revised EIR/EIS.**  
 The HST project in Kings County likely extends growth outward toward rural areas. Land use development patterns would respond to increases in auto travel and would likely follow existing patterns of lower-density development at urban boundary edges that are automobile-oriented. Within Kings County the HST project would not be as strong a catalyst in supporting the development envisioned in the 2035 Kings County General Plan.

L029-249

#250 3.13.5.C  
 Environmental  
 Consequences  
 High Speed Train  
 Alternatives  
 Potential for  
 Construction to  
 Alter Land Use  
 Patterns  
 (Page 3.13-27)

The statement that construction impacts would be temporary in duration is misleading and gives the impression that the construction impacts are for a short duration. This is not the case since the construction impacts would occur over at least eight years and could severely affect agricultural operations, dairies, and other farm related businesses' ability to operate and earn income during construction. This impact is not negligible. In fact, this impact is significant and unavoidable to any agricultural operation, dairy, farm related business, and all of their employees that would lose their ability to earn an income for several years during construction. The EIR's failure to analyze and mitigate the project's significant short-term construction impacts renders the EIR inadequate and incomplete. See CEQA Guidelines §15126.2(a) [EIR must consider "both the short-term and long-term effects"]. The EIR also must be revised and re-circulated to address and mitigate the potential significant short-term impacts on agricultural operations. See CEQA Guidelines § 15088.5(a)(1), (2).

L029-250

#251 3.13.5.C  
 Environmental  
 Consequences  
 High Speed Train  
 Alternatives  
 Potential for  
 Construction to  
 Alter Land Use  
 Patterns  
 (Page 3.13-27)

The HST route in Kings County does not follow existing transportation corridors. Instead, the HST route in Kings County shifts away for existing transportation corridors into agricultural areas; therefore, construction impacts related to the alteration of land use patterns would not be minimized in Kings County. Consequently, land use alteration or land use pattern impacts during the construction period are actually significant and unavoidable because land use patterns would in fact be disrupted for agricultural operations. The EIR's failure to analyze and mitigate the project's significant short-term construction impacts renders the EIR inadequate and incomplete. See CEQA Guidelines §15126.2(a) [EIR must consider "both the short-term and long-term effects"]. The EIR also must be revised and recirculated to address and mitigate the potential significant short-term impacts on agricultural operations. See CEQA Guidelines § 15088.5(a)(1), (2).

L029-251

#252 3.13.5.C  
 Environmental  
 Consequences  
 High Speed Train

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

Although the 2035 Kings County General Plan does not contain any policies specific to the HST, it does contain numerous policies that direct urban growth to the cities and community services districts that are capable of providing urban services such as water and sewer service. The potential

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L029-251 | Alternatives Potential for Future Increased Density and TOD Development at HST Stations (Page 3.13-36) | station and heavy maintenance facility are proposed in rural areas that are not capable of providing urban services. In addition, the 2035 Kings County General Plan is extremely protective of agriculture and the HST conflicts with numerous policies that protect agriculture as described in the previous comments pertaining to Section 3.13. The failure to discuss these inconsistencies with the Kings County General Plan and to analyze the potential impacts on land use, agricultural resources, and utilities and service systems, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agricultural and Forestry Resources), X (Land Use and Planning), XVII (Utilities and Service Systems).

L029-252 | #253 3.13.5.C Environmental Consequences High Speed Train Alternatives Consistency with Local and Regional Plans (Page 3.13-39) | **The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.** Unfortunately, the BNSF Alternative does not follow the BNSF tracks. Instead, in Kings County the BNSF Alternative shifts the HST off of the existing BNSF corridor onto prime agricultural land in rural areas that do not have any urban services such as water and sewer. As a result, in Kings County the HST does not preserve open space, nor does it preserve farmland areas, and it does not limit development of a transportation facility to areas of existing development. As stated above, in Kings County the HST does just the opposite. The BNSF Alternative is not consistent with the policies of the 2035 Kings County General Plan as described in previous comments. The effects of the HST within Kings County are not negligible under NEPA and they are not less than significant under CEQA. Actually, they are significant and unavoidable. The failure to discuss these inconsistencies with the Kings County General Plan and to analyze the potential impacts on land use, agricultural resources, and population and housing, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agricultural and Forestry Resources), X (Land Use and Planning), XIII (Population and Housing).

L029-253 | #254 3.13.5.C Environmental Consequences High Speed Train Alternatives Consistency with Local and Regional Plans (Page 3.13-39) | **The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.** Unfortunately, the BNSF Alternative does not follow the BNSF tracks. Instead, in Kings County the BNSF Alternative shifts the HST off of the existing BNSF corridor onto prime agricultural land in rural areas that do not have any urban services such as water and sewer. As a result, in Kings County the HST does not preserve open space, nor does it preserve farmland areas, and it does not limit development of a transportation facility to areas of existing development. As stated above, in Kings County the HST does just the opposite. The BNSF Alternative is not consistent with the policies of the 2035 Kings County General Plan as described in previous comments. The effects of the HST within Kings County are not

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L029-253 | negligible under NEPA and they are not less than significant under CEQA. Actually, they are significant and unavoidable. The failure to discuss these inconsistencies with the Kings County General Plan and to analyze the potential impacts on land use, agricultural resources, and population and housing, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agricultural and Forestry Resources), X (Land Use and Planning), XIII (Population and Housing).

L029-254 | #255 3.13.5.C Environmental Consequences High Speed Train Alternatives Consistency with Local and Regional Plans (Page 3.13-41) | **The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

The statement that the Kings County General Plan supports the construction and operation of an HMF is not correct. The EIR/EIS states that the HMF site in Kings County is designated for agriculture and would require rezoning. Changing the zoning from agriculture to industrial would create an island of industrial zoning in a sea of agricultural zoning. This is known as "spot zoning" and the courts have repeatedly held spot zoning to be illegal. The statement that the effects from the heavy maintenance facility are considered negligible under NEPA and less than significant under CEQA are not correct. In fact, as stated repeatedly in previous comments the effects are significant and unavoidable. The failure to discuss this inconsistency with the Kings County General Plan and to analyze the potential impacts on land use and agricultural resources, renders the EIR inadequate. See CEQA Guidelines §§ 15125(d), 15126.2(a) and Appendix G, §§ II (Agricultural and Forestry Resources), X (Land Use and Planning).

L029-255 | #256 3.13.6 Mitigation Measures (Page 3.13-41) | **The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

Kings County strongly disagrees with the statement that the project EIR/EIS, refined planning has resulted in fewer conflicts than anticipated regarding land use and planning. The program design strategies have not involved Kings County in the development of station planning and alignment design considerations, in identification of issues, and in avoidance measures and solutions, have not provided information to assist Kings County in accommodating the proposed HST and TOD opportunities around stations, and have not reduced the potential for land use conflicts in Kings County. Exactly the opposite is true. The HSRA has repeatedly refused to provide any meaningful information to Kings County and has ignored Kings County's attempts to inform the HSRA about conflicts with the 2035 Kings County General Plan. The HSRA has refused to participate in any meaningful coordination with Kings County as required under NEPA and the HSRA has refused to even discuss alternatives that would potentially resolve the conflicts with the policies of the 2035 Kings County General Plan. These failures to comply with NEPA's procedural

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L029-255 prerequisites are documented in a letter dated August 2, 2011, from the Kings County Board of Supervisors to the Federal Railroad Administration. The August 2, 2011, letter including attachments was 394 pages long. Section 3.13.5 of the EIR/EIS states that no specific mitigation measures are included for land use even though there are significant and unavoidable impacts. Section 15021(a) of the CEQA Guidelines states that CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. The EIR/EIS doesn't even make an attempt to mitigate to the extent feasible. Instead, the HSRA only analyzed the BNSF route and did not consider the Interstate 5 or Highway 99 corridors, both of which would avoid all of the conflicts with Kings County. The EIR/EIS selectively choose General Plan policies that could be used to make consistency findings, while failing to address all of the policies where the HST project is inconsistent with the General Plan. The failure to discuss the proposed project's numerous inconsistencies with the Kings County General Plan, to identify the potential significant impacts to agricultural resources, land use and planning, emergency access, utilities and service systems, transportation and circulation, and population growth, and to discuss feasible mitigation measures, renders the EIR inadequate and incomplete and requires the EIR to be recirculated after it is revised to address these fundamental deficiencies.

**The revised EIR/EIS does not address this comment, so the comment applies to both the original and the revised EIR/EIS.**

L029-256 #257. 3.13-59 -- There are no mitigation measures proposed for the direct and indirect impacts resulting from the permanent conversion of agricultural land. This is inadequate as other private projects including commercial solar facilities on agricultural land are required in Kings County as well as other San Joaquin Valley Counties to mitigate for the loss of agricultural land by providing long term preservation of equivalent or great amounts of farmland of equal or greater value in Kings County. This Project R-DEIR/S-DEIS avoids and disregards this mitigation approach that is the standard for other projects.

L029-257 #258. Agricultural Working Group  
 The R-DEIR/S-DEIS must be revised to include the working group's evaluation of project impacts and be recirculated for agency and public review.

L029-258 #259. CEQA Guidelines Appendix G  
 CHSRA revised and limited the scope of significant impacts on agricultural resources. It is supposed to evaluate how the project conflicts with existing zoning for agricultural use, or a Williamson act contract.

L029-259 #260. Fresno to Bakersfield Community Impact Analysis Technical Report 2012a  
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L029-259 Agriculture  
 Split Agricultural Parcels  
 Kings 45  
 Kern 29  
 Fresno 20  
 Tulare 18  
 Agricultural Facilities Displaced  
 Kings 5  
 Kern 2  
 Fresno 9  
 Tulare 3

The above summary is simplified according to total count based upon parcels with structures and fails to distinguish the cost significance or operational significance to the relative agricultural operations. Essentially dumbing down the analysis and preventing the public and CHSRA decisions makers from being fully informed the potential real impacts that result from their Project alignment selection and decision making.

L029-260 #261. The technical report states that agricultural disruption will more likely derive from property transfers rather than relocation of facilities. Yet there is no analysis to substantiate this generalized claim and therefore the R-DEIR/S-DEIS fails to more completely analyze the potential impact of this Project upon split and disrupted agricultural parcels. The potential exists that split agricultural parcels and even whole farming operations that are bisected may no longer be economically viable to farm. CHSRA Project staff and consultants have responded to Kings County concerns in this matter by claiming that a site specific analysis of individual agricultural operations and properties is not required as their R-DEIR/S-DEIS is only analyzing impacts at a "Community and Regional" level (June 4, 2012, HSR staff/Kings County staff meeting and referenced in official transcripts attached).

L029-261 #262. The technical report notes that "the loss of any prime farmland will have greater implications as relocation is unlikely given the scarcity of this resource." The full extent and meaning of "greater implications" is not defined and again represents a simplistic generalization of portrayed impact analysis without truly disclosing the Project relative impacts to local agricultural communities.

L029-262 #263. The technical report provides a summary of a current examination of vacant agricultural land for sale referenced as prepared by "Loopnet 2010." This examination of potential vacant agricultural properties for the purpose of agricultural land relocation resulting from Project impacts fails to qualitatively and quantitatively analyze the relevance of these agricultural properties in determining whether they are suitable for similar agricultural production, of comparable quality in terms of soils, water availability and important farmland classification, and size comparison in determining whether the comparative size of the sale properties are large enough to accommodate a similar operation as those that may be impacted. As the CHSRA Project staff and consultants reject the requirement to analyze site specific impacts on private property until after the project is approved and during the property acquisition phase, the R-DEIR/S-DEIS lacks the full inventory and documented acknowledgement of Project impacted site specific property agricultural production operations. Thereby a comparative analysis to other agricultural properties for sale can not be validated as there is no baseline inventory of

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L029-262 existing site conditions. In addition, the simple identification of a total number of agricultural properties for sale in each of the four county region demonstrates a disproportionate impact to Kings County as out of the 380 agricultural parcels noted only 23 are in Kings County. As Kings County has the largest number of agricultural parcels that will be split by the Project (45 in Kings County as referenced on Page 5.51 of the Fresno to Bakersfield Community Impact Analysis Technical Report 2012) a simple correlation demonstrates that nearly half of the split agricultural parcels could not be relocated in Kings County. The resulting impact could be Project impacted agricultural operations seeking to invest in agricultural land outside of Kings County where more land is available for sale. This in turn compounds the economic impacts to the smallest rural agricultural County in the San Joaquin Valley that is heavily reliant upon agriculture as a significant contributor to the local economy. As the R-DEIR/S-DEIS recognizes and acknowledges the regional importance of agricultural production and the Project's potential negative economic effects upon the agricultural community, the R-DEIR/S-DEIS fails to adequately explore mitigation measures to minimize disproportionate economic impacts to Kings County as a result of agricultural disruptions and relocations.

L029-263 Agricultural Production Loss  
 #264. Disproportionate agricultural production loss to Kings County  
 Page 5-58 indicates a \$27.5 Million annual agricultural production loss of which Kings County is the second highest at \$9.7 Million. This analysis falsely portrays the significance of this impact by comparing the loss to the four County region as a whole thereby failing to take into account the relative significance within a smaller rural/agricultural County within the region that is more heavily dependent upon agricultural production to support the local economy and local government operations. A comparative ratio of Agricultural production loss to total population in order of significance demonstrates that Kings County will have significantly higher societal impacts relative to loss in agricultural production.

Kings County \$9.7 Million (7.2 in dairy sector)  
 Kern County \$10.2 Million  
 Fresno County \$4.9 Million  
 Tulare County \$2.7 Million

Economic ratio to 2012 population (California Department of Finance):  
 Kings County 9.7/152,419 an economic ratio of \$63.64/person  
 Kern County 10.2/850,006 an economic ratio of \$11.99/person  
 Fresno County 4.9/945,711 an economic ratio of \$5.18/person  
 Tulare County 2.7/450,840 an economic ratio of 5.99/person

L029-264 #265. Where is the comparative economic analysis related to agricultural production and the various alternatives as it is clear that Kings County residents will have a significantly higher proportion agricultural production loss economic impact as a result of this Project? If there is an estimated dairy industry related economic impact of \$7.2 Million for the BNSF alignment, what is the dairy related impact for the Hanford West Bypass 1 and 2 alternatives for comparison?

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L029-265 #266. The technical report acknowledges the special consideration for Dairies – yet claims that there would not be any need for relocation. This simple determinative statement fails to consider the State and Local regulatory requirements of dairy operations and the length and complexity of re-permitting dairy operations that require State Regional Water Quality Control Board approval, Local County land use approval, San Joaquin Valley Air Pollution Control permitting, and the more extensive nitrate loading calculations to demonstrate adequate and sufficient agricultural crop land for waste water distribution. As Regional Water Quality Control is currently undertaking an extensive and possibly heavily burdensome Irrigated Lands Regulatory Program to place even greater oversight, per acre fees, groundwater nitrate monitoring, farming operation nitrate management, this R-DEIR/S-DEIS fails to take into account the potential long delays in re-permitting dairy operations and the very real possibility of this Project diminishing dairy operation waste water distribution which thereby may force dairy operations to reduce their herd sizes. Project induced diminishment of dairy capacity and production has the potential to significantly impact local dairy operations that are already struggling financially to maintain their dairy operations. The statement on Page 5-58 that “relocation of these facilities would not preclude continued operation” can not be substantiated without studying the individual dairy operations and their site specific impacts resulting from this Project.

L029-266 #267. The technical report also states that “If such replacement lands are not available immediately or it is not economically feasible for smaller operations to adjust, operations would be required to reduce the number of cows housed at the facility.” Where is the analysis of have man animals may need to be reduced as a result of lost wastewater land? Page 3.14-B-4 of Appendix 3.14-B simple asserts the potential need to reduce herd size with no analysis of the potential Project related impact. Although the R-DEIR/S-DEIS claims to make a conservative determination on the potential effect this may have on milk production, it fails to take into account the cumulative impact this reduction may have when considered in the context of all the other above mentioned restraints and hardships currently plaguing the local dairy industry from State requirements and other induced restraints. Without a deeper look into the possible financial stability of the Project impacted dairy operations, the more conservative approach should account for the potential closure and discontinuance of these dairy operations and the resulting economic implications that would result from that scenario. Therefore, the estimated \$7.2 Million annual loss to Kings County in terms of milk production may in fact be more significant and disastrous to the Kings County local economies. According to Page 5-59 in discussing the Hanford West Bypass Alternative 1, it states that a dairy will be severely impacted by the Project and indicates that the dairy may not be able to continue operation. However, there is no disclosure as to whether the economic loss of the entire dairy operation is taken into account in the estimated \$7.2 Million. This dairy related economic impact also fails to make a differentiation with BNSF alignment dairy related impacts and Hanford West Bypass Alternative alignment impacts to adequately inform the public and Project decision makers of the potential economic consequences that will result from their decision in selecting a preferred alignment alternative for construction.

L029-267 #268. As these site specific impacts are deferred by the CHSRA as stated on Page 5-58 of this technical report where by “the Authority’s right-of-way agents would work with each affected dairy to address issues of concern” after the Project is approved by the CHSRA Board means that insufficient Project impact analysis will be presented to the Project decision makers and inappropriately deprives the right of private property and business owners to know the full extent to which they will be impacted. As

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L029-267 CHSRA is intending to use eminent domain to acquire private property from unwilling sellers, it is imperative that full disclosure of Project related impacts upon agricultural business operations be provided to the public, local agencies and the CHSRA Board before a final selection of the HSR alignment is made. As CHSRA "Agents would attempt to resolve conflicts" after the Project is approved clearly indicates an intentional side stepping of CEQA requirements and effectively places private property owners at a disadvantage in how decisions are going to be made by the CHSRA Board and ultimately impact the private property rights of land owners, their homes and livelihoods.

Disruption to Agricultural Production – Farming Operations with resources tied to impacted land.

L029-268 CI. Methodology on Page C-1 pertaining to Appendix C Impacts to Agricultural Production

"This potential impact area is defined as all land directly affected within the project footprint and the additional land outside the footprint that is expected to be indirectly affected by the project."

"Indirect effects refer to the additional land lost to agricultural production from land required to create new access roads on the edge of reshaped agricultural parcels along the project right-of-way; this land is also included in the agricultural loss calculations."

Page C-21 on CIATR Appendix C Impacts to Agricultural Production

L029-269 #269. States that "Indirectly affected land would include land that is required to create new access roads on the edges of reshaped agricultural parcels." Indirect effects will also result from Project disruptions to agricultural land surface water delivery, groundwater delivery, farm equipment access, wastewater distribution and other farming operational practices. However, this R-DEIR/S-DEIS and CHSRA Project staff and consultants reject the necessity to evaluate these Project related impacts. Clearly a violation of CEQA provisions for full disclosure of potential Project related impacts.

L029-270 #270. This methodology completely dismisses the unique farming business operations that are reliant upon a greater geographic distribution of farm equipment, water distribution and large acreage logistical challenges that must be factored into a full understanding of how the Project may potentially indirectly disrupt the larger farming operation beyond just the directly affected portions of the agricultural property. This methodology provides no consideration or analysis of individual and whole farming operational areas that may be impacted as a result of HSR property acquisition, disruption or severance of surface water delivery, disruption or destruction of agricultural groundwater wells, farm equipment shop locations in relation to the severed agricultural properties. Therefore, a complete disclosure of agricultural production disruption cannot be fully evaluated by simply looking at a small part or portion of an agricultural farming operation.

L029-271 **DAIRY OPERATIONS**

#271. In relation to dairies, this methodology states that "Each animal operation affected by the project was examined to determine overall effects." Page C-1 states that details on each operation are provided in Appendix 3.14-B of Section 3.14, Agricultural Lands. It also states that this "project intends

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L029-271 to relocate these facilities before removing existing facilities, so no loss in production is expected for the operations associated with this relocation." This may appear to be a mitigation measure, but is left unenforceable with simply and "intent" to do something rather than "required" to. This effectively allows the CHSRA to resort to eminent domain proceedings and payout of comparable market value. Thus the end result could potentially be long term or fatal disruption of some dairy operations. As a result, the Project's indirect impacts may compound the economic loss in the dairy sector and to local communities. It is a widely known and stated fact that CHSRA is intent on spending the Federal ARRA funds by 2017, and therefore a loosely intended effort to relocate dairy facilities before removing them will be an abandoned effort if the Project construction schedule is placed in jeopardy as a result of dairy permitting delays which is not under the control of CHSRA and instead reliant upon State and Local permit processing. This statement on Page C-3 confirms this Project reality that impacted dairies will face, "Relocating these lands will take time, given the permitting process; therefore, these lands may not be replaced before project land acquisition."

L029-272 #272. Was there any evaluation of wastewater distribution systems on impacted dairy operations? Without full consideration of these dairy operation systems, the Project cannot fully determine whether severance and disruption of a wastewater distribution system resulting from a Project impacted parcel has the potential indirectly to disrupt and reduce agricultural production and efficient utilization of nutrient management practices. There is also no evaluation of what the short term loss economic loss and disruption may mean in terms of dairy operation financial sustainability.

L029-273 Appendix 3.14-B Effects of High-Speed Train on Confined Animal Agriculture  
 Executive Summary, Page 3.14-B-1:

#273. It appears that the High-Speed Rail (HSR) Authority has severely underestimated the impacts of the HSR alignments on dairy facilities, particularly those in Kings County, as a result of the HSR route through the predominately agricultural areas of the County. According to a number of articles published in local and regional newspapers and other publications, dairies are struggling to stay in business as they battle low milk prices, high feed prices, and the ever-increasing requirements placed on them by regulatory agencies.

L029-274 #274. The loss of dairy facility land and wastewater application land and the need to replace such facilities and wastewater application lands will place a much more severe burden on small confined animal agricultural operations which could very well lead to the closure of those facilities that may be just barely hanging-on now due to the poor economy. Facilities, structures, and lagoons that are impacted by the HSR alignments will need to be relocated, which most likely will be onto nearby wastewater application land which will in turn take that land out of production in order to have land to construct the new facilities. If dairies are forced to reduce the size of their milking herds due to a subsequent loss of wastewater land on which to spread the contents of their dairy lagoons, many will not be able to maintain the needed economic margin to continue operations and they will be forced out of business completely. The August 24, 2012 edition of the Hanford Sentinel reported that the President of the Western United Dairymen association said that he expects bankruptcy filings to multiply in the coming weeks demonstrating how fragile the local dairies are at this time.

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L029-275 | #275. In determining which lands are used for wastewater application, it appears that the HSR Authority relied completely on an informational map provided to URS Corporation of Kings County Dairies for their DEIR which depicts the confined animal agricultural operations and wastewater application parcels the County has documentation of. The Authority failed to take into account that there are a number of older, "grandfathered" facilities which have not been through a zoning permit process with the County and facilities with permits which, at the time did not identify wastewater application land. Processing of a zoning permit allows the County to identify those parcels and include them on the Kings County Dairy map. A review of the aerial photos along the HSR alignments shows that the tracks carve through many parcels not identified on the Kings County Dairy map that are most likely irrigated by wastewater from nearby dairy facilities. In order to determine the full extent of the impacts to wastewater application cropland and the impacts to that cropland, the authority should have, and must, contact each property owner affected to find out if there is a recorded wastewater agreement for the parcel.

L029-276 | Section 1.1 Severe Effects, Page 3.14-B-5:  
 #276. The last sentence of the first paragraph concerning the dairy located at 9846 Lansing Avenue states that "After the project acquired land for the tracks, traction power substation, and road overpass, 40 acres of adjacent continuous unaffected land would be available." The Authority appears to assume that the remaining 40 acres of land remaining near this facility is able to be developed into new corrals and facilities which is an incorrect assumption. Policy DE 1.2h and DE 3.1b of the Dairy Element of the Kings County General Plan requires a ¼ mile setback between animal feeding operations and dairies as well as a ¼ mile setback between dairy facilities and existing rural residences not associated with that dairy. The required ¼ mile setback requirement would effectively prevent the holding areas from being rearranged on the parcel as speculated in the DEIR.

L029-277 | Section 1.2 Moderate Effects, Page 3.14-B-6:  
 #277. The description of the impacts on the dairy located at 7615 ½ Avenue fails to list the dairy wastewater lagoon which would have to be relocated due to the HSR tracks. The revised DEIR also states that "Relocating the affected facilities would require approximately 9 acres of land." The loss of 9 acres of wastewater application land used to rebuild the facilities would result in a decrease of milk cows from 720 to 573 cows according to the Estimate of Nitrogen & Salt Generation Calculation Table for the dairy with all other things considered equal. Again, the loss of 147 milk cows or approximately 20% of the milking herd would likely result in bankruptcy for the dairy.

L029-278 | This is a good example of the real impacts that the HSR will have on the dairies in Kings County. The Authority must go back and examine the actual bottom line impacts that will be felt by each individual property owner affected by High Speed Rail. In many cases dairymen may not be able to find additional land for wastewater application as the DEIR assumes. Other property owners may be unwilling to sell land or enter into wastewater agreements with the affected dairymen which would then require the dairy owner or operator to reduce his herd which in turn could push them into bankruptcy.

L029-279 | Section 1.3 Negligible Effects, Page 3.14-B-12:  
 #278. Dairy - 9846 Lansing Avenue (Figure B-17) is completely misidentified. In comparing the explanation of impacts on this page to Figure B-17 and to County records it is clear that the

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L029-279 | Authority has completely mis-identified this facility. The address provided, 9846 Lansing Avenue, is for Lansing Ranch, APN 028-206-005. The facility being described and shown in Figure B-17 is the Yokum Dairy, APN 028-206-059 located at 10234 Lansing Avenue. This mistake should be corrected by the Authority.

L029-280 | #279. All of the figures contained in this Appendix contain the statement "Preliminary Draft/Subject to Change – HST Alignment is not determined" yet the description of the impacts in each and every case is able to make a definitive statement that the impacts would be either severe, moderate or negligible. The full and correct impact of the HST cannot be accurately determined until the alignment is determined.

L029-281 | #280. All of the figures cited in Table 3 in Section 2.0 Offsite Wastewater Application Lands in the "Total Acres Affected" and the "Acres with Potential for Manure Management" columns appear to be a precise number (i.e. 3.73 acres etc.) and are not identified as approximations which obviously renders them as inaccurate (wrong) in light of the Authority's statement that the alignment has yet to be determined. The full and correct impact of the HST cannot be accurately determined until the alignment is determined. Therefore, the actual impact to the dairy and the potential for herd reductions due to loss of wastewater application lands cannot be determined. The Authority needs to make a decision on the alignment, then evaluate the final alignment, and then re-circulate the Draft EIR/EIS in order to allow a meaningful review of the project and provide a meaningful tool to decision makers.

L029-282 | #281. Page C-21 -- "Effects on animal operations facilities (e.g., animal housing, wastewater treatment lagoons) were not considered in this analysis because it is the intention of the project to relocate such facilities on animal operations before removing existing facilities, and therefore no reductions in production are expected." If CHSRA and it's right of way agents are unable to reestablish these dairy facilities prior to Project construction, then there will be increased reductions in agricultural production that is not taken into consideration. As this "intent" to relocate facilities is not required and there are no guarantees that CHSRA will be required to relocate such facilities, the analysis must take into account the potential failure of CHSRA to relocate these facilities in a timely manner and be forced to rely upon eminent domain proceedings for property acquisition and compensation in order to meet the Project Federal funding deadline in 2017.

L029-283 | #282. Says nothing about the possible phasing of this project or the possible length and duration of permitting time necessary to complete a relocation. Simply states that dairies will adjust by purchasing other land. However, it fails to recognize that added economic strain to an already struggling dairy industry may prevent or hinder an impacted dairy operation from having the financial means to accomplish land replacement until after eminent domain proceedings have compensated the land owner. As this effort may take years to resolve, the impacted dairy operation may in fact be left years with a reduced operational capacity and production. As this limited methodology for evaluating agricultural production loss does not analyze the potential disruption or economic instability of dairies to withstand Project impacts, it fails to take into account a more complete understanding of economic impacts to the agricultural community.

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L029-284

#283. The footnote on Page C-21 states that "Relatively close proximity of an operation to the project is assumed not to affect production on that operation." As this R-DEIR/S-DEIS fails to evaluate the full extent of existing conditions including farming operation water delivery infrastructure, wastewater distribution systems, farm equipment access, and other farming operation resource delivery across large acreage operations it makes a false simplified assumption which prevents CHSRA Project decisions makers from being provided information on current conditions that the Project will impact.

Page 3.14-B-1 of Appendix 3.14-B HST Effects on Confined Animal Agriculture  
 Identifies total number of dairies impacted as:  
 13 Kings County along BNSF Alternative  
 6 Hanford West Bypass 1 Alternative  
 3 Hanford West Bypass 2 Alternative  
 1 Fresno County  
 2 Tulare County

L029-285

#284. These numbers are identified in the Executive Summary. However, they are not consistent with the individual dairy descriptions addressed under Section 1.0 Confined Animal Agriculture Operations beginning on page 3.14-B-5, nor are they inclusive of all the dairy operations in Kings County that will be directly and indirectly impacted by this Project. These descriptions identify 13 dairies along the BNSF Alternative, 5 dairies along the Hanford West Bypass 1 Alternative, and 5 along the Hanford West Bypass 2 Alternative. As the CHSRA Project staff and consultants claim there is not requirement to evaluate site specific impacts relative to this Project (which is violation of CEQA), this Project R-DEIR/S-DEIS fails to acknowledge that the BNSF alignment may impact 15 dairies and 1 feedlot, while the Hanford West Bypass may impact 7 dairies and 1 feedlot.

Page 3.14-B-4 Wastewater acreage affected  
 218.7 acres on BNSF  
 110.8 acres on Hanford West Bypass 1 below grade option  
 85.8 acres on Hanford West Bypass 2 below grade option

L029-286

#285. These agricultural acreage number for dairy wastewater distribution are severely underestimated as the CHSRA staff and consultants did not thoroughly review all existing conditions and readily available permits in order to present analysis and full disclosure of Project related impacts.

L029-287

#286. 1.0 Confined Animal Agriculture Operations -- This section describes each individual confined animal facility impacted and determines whether the impact is Severe, Moderate, or Negligible. However, this summary of as supposed analysis provides false and incomplete analysis and determinations relative to agricultural business operations in Kings County. On Page 3.14-B-5, it lists the operation at 9846 Lansing West Avenue (Figure B-19) as a Dairy. This facility is actually a Heifer Feedlot that was permitted under Kings County Site Plan Review No. 09-22 and has no milk operations associated with it. Although the facility may need to be relocated, the impact is less severe than if it was a dairy operation as the permit process is much easier for a feedlot than a dairy operation. Review of the details provided in this section bring into question the factual accuracy and accountability that CHSRA has provided and the agricultural business data that will ultimately influence the project decision and

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financial compensation to impacted farming operations. By not disclosing all these relevant facts about a business operation, the impacted properties that will be subject to possible CHSRA eminent domain proceedings will be placed in significant disadvantage. This faulty analysis and conclusions are based upon incomplete review of existing conditions, the results of which severely underestimate the potential Project impacts and disclosure to the CHSRA Board in their Project decision making. This failure of disclosure also underscores the adequacy of other interrelated impacts and evaluations such as agricultural production, air quality emissions, community economic, and others. Underestimated the annual economic impacts resulting from this Project. It has been stated in this R-DEIR/S-DEIS that the impacts to the dairy industry in Kings County may be upwards of \$7.2 Million, however, Kings County conservative estimates presented to CHSRA officials over the past year are estimated upwards of \$50 Million as Kings County has a more in depth and comprehensive understanding of the permitted dairy operations within Kings County. The CHSRA rejection and long standing refusal to coordinate this Project with Kings County in resolving and reducing Project impacts to the local dairy industry have lead to this incomplete analysis and consideration of the full potential impact resulting from this Project.

L029-288

#287. The Dairy facility located at 7615 7 1/2 Avenue is not fully evaluated for its entire operation permitted under Kings County Site Plan Review No. 07-03. The discussion does acknowledge that the Project alignment will cut through the dairy facility buildings and require relocation. However, it fails to take into account the fact that 20 acres of wastewater distribution cropland on the west of the Project alignment will be severed from the dairy operation. Severance of this wastewater area represents about a third of the cropland available to this dairy. The combined loss of cropland due to facility relocation and severance of cropland on the west side of the alignment may potentially result in a severe reduction in dairy herd capacity and forcibly result in detrimental financial infeasibility of this dairy operation to continue.

L029-289

#288. The Dairy facility located at 8480 Kansas Avenue is not fully evaluated and fails to take into consideration the fact that the Project will sever approximately 113 acres along the west side of the HSR alignment from the main dairy operation on the east side. This represents about 1/4 of the permitted wastewater area needed to support the dairy operation. As this Project provides inadequate mitigation measures for farm equipment access, wastewater distribution across the grade separated HSR alignment and water delivery distribution, the potential Project impacts may be severe and pose significant economic impacts on this dairy operation thereby jeopardizing the financial stability and sustainability of this dairy operation.

L029-290

#289. The Dairy listed at the address of 6502 13<sup>th</sup> Avenue is actually a feedlot that supports a dairy and was permitted under Administrative Approval 2154 and 2262.

L029-291

#290. The Dairy located at 12270 7<sup>th</sup> Avenue discussion fails to take into account the approximate 24 acres that the BNSF alignment will directly convert and impact along the western edges of this dairy permitted under Administrative Approval 2248. There is also evidence that this dairy relies upon approximately 380 acres of other property owner acreage that would be severed by the Project and located on the west side of the alignment, while the dairy facility is on the east. This reduction in wastewater area may represent anywhere from 15 to 70% reduction in available wastewater area which would potential reduce the dairy operation herd capacity by the same amount. As this R-DEIR/S-DEIS

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L029-291 | fails to analyze the potential Project impacts upon dairy operations such as this one, the economic consequences could be devastating to the long term financial sustainability of this operation. The determination of this R-DEIR/S-DEIS that this impact is "negligible" is negligently underestimated as pertinent records related to this and other dairy operations is readily available with Kings County.

L029-292 | #291. The Dairy located at 12652 7<sup>th</sup> Avenue discussion fails to take into account the approximate 33 acres of converted agricultural crop land that will be lost to the dairy operation. Evidence suggests that this dairy relies upon other property owned cropland for wastewater distribution. The Project alignment may reduce this wastewater are by 10% which would result in the potential reduction of herd capacity by the same. It is undetermined at this time, but additional cropland on the west side of the alignment could potentially be severed from this dairy if it is not utilized for the dairy operation to the north.

L029-293 | #292. The Dairy located at 7577 Jackson Avenue permitted under Kings County Conditional Use Permit No. 97-12 indicates that the wastewater cropland may be severe in half leaving the dairy facility on the west side and half of the cropland on the east side. As farm equipment access, wastewater distribution, water deliver and other farming operations have not been adequately addressed in term of Project impacts, this R-DEIR/S-DEIS fails to address impacts to this dairy.

L029-294 | #293. The Dairy located at 8520 Kent Avenue was permitted under Kings County Site Plan Review No. 03-60. This discussion fails to take into account the approximate 40 acres of wastewater cropland that will be severed on the east side of the HSR alignment while the main dairy facility is located on the west. This potential reduction in wastewater represents about a 10 to 15% reduction in available cropland which would potentially result in a herd reduction of the same.

L029-295 | #294. The Dairy located at 8800 Lansing Avenue will be severed completely from approximately 380 acres of cropland used for wastewater distribution. As the dairy facility would be located on the west side of the alignment while nearly all cropland will be located on the east side, the potential Project impacts to this dairy could be severe. There are no adequate mitigation measures presented that demonstrate the CHSRA will be required to keep this dairy whole and provide farm equipment access, wastewater distribution, water delivery and other dairy operations necessary to maintain this agricultural business. The fact that this R-DEIR/S-DEIS does not go far enough in analyzing site specific impacts for actual dairy and other farming operations equates to CHSRA discounting real potential Project impacts upon the agricultural community.

L029-296 | #295. The Dairy located at 8000 Lansing Avenue, permitted under Kings County Site Plan Review No. 03-22, would effectively be severed from substantial portions of its wastewater areas by either the BNSF and Hanford West Bypass alternatives. This discussion fails to acknowledge that the BNSF alignment would sever approximately 1,330 acres of cropland from the dairy operation, which represents about 82% of the cropland. The Hanford West Bypass would effectively sever approximately 960 acres or about 60% of the cropland. These are significant and potentially severe operational impacts to this dairy which have not been adequately addressed or even acknowledged.

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L029-297 | #296. The Dairy located at 4024 13 ¼ Avenue has discussion that indicates only 7.6 acres will be disrupted. However, this discussion fails to evaluate and discover that the vast majority of cropland used for wastewater distribution is located west of the Hanford West Bypass alignment, while the dairy is located on the east. An estimated 170 acres would be severed from the dairy operation and represent about 80% of the cropland supporting the dairy.

L029-298 | #297. The Dairy located at 16500 11<sup>th</sup> Avenue would be effectively severed from all of its wastewater cropland. The Hanford West Bypass would result in the dairy facility be left on the east side while nearly all cropland would be on the west. Approximately 420 acres of wastewater cropland would be cut off by the Project. This Project impact could have potentially severe consequences for this dairy operation and make it infeasible to adequately dispose of its wastewater as there is no requirement for the Project to ensure wastewater cross over the HSR alignment.

L029-299 | #298. In addition to all these examples of inadequate information, the following other dairies would also be impacted by the Project and are not addressed:  
 Wastewater area for Dairy located at 12615 Iona Avenue  
 Wastewater area for Dairy located at 112499 Idaho Avenue  
 Wastewater area for Dairy located at 10386 Lansing Avenue  
 Feedlot and wastewater area located at 7394 Nevada Avenue  
 Wastewater area for Dairy located at 17375 9 ½ Avenue  
 Wastewater area for Dairy located at 6127 Jackson Avenue  
 Wastewater area for Dairy located at 14782 8<sup>th</sup> Avenue

L029-300 | General Land Use Comments:  
 #299. Where does the R-DEIR/S-DEIS identify the specific parcels of land that will be acquired permanently for the alignment, stations and HMF?

L029-301 | #300. Where does the R-DEIR/S-DEIS identify the specific parcels of land that will be acquired temporarily for construction staging, etc.?

L029-302 | #301. Where does the R-DEIR/S-DEIS discuss what will happen if sellers or lessors are not "willing" to sell or lease the property permanently and temporarily needed for the Project?  
 #302. Where does the R-DEIR/S-DEIS discuss the potential impacts that will result from displacing existing uses to other locations?

L029-303 | Section 3.14 – Agricultural Lands  
 3.14.2.3 – Regional and Local (page 4)  
 "The regional plan established by the San Joaquin Valley Blueprint includes development of the HST in the BNSF with stations in..."

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L029-304 | #303. Why does this document characterize cutting cross-country as being “in” the BNSF corridor?

L029-305 | 3.14.2.3 cont. (page 5)  
 “Because SB 375 focuses on emission... it is expected to result in transportation policies to reduce VMT.”  
 #304. Who has the “expectation” regarding development of transportation policies?

L029-306 | #305. What is the inference? Regulating our freedom to travel? “Permits” to travel?

L029-307 | 3.14.3 – Methods of Evaluating Impacts (page 8)  
 Footnote 2, last sentence states, “... farm efficiency and property transactions are *social and economic effects*... “?  
 #306. Delete “social and”, and the statement will be accurate and more informative for the uninformed public.

L029-308 | 3.14.4.1 – Regional Agriculture (page 12)  
 “Many owners of these large farms hire agricultural management companies to run agricultural operations and specialized service firms to oversee... “  
 #307. How is this statement relevant to an agricultural lands EIR?

L029-309 | #308. Is this not a “Socio-Economic item?”

L029-310 | #309. From what information/data is this conclusion based?

L029-311 | 3.14.5.3 – High-Speed Train Alternatives (page 40)  
 Common Ag Lands Impacts  
 “... and in the temporary disturbance of dairies.”  
 #310. Will dairies that are impacted as such receive compensation for their production loss experienced during the temporary disturbance?

L029-312 | 3.14.5.3 – High-Speed Train Alternatives (page 41)  
 Impact Ag #1 – Temporary Use of Agricultural Land  
 #311. The “less than significant” status is a best hoped for outcome with no guarantee. While the acreage temporarily used may or may not be measureable using FMMP, the activities or events conducted on top of the soil can have longer lasting effects than assumed here, that can require extra expense by the grower to mitigate and restore the viability of that part of his/her farmland.

L029-313 | 3.14.5.3 – High-Speed Train Alternatives (page 42)  
 Corcoran Elevated Alternative.

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L029-313 | “The alternative will use 319 acres of... .. which is the same acreage as the corresponding segment of the BNSF Alternative.”  
 #312. Describing the Hanford East Alternative as the BNSF Alternative is deceptively misleading to the public who is not familiar with Kings County.

L029-314 | #313. According to Table 3.14-8 the total Important Farmland is 1,519 acres, not 319 acres as stated in this section of the EIR. Why the difference of 1,200 acres?  
 Corcoran Bypass Alternative.

L029-315 | #314. Similar to the Corcoran Elevated Alternative, above, how is 351 acres calculated to be 32 acres more than 1,519 acres as found in Table 3.14-8.

L029-316 | #315. How can the HSRA Board and the public make a “best” alternative decision from such deceptively inaccurate information?  
 3.14.5.3 – High-Speed Train Alternatives (page 43)

L029-317 | Impact AG #3 – Temporary Noise and Vibration Effects on Adjacent Farm Animals  
 #316. The first sentence in the second paragraph doesn’t make sense as written. Does it come within 100 feet of 6 animal facilities?  
 3.14.5.3 – High-Speed Train Alternatives (page 44 and 45)

L029-318 | Impact AG #4 – Permanent Conversion of Agricultural Land to Nonagricultural Use  
 #317. Based on the statement regarding the 15% design level, does this mean the acreage represented in Table 3.14-8 is a representation of 15% of the 100% impact? In other words, are we to believe the acreage data in Table 3.14-8 is only 15% of the projected impact of the project, based on the current level of project design?

L029-319 | #318. On page 45 in the second paragraph, second sentence states Grazing Land is not considered Farmland. There is no reference or citation as to who does not consider it Farmland. So, according to whom? It is still Agricultural Land. It is used/managed for animal agriculture purposes.

L029-320 | #319. On page 45, the third paragraph reports statements made in another section of the EIR wherein it claims the HST “would [promise] ease the pressure on the state’s agricultural land base by reducing the need for expanding airports and freeways. By offering a new transportation option that would bring large numbers of people to the downtown stations... ..” Straightforward, this paragraph alone makes a lot of assumptions based on speculations about human behavior in response to HST Station location in proximity to downtown. Truth be told, land is relatively inexpensive in the San Joaquin Valley. When you connect San Joaquin Valley communities with the Los Angeles basin and the Bay Area, people (from those areas) are more likely to seek the lower cost of living in the Valley while working outside the Valley and look forward to suburban home ownership in less congested areas, than downtown. It can be argued, people will prefer the hour “commute” to their higher paying work outside the Valley on a HST. As touted by HSR ads, businesses may relocate here in the Valley. With a 15% design plan how does increasing businesses and jobs for more people help preserve the land upon which

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L029-320 | their food is grown? New regulations that dictate where a person can live might seem the only guarantee for preserving farmland in the Valley.

L029-321 | Impact AG #7 – Effects on Confined Animal Agriculture  
 #320. On page 55, the first sentence under the section regarding the Corcoran By-pass, makes no sense and gives the un-informed public the perception that a portion of the Corcoran By-pass involves part of Fresno County, which is not true. It is unclear what you are attempting to say, especially in context with the next sentence in that section.

L029-322 | Impact AG #7 – Effects on Irrigation Distribution Canals  
 #321. I was expecting to read a report regarding the route’s effect on irrigation distribution canals as a system. This Impact should be called, “Effects on Irrigation District Canals Repairs/Maintenance.” Other than access for repairs, are the effects on canal systems addressed elsewhere?

L029-323 | Impact AG # 10 – Wind-Induced Effects  
 #322. This portion of the report only addresses an induced wind effect upon something stationary, at a fixed location with proximity to a passing train. A question was asked in 2010 regarding potential effects on spray droplets suspended in the air. The report fails to answer that question as to whether or not they can be drawn down the track for a ways by the “draft” created at the tail end of the passing train. In other words, we still don’t know if a 200 mile per hour train will induce pesticide drift.

L029-324 | 3.14.6 – Project Design Features (pages 57 & 58)  
 Research  
 #323. This particular section sounds contrary to all assertions made in 3.14 Agricultural Lands portion of the EIR. If the effects, as reported, are of such insignificance, why is research needed to study the effects of the HST after it is built? Are the answers to the environmental effects, as provided in 3.14, merely assumptions to be validated or modified by research?

L029-325 | 3.14.8 – NEPA Impact Summary (page 59)  
 “... lands in the San Joaquin Valley are of the highest quality and it is the most productive farmland in the United States based on crop value, ...”  
 #324. The farmlands of the San Joaquin Valley are not the most productive in the US because of crop value. Crop value is determined by market forces, by supply and demand, and by quality. Crop value is influential in the determination of land value, price per acre. Productivity has to do with yield. Yield is determined environmentally, by water quality and quantity, by soil type and health, by climate, by elevation and topography, by crop genetics, etc. In other words it is productive BECAUSE OF the natural environment of the San Joaquin Valley. Crop values are an indicator to justify preserving all of the natural resource farmland in the SJV, because it has such a high value to the United States. It has global significance.

L029-326 | #325. The fifth bullet states, “... alternatives would have effects of negligible intensity from severing large farm parcels...”. This Impact Summary doesn’t provide appropriate information for a reasonable person to determine the effect from severing all farm parcels. It is misleading to only address

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L029-326 | effects to large farm parcels. The average reader will presume from such a statement that all farm parcels being severed are large farm parcels.

L029-327 | #326. The seventh or last bullet on page 59 discusses the conversion of a confined animal facility “another type of agricultural activity.” Coral space, alley ways, and yard areas of confined animal facilities do not lend themselves to immediate conversion back to crop land. Do to the concentration of animal manure and urine, the top soil would have a higher salt content plus higher nitrate levels that would require years to return to a normal agronomic level for most crops. Most confined animal facilities are graded to provide contour to the site for storm water runoff management and to reduce the amount of mud the animals might be exposed. This would require regarding to accommodate a crop use of the land. If converting to a non-crop AG use, the impact might be much less.

L029-328 | #327. The second, or last bullet on page 60 makes the statement, “... HST vertical structures would not interfere with aerial application of pesticides and would not render agricultural lands unusable for farming.” The statement is not entirely accurate. Planes flying at treetop height might not find these structures as interference; however, for most field crops such structure would present interference depending on the pilot’s preferred direction of flight due to such environmental conditions as wind direction. It is true the circumstance should not render such fields as unusable, but the project will be imposing a new hazard into the crop land environment where such hazard did not previously exist. The statement should be more accurately worded as asserting, “... HST vertical structure would impose a hazard with some aerial applications, made in the vicinity, and should not agricultural lands to be rendered unusable for farming.”

L029-329 | 3.14.9 – CEQA Significance Conclusions (page 61 & 62)  
 Table 3.14-12  
 #328. How can the mitigation measure (AG-MM #1) be true or correct? It states, “Preserve the total amount of Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland.” How can the total amount be preserved if you are converting (subtracting) a portion of the Total amount from that total. Is the Total before or after project construction? I fail to see how this environmental document can make such a claim. This mitigation statement can be compared with ice cream manufacturers who recently reduced to size of their containers to avoid consumer backlash from increased prices. “You aren’t paying more, you are getting less for the same price.” Huh?

L029-330 | #329. 3.14-9 The RDEIR says the HSRA has created an agricultural technical working group to study specific issues related to agriculture and the effects of the HST on it. Has the working group completed its evaluation of project impacts to confined animal facilities, agricultural equipment, induced wind (pollination, bee, dust, and drift), agricultural infrastructure, and irrigation systems? An article in the Fresno Bee on September 11, 2012, stated that the working group had prepared a series of six reports on these potential impacts. Where in the RDEIR are these reports and the working group’s evaluation of these impacts? If this information is not included in the RDEIR, when will it be made available for public review? The evaluation of these potential impacts must be included in the RDEIR. Without this information, the RDEIR’s evaluation of potential impacts on critical aspects of existing agricultural resources is incomplete and the RDEIR must be revised to include the working group’s evaluation of project impacts and recirculated for agency and public review.

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L029-331 #330. 3.14-9 The RDEIR says that, under NEPA, an impact on fewer than 10 acres is considered “negligible” because the FMMP does not measure anything smaller, and construction impacts followed by restoration are considered negligible. CEQA does not contain any such size limitation and requires the RDEIR to evaluate potential impacts with no minimum limitation on size and no minimum duration of impacts. Does the RDEIR study the potential impacts of the project on agricultural operations of fewer than 10 acres in size?

L029-332 #331. 3.14-10 [§ 3.14.3.2] CEQA Significance Criteria: Why does the RDEIR change the criteria provided in CEQA Guidelines Appendix G for determining whether a project will have a significant impact on agricultural resources? Appendix G, section II (Agriculture and Forestry Resources) provides that a lead agency should evaluate whether a proposed project will “conflict with existing zoning for agricultural use, or a Williamson Act contract.” However, the RDEIR improperly modifies Appendix G and restricts the scope of the required inquiry by asking only whether the Project will “conflict with existing zoning for agricultural use, or a Williamson Act contract in a manner that would result in conversion of Important Farmland to nonagricultural use.” What is the justification for limiting the scope of the RDEIR’s inquiry regarding project impacts recommended by Appendix G? Obviously a proposed project can conflict with existing agricultural zoning or a Williamson Act contract without resulting in a conversion of Important Farmland to nonagricultural use. The RDEIR admits as much in its earlier statement that it has appointed an agricultural working group to study a variety of impacts to agricultural operations which would not necessarily convert farmland to nonagricultural use. (See RDEIR, p. 3.14-9.) The RDEIR’s limitation on the scope of its analysis of potential impacts on agricultural resources results in an understatement of the type and significance of such impacts and renders the entire analysis invalid.

L029-333 #332. 3.14-10 through 3.14-33 RDEIR Section 3.14.3.3 states that the “study area for effects on agricultural lands encompasses the entire potential area of disturbance associated with the project construction footprint, plus 100 feet from the track centerline based on federal standards for evaluating livestock noise impacts.” The construction footprint includes the proposed HST right-of-way and all associated facilities as defined on page 3.14-10. In RDEIR section 3.14.4 (Affected Lands), subsection 3.14.4.3, beginning on page 3.14-31, states that it describes “the agricultural lands that are associated with the HST alternatives.” However, the information which is provided in the RDEIR does not identify any specific property that will be affected by the Project. Where does the RDEIR identify the specific parcels that will be included within or affected by the Project’s construction footprint, the 100’ from the centerline for livestock noise impacts, and the 2,000 acres needed for construction staging? As a “project-level” EIR, the RDEIR is required to analyze the site-specific impacts of the Project. See *In re Bay Delta Programmatic Environmental Impact Report* (2008) 43 Cal.4<sup>th</sup> 1143, 1169. Please identify all of the specific sites which constitute or contain existing agricultural resources that will be affected by the Project.

L029-334 #333. 3.14-33 [§3.14.5.1] Overview: Please identify the facts which support the RDEIR’s statements that, as applied to Kings County, “[t]he No Project Alternative would result in extensive farmland conversion to accommodate future growth in the region” and the HST alternatives “could reduce the amount of farmland converted to urban uses to accommodate future growth within the

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L029-334 region.” As discussed in other comments by Kings County, the Kings County General Plan and zoning ordinance contain specific provisions which are intended to preserve existing farmland and to prevent the conversion of farmland to accommodate future growth. Please identify the evidence which shows that the No Project Alternative would have greater impacts on farmland conversion in Kings County than would the HST alternatives.

L029-335 #334. 3.14-41 Impact AG # 1: Temporary use of agricultural land: The RDEIR states that “some” agricultural land will be used for construction activities, but fails to identify which specific land or parcels will be used. Absent this information, there is no factual basis for the conclusion that impacts will be less than significant. In addition, the statement that construction impacts will be less than significant because they will be “temporary” ignores the fact that the construction period is projected to last as long as four years. The RDEIR also says the land will be “restored,” but fails to explain why restoration is necessary if impacts are less than significant. That is, the RDEIR fails to disclose what damage will result from construction activities that will require restoration. The RDEIR also fails to discuss the potential impacts to agricultural soils which may result from using hundreds of acres of farm land for construction activities. Will the soils be compacted by the movement and storage of heavy construction equipment? Will soils be contaminated with hydrocarbons and other hazardous materials routinely used and stored during construction activities? What drainage facilities and other measures will be taken to avoid or minimize erosion of topsoil? Will irrigation systems be damaged or rendered inaccessible on the parcels used for construction activities? The RDEIR also fails to identify who will determine what restoration is required, who will perform and pay for restoration of the property, when the restoration will be commenced and completed, and to what level or standard of restoration will be performed. In sum, the conclusion that impacts to agricultural land from temporary use for construction activities is not supported by facts and is inconsistent with the RDEIR’s conclusion that the farm land used for construction activities will need to be “restored.” Absent any discussion of the nature, extent and location of the effects of using farm land for construction activities, the RDEIR has no basis for concluding such effects will be negligible (NEPA) and less than significant (CEQA). The discussion of the various alignment alternatives on page 3.14-42 exhibits the same deficiencies described above.

L029-336 #335. 3.14-43 Impact AG # 2: Temporary utility and infrastructure interruption: The RDEIR’s brief, extremely general discussion of potential impacts to farm utilities and infrastructure fails to identify the location of any specific parcel which will have its utilities and infrastructure, including irrigation systems, access roads and power supplies, or the duration of any such interruption. The CHSRA itself has acknowledged that the RDEIR failed to perform any site specific analysis. In a letter dated July 13, 2012, a copy of which is attached as Exhibit E the CHSRA stated: “A comprehensive survey of private water supply wells was not undertaken for the EIR/EIS because the level of project impact analysis for this document is at the regional/community scale rather than at the individual property owner scale.” The CHSRA further acknowledged that private wells impacted by the HST alignment or related facilities (e.g., roadway grade separations, stations) will not be identified until after a preferred alternative is selected. The RDEIR’s failure to evaluate the HST’s site specific impacts clearly violates CEQA’s requirements for a project-level EIR, “which must examine in detail site specific considerations” (*In re Bay-Delta Programmatic Environmental Impact Report* (2008) 43 Cal.4<sup>th</sup> 1143, 1169).

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L029-337 #336. The RDEIR also violates the information disclosure and public participation purposes of CEQA by improperly deferring the analysis and mitigation of site specific significant impacts until after the RDEIR's public comment period has closed. (*Gray v. County of Madera* (208) 167 Cal.App.4<sup>th</sup> 1099.) As with other impacts to agricultural resources, the RDEIR appears to contradict itself by first stating the potential impacts will be less than significant, and then stating that the impacts will be addressed through acquisition agreements. Absent an identification of the specific utility and infrastructure interruptions that will occur, it is impossible for the RDEIR to accurately assess the nature, extent and significance of the impacts on agricultural resources or to determine whether acquisition agreements will provide effective mitigation. In addition, the RDEIR is inadequate because it fails to discuss what impacts will occur if the CHSRA is unsuccessful in entering into the necessary acquisition agreements. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 373 ["the necessary agreements have not yet been reached, and as the Project has no control over those agreements, it cannot ensure that they will be reached"].)

L029-338 #337. 3.14-43 Impact AG # 3: Temporary Noise and Vibration Effects on Adjacent Farm Animals: The FRA threshold for noise impacts stated in the RDEIR does not apply to the analysis required by CEQA. (*Berkeley Keep Jets Over the Bay v. Board of Port Commrs* (2001) 91 Cal.App.4<sup>th</sup> 1344, 1379-1383 [important distinctions between the requirements imposed by CEQA and by NEPA mean federal law is not applicable to CEQA cases].) CEQA requires an EIR to describe the existing conditions in the affected area to establish a baseline for determining whether the changes which will result from a proposed project will be significant. Where does the RDEIR describe (1) the existing noise levels in the area that will be affected by construction, and (2) the increase in existing noise levels that will result from construction of the Project. Without this information, the RDEIR cannot determine whether noise and vibration generated by the Project will or will not have a significant impact on farm animals. The RDEIR also substantially understates potential noise and vibration impacts because it fails to address the entire area that will be affected. Where does the RDEIR address potential impacts on construction noise and vibration from the 2,000 acres devoted to construction staging along the HST alignment? Until the construction staging and laydown sites are identified, any evaluation of potential noise and vibration impacts is speculative and likely understates potential impacts.

L029-339 #338. 3.14-58 [§3.14.7] Mitigation Measure Ag-MM #1: This mitigation measure is illusory and unenforceable because it does not state when it is to be performed. Unless the conservation easements prescribed in Ag-MM #1 are implemented at or before the time when the Project converts agricultural land to non-agricultural use, the impact will not be mitigated. The mitigation also is illusory because, although it refers to attempts to "identify suitable agricultural land for mitigation of impacts," the RDEIR does not contain any evidence that there is sufficient agricultural land available which meets the criteria specified in Ag-MM #1. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 728 [failure to evaluate whether the agreement to purchase additional water was feasible and to what extent water would be available for purchase was fatal to a meaningful evaluation by the decision-makers and the public].) The RDEIR's Executive Summary, which states the CHSRA will seek to acquire conservation easements "to the extent practical dependent upon availability" (RDEIR, p. ES-16) acknowledges the uncertainty regarding whether there is sufficient available agricultural land to implement this mitigation measure. In addition, the RDEIR's refusal to identify a "preferred alternative" makes it impossible to determine how many acres of Important farm land will be

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affected and in turn how many acres of other such farmland, and in which counties, must be available for preservation. In addition, the RDEIR should evaluate whether the preservation of Important farmland at a ratio greater than 1:1 would reduce the Project's impacts below significance.

L029-340 Volume 2: Technical Appendices  
3.13-A Land Use Plans, Goals, and Policies –

#339. Page 3.13-A-1 states that the Project "is not subject to mandatory consistency with local land use plans or zoning ordinances." It continues and states that it "discusses their consistency with the project." The included references are stated to include "only those policies that are relevant to the project."

L029-341 #340. References on Page 3.13-A-31 identify documents that were relied upon in developing Appendix 3.13-A Land Use Plans, Goals, and Policies. However, there is no reference to the 2035 Kings County General Plan adopted by the Kings County Board of Supervisors on January 26, 2010, or the LAFCO of Kings County City and Community District Sphere of Influence Update (September 14, 2007) and Municipal Service Reviews for Cities and Community Districts (October 5, 2007) both approved by the LAFCO Commission on October 24, 2007 (LAFCO Resolution No. 07-06 and 07-05 respectively) and made effective January 1, 2008. All of which have relevant land use, municipal service and other jurisdictional information pertinent to the Project and impacts it will impose on local communities within Kings County. Instead, this Appendix relied upon secondary sources noted as Kings County Association of Governments (KCAG) 2010 on Page 3.13-A-32.

L029-342 C. 2035 Kings County General Plan and Armona Community Plan (Page 3.13-A-4)  
#341. The summarized conclusions for Kings County are mistakenly referenced to falsely justify the HSR Project. As this section is titled and in reference to the Kings County General Plan which encompasses and is primarily relevant to the unincorporated portions of the County, the statements that "the county has the highest future growth rate in the Central Valley" is false and capricious as it makes a statement of all jurisdictions within Kings County as a whole (namely the County and four cities of Avenal, Corcoran, Hanford and Lemoore) and fails to acknowledge the other factors such as State Prison population. Page I-4 of the 2035 Kings County General Plan states that "Since 1980, Kings County's population has increased at an annual average growth rate of 3.8 percent. However, much of the increase is inflated due to the opening of Avenal State Prison (1987), Corcoran State Prison I and II (1988), the California Substance Abuse Treatment Facility (1997), and expansion of Naval Air Station Lemoore." In fact Table 3.18-1 Population Growth 2000 – 2010 on Page 3.18-12 presents a more accurate depiction of growth in the four county region with Kings County only representing only 6.5% of the region population and annual growth rate of 2.1% that ranks third out of the four counties. Kings County unincorporated population represented only 0.9% annual growth. According to the 2035 Kings County General Plan, Kings County's unincorporated area growth rate is estimated at 0.73 %. It also fails to reference Kings County's specific policy directly related to this HSR Project (Circulation Policy – C1.2.4). As limited information was available on the proposed HSR Project during the development and approval of the 2035 Kings County General Plan that was adopted on January 26, 2010, this specific policy was developed to ensure proper coordination and planning was done between the CHSRA and County to increase effective transportation integration and minimize

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L029-342 | local site specific impacts. Unfortunately, the CHSRA Board and Project staff and consultants are widely documented as refusing to coordinate this project with Kings County and any requirement to do so under the National Environmental Policy Act provisions.

“existing vehicular transportation system has insufficient capacity to meet current and expected future travel demand.”

L029-343 | #332. “There is a need for improved intercity transportation” misleading justification for a Project HSR transportation system that will not be affordable to the vast majority of County residents or serve intercity travel needs within the region where most of the travel demand is centered. According to U.S. Census data, the average commute in travel distance is 20 miles and between cities. Page 3.18-31 clearly points out that the Project “is not intended as a commuter rail service and ticket prices would not be subsidized, as is typical for commuter rail.” Instead, the Project is designed to accommodate “rapid travel between the major urban centers in the State” of which Kings County and surrounding communities in a 20 mile radius are not large enough to be considered major urban centers. The estimated ticket price along with the lack of interconnected alternative transportation modes adding to the connectivity transportation cost will render this HSR system as not an option to alleviate regional inter-city travel. Page 3.18-31 confirms this Project “would not be cost-effective for most people to live in one urban area, say Fresno, and commute to another urban area.” Given this and the fact that the HST system is not intended for shipment of goods, the vast majority of existing and projected VMT on State highways is not likely to change as a result of the Project. Excluding daily commutes and transport of goods, the HSR ridership will likely be for luxury, nostalgic corporate travel and novelty destination trips. As the Project and CHSRA Business Plan indicate the HSR system is intended to serve longer distance travel demand between major urban centers, the HSR system is not intended to effectively serve inter-region travel demand.

L029-344 | #333. This section does correctly reference the Armona Community Plan and adequately summarizes the main focus of that community plan. Focused on improving existing conditions and future sustainability. These efforts include compact residential growth, community walkability, housing diversification, and downtown core revitalization.

Page 3.13-A-16 Kings County General Plan

LAND USE  
LU GOAL B1

**Protect agricultural lands throughout the County, and in particular along the edges of community districts and Urban Fringe by maintaining large parcel sizes and preventing the premature development of incompatible urban uses**

L029-345 | #334. This Project is not consistent with Kings County’s goal that is in relation to agricultural land in the county. As the Project proposes a HSR station along the BNSF alignment in an area not planned for City of Hanford urban growth expansion, and outside the Hanford Primary Sphere of Influence where municipal services are planned, this Project would create a new urban destination and urban growth pressure in an area not considered to for future growth accommodation. Therefore, the station proposal of this Project along the BNSF alignment is in direct conflict with this 2035 Kings County General Plan Goal (Page LU-27).

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L029-346 | #335. This HSR Project Alignment and in particular the BNSF Kings/Tulare Regional Station are in direct conflict with this policy as the Project will disrupt agricultural land by slicing and creating a permanent barrier, while also introducing a new destination element that will incite greater urban pressure demand for surrounding properties. Thereby further diminishing the County’s agricultural land preservation efforts and regional and intergovernmental consistent plans for accommodating future urban growth. Provisions to mitigation for the loss of prime agricultural land are also deficient as there is no requirement to direct those mitigation efforts in Kings County. Instead, this Project intends to rely upon directing mitigating funding to a State Agency which will have the freedom to direct mitigation fund investments in other Counties thereby intensifying the permanent and irreplaceable loss of prime agricultural land in Kings County. This Policy discussion identifies existing use of the land, but offers no reference for planned land use according to the Kings County General Plan which determines planned future land use according to local land use plans that have jurisdiction and land use authority.

L029-347 | #336. The consistency statement that the Project mitigation approach for loss of agricultural land is generally consistent with the County’s Agricultural Land Preservation policies is false as the priority of the County’s agricultural land preservation efforts is to direct impacted agricultural land mitigation back into preserving agricultural land in Kings County. The Project approach relies upon a third party State Agency (Department of Conservation) to administer Project mitigation funds Statewide which effectively diminishes appropriately directed Project impacted mitigation back into Kings County where some of the greatest agricultural impacts will occur and have compounded and disproportionate economic impacts upon communities that are more highly reliant upon agricultural production.

L029-348 | #337. Faulty approach in minimizing growth inducing aspects to surrounding agricultural land around the Kings/Tulare Regional Station location along the BNSF alignment, whereby adjacent land owners are not likely to enter into conservation easements in perpetuity when there is perceived outward urban expansion in an area not planned for urban growth accommodation. The simple economic incentive to land owners for enhanced land sales value will be a direct deterrent after the Project is approved.

L029-349 | #338. The HMF – AG20 zoning consistency as a Public Utility or Public Service Structure. Williamson Act compatibility is not determined simply by the County’s zoning ordinance regulations. Compatibility with the Williamson Act is a separate determination based upon consistency with the Kings County Williamson Act Procedures and associated Kings County “Uniform Rules” for Williamson Act compatibility. There is no mention of this reference that is separate and distinct from the County’s Zoning Ordinance.

L029-350 | **LU GOAL C1** – States that the HSR alignment is not in conflict with this County Goal.  
#339. However, the following discussion in relation to the Kings/Tulare Regional Station locations are misleading and selectively choose the existing condition information that is disclosed for Project decision making purposes. As it is acknowledged that this Project’s station “could place pressure on adjacent agricultural lands for development of transportation-oriented commercial uses,” the induced effect of isolated urban uses is in direct conflict with this County Goal. Discussion of the BNSF alignment Kings/Tulare Regional Station location near State Route 43 and 198 does correctly identify

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one adjacent commercial gas station that independently provides its own water and septic. The Ponderosa Subdivision is also acknowledged, as well as surrounding agricultural land. This description of surrounding land use fails to mention that this location is outside the planned urban land use area of the City of Hanford and outside the City's LAFCO established Sphere of Influence for annexation purposes. Existing Hanford city limits and Sphere of Influence boundary are 1/8 of mile away from the HST station location along the BNSF alignment. In comparison, the Hanford Bypass alignment Kings/Tulare Regional Station location near 13<sup>th</sup> Avenue and State Route 198 correctly indicates the presence of surrounding agricultural and residential uses, and a community college and high school campus area within a 1/2 mile. However, what is not disclosed is that a portion of the site is already in the City of Hanford and that within a 1/2 mile to the east of the station location is Hanford's regional commercial area and recently annexed territory planned to accommodate more dense residential development territory (LAFCO Case No. 08-03 Hanford Reorganization No. 142) made effective on January 28, 2009. Station site is partially located within the City of Hanford with the remaining portions immediately adjacent to City of Hanford city limits on the east and portions of the south side by City annexed territory (LAFCO Case No. 06-02 Hanford Reorganization No. 134) made effective on October 5, 2006. Therefore, this site would be appropriate for annexation consideration to the City of Hanford. Discussion also fails to acknowledge that this Station location is within the planned urban land use area of the Hanford 2002 General Plan as well as within the LAFCO established City Sphere of Influence and Municipal Service Review. If the Project is intended to minimize and reduce the potential impacts related to premature conversion of agricultural land to urban type uses, the Project related land use analysis fails to take into consideration some of the most important local land use factors. As the R-DEIR/S-DEIS clearly states that the Project is a State project and not required to be consistent with local land use, it is clearly demonstrated that the Project analysis bears no responsibility in how this Project negatively influences and alters local land use plans in Kings County. There is no analysis or evaluation of what entity will bear the responsibility and financial obligation to service and support a station in Kings County. If the City of Hanford is unable to extend services beyond their existing City limits to serve this station, the alternative would likely result in the creation of a new special district to serve the urban type land use. How that would be accomplished is not addressed nor even touched upon in conducting due diligence in Project related potential impacts. The Kings/Tulare Regional Station alternatives represent the only station within the entire HSR system that is planned in non-urbanized areas. In addition, the R-DEIR/S-DEIS fails to clearly disclose how CHSRA is treating the Kings/Tulare Regional Station differently as a "possible" station rather than a "proposed" station in order to bolster HSR ridership numbers (450,000 within a 20 mile radius) for the Business Plan financial justification, while there is no intent by CHSRA to fund and construct this station. If there is no intent by CHSRA to fund and construct this Kings/Tulare Regional Station, where is the alternative analysis determining the extent of Project impacts if this station never becomes a reality as it will not be under the control and direction of CHSRA as to the funding and timing of such creation? If it is the intent of CHSRA to create a Project that minimizes unintended and indirect future conversion of agricultural land in Kings County, the Project must analyze the potential growth inducing factors that a HSR station located in agricultural land will present and the projected outlook for how orderly and efficient expansion of urban type land use municipal services can be provided and coincides with the smart growth policies of Kings County and the City of Hanford. As it is stated on Page 3.13-A-18 that "the Authority is committed to utilizing resources, both financial and otherwise, to assist the implementation of the station area development and transportation plans created by this process" why is it not significant

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enough for the CHSRA to fully analyze how a new HSR station destination in the County agricultural land will prevent unintended negative impacts relative to outwardly expanding urban growth pressure for agricultural land conversion surrounding the Project station location sites?

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#340. Station Planning Grants – premature and diverge greatly from existing coordinated land use policies in Kings County. As there is no "Preferred Alignment" selected at this point and the Station location alternatives are located in rural/agricultural areas and not within the City of Hanford where urban uses and growth can be accommodated, the station grant would simply result in study to support the Project. Ultimately leaving great expense in terms of General Plan amendments and updates to necessitate the required land use changes and divergent urbanization accommodation.

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**LU OBJECTIVE D1.6**

#341. This objective is to direct urban growth to Community Districts where municipal services can be provided, and ensure the orderly and efficient extension of services. The discussion on Page 3.13-A-19 is taken completely out of context as this Objective has no relevance to City services such as the City of Hanford. There are only four Community Districts in Kings County that this Objective applies to, Armona Community Services District, Home Garden Community Services District, Kettleman City Community Services District, and Stratford Public Utilities District. The discussion relative to the City of Hanford services is more appropriate for discussion in relation to LU Goal E1 that pertains to Urban Fringe areas. However, clarification is necessary to correct false assumptions. Not both Kings/Tulare Regional Station locations are "close to existing services" and is it not reasonable to assume that services can be easily extended to station sites in an equal manner. Reference to the BNSF Kings/Tulare Regional Station location being located within the City of Hanford's "Secondary Sphere of Influence" is a misleading statement as the only Sphere of Influence based on State Law allowance for potential annexation purposes is the "Primary Sphere of Influence" as established by LAFCO of Kings County. The "Secondary Sphere of Influence" only serves as an additional buffer of area that is for intergovernmental notification of land use projects, but has no bearing or relevance to any authority to allow annexation of land into the City. If the CHSRA Project staff and consultants had done their due diligence to review relevant local documents with LAFCO of Kings County reference to "Secondary Sphere of Influence" would have been easily found on Page 1 of the "City and Community District Sphere of Influence Update" adopted on October 24, 2007 and readily available on the www.kingslafco.com website. This document clearly states that:

*"Secondary Sphere of Influence" boundary line has no basis in State Law and serves only as an indication of the "Area of Planning Interest" to the local jurisdictions. The boundary is recognized as an area of mutual interest between City, County and/or Community Districts where notification of development projects should be extended and served to one another. The County should provide notice to the City and any proposed project(s) which fall within the Primary or Secondary Sphere of Influence." (LAFCO of Kings County, 2007)*

The territory east of State Route 43, north of State Route 198 and south of San Joaquin Valley Railroad, immediately south of the proposed Kings/Tulare Regional Station along the BNSF alignment is documented in the LAFCO City and Community District Sphere of Influence Update as being planned for Highway Commercial development by the Hanford 2002 General Plan. However, coordination with the City of Hanford revealed that the City does not have services available to that area

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and that the City does not intend to grow in this direction at the time of this LAFCO study (Page 17 of City and Community District Sphere of Influence Update, 2007). As this territory was never in the City of Hanford's Sphere of Influence, the 2007 study recommended no change to add this territory for future City growth consideration.

In order for the City to expand their "Primary Sphere of Influence" an extensive Municipal Service Review is necessary and required by the Cortese Knox Hertzberg Reorganization Act of 2000, and must be considered by LAFCO prior to a significant expansion of the Primary Sphere of Influence. LAFCO established Secondary Sphere of Influence boundaries have no bearing on the provision of municipal services that would be needed to accommodate a HSR station. The discussion on the Hanford West Bypass alternative station location does correctly indicate that the site is located within the City of Hanford Primary Sphere of Influence. It also states the intent of CHSRA to annex the station location to the City of Hanford. As the southeast portion of the station site is already located in the City of Hanford, annexation would only require adding the rest of the station site into the City for services. As this territory is already included in the City of Hanford General Plan urban land use designated areas, the LAFCO established Hanford Primary Sphere of Influence and 2007 City and Special District Sphere of Influence Update and Municipal Service Reviews, there would no requirement for the City to prepare an extensive Municipal Service Review and Sphere of Influence amendment. As the Authority intends to annex the station site to the City of Hanford, there is no stated or anticipated timing of such efforts to ensure that the HSR station site will have adequate public health and safety related services that are necessary for this type of urban land use.

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**LU GOAL E1**

**Urban Fringe areas continue to allow existing uses, while land remains intended for the probable future urban growth and expansion of Cities where urban level municipal services are provided.**

#342. This Project proposes a HSR station on the BNSF alignment in an area not planned for City of Hanford urban growth accommodation, nor is it in an area where municipal services are planned. This Kings County General Plan Goal is relevant to the HSR station location as it states the County's goal in coordinating the expansion of urban land use in "Urban Fringe Areas" that surround existing cities and are planned for urban land use accommodation. However, this discussion makes false and misleading statements of determination by claiming both station locations are within the City of Hanford's Sphere of Influence. When in fact only the Hanford West Bypass alignment station location is already partially within the City of Hanford with the remainder of the site within the Hanford Primary Sphere of Influence and in an area intended to support future urban growth accommodation through the 2035 Kings County General Plan and Kings County Blueprint projected urban growth accommodation through 2050. The BNSF alignment station location is not in the Hanford Primary Sphere of Influence and reference to a LAFCO established Secondary Sphere of Influence provides no legal basis or authority for City of Hanford annexation consideration or the intended provision of future municipal services. Therefore, the assertion that both station locations are located in areas that "allow easy extension of existing municipal services for future development projects" is false and misleading to CHSRA decision makers who will be making financial investment decisions of State and Federal taxpayer funds without full disclosure of relevant and critical local regulations and conditions. If the Authority is as stated on Page 3.13-A-19 "committed to measures that minimize conversion of

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agricultural lands," then why has there not been more thorough analysis of the potential growth inducing implications that would result from a proposed HSR station located in and surrounded by prime agricultural land and in areas not intended to accommodate urban type land uses and future growth accommodation in either the City of Hanford General Plan, Kings County General Plan, or San Joaquin Valley Blueprint adopted regional growth alternative?

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**LU OBJECTIVE E1.1**

#343. This objective essentially directs the requirement for new urban type land uses in urban fringe areas to be annexed to the relevant city. It is positively recognized that the "Authority's intention to be consistent with the objective stated above by facilitating the annexation of the HST station area to the City of Hanford." However, it is false and misleading to promote that both BNSF and Hanford West Bypass alignment station locations can be accommodated for Hanford annexation and considered as located within areas designated for future urban growth accommodation. The existing conditions and local regulatory requirements are not equal between these two station sites and therefore full disclosure of local circumstances is not provided to CHSRA decision makers.

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**C OBJECTIVE A1.1**

#344. Facilitate coordinated transportation investments to enhance sustainable community growth. Kings County participated in the Kings County Association of Governments Blueprint efforts, and the resulting regional growth scenarios were done in a manner that remained consistent with the 2035 Kings County General Plan. In these regional documents, implementation of HSR was never envisioned to occur and create growth inducing factors in a manner that was not consistent with the regional planning efforts. The R-DEIR/S-DEIS loosely claims justification for the Project by only referencing the Blueprint principles, yet avoids consideration of how a Project station locations serve as a new urban destination and growth inducing factor into the local communities. Thus increasing the potential for premature urban sprawl when located in agricultural areas outside of planned urban land uses and areas outside of regionally defined urban growth accommodation through 2050. Urban growth areas are referenced in the 2035 Kings County General Plan for consistency with the Blueprint defined "Urban Growth Boundaries." How can the HSR Project claim consistency with the Blueprint and sustainable community growth principles when the Project proposes a Kings/Tulare Regional Station in an area not identified for urban growth accommodation along the BNSF alignment? The Urban Growth Boundary for the City of Hanford does not include this station location and only covers territory south of the San Joaquin Valley Railroad alignment that runs east/west. It is further stated that the "Authority is working with local jurisdictions and the County to consider mitigation measures to reduce potential impacts on agricultural lands." This statement is also false and misleading as the CHSRA Project staff and consultants are not actively working to develop mitigation measures related to agricultural land. The fact of the matter is that CHSRA agents severed working relations with Kings County on June 7, 2011, and then only resumed coordination on this matter during three meetings in the Spring of 2012 where no progress in resolving Kings County issues related agricultural land resulted.

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**C POLICY A1.1.5**

#345. This policy pertains to developing and investing in transportation that meets the needs of the County's population and future growth. This discussion correctly references two main aspects of the 2035 Kings County General Plan in directing orderly and efficient growth, while also discouraging

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L029-356 premature conversion of agricultural land. It is also accepted that the HSR station and HMF would convert agricultural land to urban type uses. However, discussion following that is not considered acceptable as CHSRA has not sufficiently addressed or made adequate efforts to minimize indirect impacts to agricultural lands and induced growth pressure around the HSR station location along the BNSF alignment to minimize future conversion of agricultural land. This discussion also selects with bias statements from the Kings County General Plan to infer a greater need for HSR in Kings County due to high growth rates and insufficient capacity on roadways. As the HSR system is intended to service major urban areas, the reliance upon Kings County growth rates is misleading as the County is a rural/agricultural county and the smallest in the San Joaquin Valley with a total population of 152,982 according to the 2010 Census. The county may have a high growth rate in some areas, but the relative size of population in comparison to larger surrounding counties demonstrates that HSR justification in Kings County is not warranted simply by a high local growth rate. These Kings County General Plan policies have relevance only to the unincorporated areas of the County. In addition, Kings County is not located along the State Highway 99 corridor and therefore does not benefit from any reduced vehicle miles traveled along this route. Only a very small portion of Interstate 5 travels through Kings County near the unincorporated community of Kettleman City. Commuting patterns to and from the County are generally related to commuting patterns with adjacent counties such as Fresno, Tulare and Kern. The HSR System is not intended to serve small distance inter-community travel and in fact will be cost prohibitive due to the high price range of projected HSR ticket pricing. Therefore, the claim that the HST system would achieve all the objectives related to this policy are unsubstantiated and arbitrary.

L029-357 **C OBJECTIVE A1.2**  
 #346. This objective is aimed at improving the quality of life through coordinated transportation projects. As there may be benefits of local residents having greater access to larger metropolitan areas, these claims are generally accepted. However, it portrays only a small portion of beneficial impacts that presented in a biased manner to promote the Project. It fails to consider the rural/agricultural nature of Kings County and how a new major metropolitan serving transportation system will disrupt and alter the quality of life of many more local residents than will be benefited by the enhanced transportation alternative to major outlying urban areas. Increased and repetitive urban sounds, vibration and VMT into the County as it is intended to support a 460,000 population base within a 20 mile region (Kings County total population of 156,000) clearly indicates that a HSR station will serve as a new destination generator of VMT from outside the County. This will result in increased travel demand on Kings County roads, increased air emissions in Kings County which is not located along the State Highway 99 corridor, and greater need for road maintenance that the Project will not be required to provide fair share improvements to. Therefore, the proclaimed quality of life improvements to Kings County residents is only presented in a biased manner to support the Project.

L029-358 **C POLICY A1.2.1**  
 #347. This Policy is to coordinate planned land use planning with planned transportation facilities. Discussion related to this policy fails to acknowledge the proposed HSR station in Kings County will serve as a new destination for outside travelers and increase the VMT within Kings County. This discussion presents a biased perspective to promote the Project as it only takes into account the Statewide perspective, yet avoids discussing Project impacts relative to Kings County which will be the results of Project experienced directly by Kings County residents.

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L029-359 **C GOAL C1**  
 #348. This goal is intended to promote the integration of transportation alternatives and connectivity in Kings County. Discussion related to this Goal relies upon the San Joaquin Valley Blueprint for which coordinated regional approaches to land use resulted in smart growth principles and a preferred regional growth scenario. Although the HSR system in concept was added to the Blueprint for discussion purposes, there was insufficient Project specific details to fully understand the impacts, implications and consequences of how the HSR facilities would be integrated into the region beyond the City of Fresno. Blueprint principles and the preferred regional growth scenario are embodied in the 2035 Kings County General Plan and even as far as memorializing the Blueprint defined "Urban Growth Boundaries" for accommodating urban growth through 2050. The HSR Project proposes to place an HSR urban population serving station in agricultural land identified in the Blueprint for long term preservation. As Kings County is one of several major agricultural producers in the State and the main intent of the Blueprint was to make more efficient and compact urban land use decisions, the HSR station location is completely counter productive to the Blueprint efforts. In fact, the very creation of a major urban serving transportation destination such as the HSR station in areas where prime agricultural land is designated for priority preservation and not intended for conversion to urban uses demonstrates the capricious disregard in which this Project plans to locate a HSR station and defies the very good coordinated land use efforts that preserve agricultural land and is promoted by the State through Blueprint funded efforts.

L029-360 **C POLICY C1.2.4**  
 #349. This policy was developed as a result of there being little HSR Project details available other than a conceptual alignment. As it was not known what the HSR Project would entail in terms of impacts or effects within Kings County at the time of General Plan adoption by the Kings County Board of Supervisors on January 26, 2012, it was stated to simply indicate the need to coordinate this project with Kings County. After the discovery of more detailed HSR Project information in the Spring of 2011, it was determined that the Project failed to take into account Kings County General Plan policies. This Project has been clearly stated by Project staff and consultants to not be required to be consistent with the Kings County General Plan, however, the disregard to Kings County's concerns over Project impacts and the resistance of Project developers to resolve conflicts and minimize Project impacts upon Kings County demonstrate a lack of coordination on the CHSRA side.

L029-361 #350. This section discussion fails to identify and acknowledge the Project consistency with other relevant Kings County Policies:  
**LU GOAL B2**  
**Agricultural production continues to be supported and enhanced in areas designated for agriculture, while conflicts between agriculture and non-agricultural uses are minimized.**

L029-362 #351. This Project is proposed by the State and been planned in a manner that is clearly dismissive of the impacts that it will impose upon agricultural land and business operations in Kings County. Continued efforts by Kings County to engage CHSRA in "coordination" under the provisions of the National Environmental Policy Act have been rejected and described as "not required" to resolve inconsistencies with Kings County plans and policies. As this Project plans to introduce an entirely new

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L029-362 urban serving transportation infrastructure (termed the State's largest infrastructure project) has failed to work in good faith to resolve and minimize this Project's impacts to Kings County agriculture. Therefore, this Project represents a direct conflict with this county Goal.

L029-363 **LU Policy B2.2.1:**  
**Apply the Limited Agriculture or Open Space land use designation around Community District and Urban Fringe areas to serve as a buffer between urban and intensive agricultural uses.**

#352. This Project proposes to create a HSR station east of State Route 43 and north of State Route 198 that it outside the Planned urban land use of the City of Hanford, outside the Hanford Primary Sphere of Influence, outside the Blueprint Urban Growth Boundary, and in an area defined by both the City of Hanford General Plan and 2035 Kings County General Plan as prioritized for agricultural preservation and as a buffer to urban land uses. Therefore, this Project is in direct conflict with this county policy.

L029-364 **LU OBJECTIVE B3.1**  
**Direct agricultural support services to General Agriculture land use designated areas, while ensuring that services are not harmful to the long term agricultural use of the land or potential future urban growth if within the Blueprint Urban Growth Boundary.**

#353. This Project proposes to introduce a new urban land use in an area defined by both the City and County for long term agricultural use. As the agricultural community needs regulatory certainty just like the development community, this Project will effectively alter the land use pattern in a manner that is in direct conflict with the efficient urban and agricultural land use coordination that has been in place between the City and County for decades. Previous coordination in land use defines the State Route 43 corridor as a man made boundary to buffer intensive agricultural operations from urban land uses. This Project is proposed to annex territory eastward and beyond this State Route 43 boundary and will effectively diminish obstacles that prevent urban growth expansion in a new area and increased conversion of agricultural land to other uses. As a result, this Project has the potential to undermine and disrupt the long term local and regional planning efforts to effectively and efficiently accommodate planned and orderly urban growth while protecting and preserving strategic agricultural land that is more critically restrained and limited in Kings County where the county is the smallest in the San Joaquin Valley and has more significant geographic restraints like the flood zone of the Tulare Lake Basin.

L029-365 **LU Policy E1.1.1**  
**Require urban growth to be contiguous to existing urban development and annex to a city in order to ensure coordinated urban growth according to that City's General Plan policies. Commercial and industrial development may be considered for development in the County when annexation is not feasible or practical, but must develop public improvements to City standards.**

#354. The Project overlooks this county policy which directly determines how the county works with the City in coordinating urban growth and effectively balancing the strategic priorities for agricultural land preservation. This R-DEIR/S-DEIS fails to acknowledge basic information to

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L029-365 accurately describe current conditions and surrounding growth restraints. As the BNSF alignment station in Kings County is proposed in an area identified as an agricultural buffer according to the 2002 Hanford General Plan and outside designated areas for urban growth accommodation, this Project will effectively violate this policy and undermine the effective city/county coordinated land use plans and policies.

L029-366 **LU Policy E1.1.3**  
**Proposed land uses on agricultural designated land within any Urban Fringe shall comply with the provisions of Section C of the County's Land Use Element policies for Agriculture Open Space.**

#355. The county's policy sections related to Agriculture must be included and recognized as relevant as the land surrounding the Kings/Tulare Station – East on the BNSF alignment is surrounded by Limited Agriculture AL-10 Zoning to the north and east that serve as an agricultural buffer to more intensive General Agriculture AG-20 designated land a half mile east of this site. Therefore, this policy is relevant and should be accounted for applicability.

L029-367 **LU Policy E1.1.6**  
**Recommend that LAFCo of Kings County adopt City Primary Sphere of Influences that coincide with each jurisdiction's General Plan designated urban land uses.**

#356. This Project proposes a HSR station (Kings/Tulare Regional Station – East) in an area outside the City of Hanford designed urban land uses and outside the LAFCO established Primary Sphere of Influence. This area is not proposed for expansion of the Primary Sphere of Influence. In order to be considered for expansion the City would need to undertake a comprehensive General Plan Update to include territory beyond their existing urban planning area, beyond their municipal service planned areas, and beyond the Blueprint Urban Growth Boundaries. As LAFCO is required to evaluate and consider all these factors in any Sphere of Influence amendment or update, the City would need to undertake significant expense (estimated at \$500,000 minimum) to undertake these planning efforts and develop an extensive Municipal Service Review that evaluates all City services and support that would need to be approved by LAFCO. These plans and documents are major undertakings that may take several years to complete and therefore create significant obstacles to future annexation consideration of this station site. The Project fails to address these conflicts with county and LAFCO policy and therefore provide no alternative that demonstrates reasonable efficient City expansion to provide services to this site.

L029-368 **RC OBJECTIVE A1.1**  
**Maintain and Protect Existing Water Supplies.**

#357. This Project will result in substantial impacts, disruptions and relocations of existing surface water delivery facilities, wastewater distribution systems, and domestic and agricultural groundwater wells. As there are insufficient mitigation measures that demonstrate the CHSRA will be required to repair and replace these systems in a fast and effective way, this Project is in conflict with this county objective.

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**RC Goal B1**

**Maintain viable and productive agricultural land within the County, and ensure the long term preservation of the County's agricultural resources continue to provide a sustainable food supply and supports a vibrant local agricultural economy.**

#358. This Project represents a significant conversion of agricultural land to an urban transportation system that is intended to serve higher income individuals traveling between Los Angeles and San Francisco. As agricultural land has clearly been targeted by the Project development staff and consultants as a "feasible" less costly land alternative to locating near existing transportation corridors, the effective result will diminish the county's agricultural resources, disrupt production of local food supplies, and disrupt the local agricultural economy. All of these Project impacts are not thoroughly analyzed in this R-DEIR/S-DEIS, nor are they adequately mitigated. Therefore, this Project is in direct conflict with this county goal.

L029-370

**RC OBJECTIVE B1.2**

**Establish feasible mitigation for the loss of agricultural land conservation that is not over burdensome to landowner and development interests, yet enhances long term preservation efforts of the County's highest priority agricultural lands.**

#359. This Project proposes to mitigate for the loss of prime agricultural land by funding the State Department of Conservation – agricultural conservation easement program which would result in mitigation funds being prioritized by this State agency and utilized throughout the State. This mitigation approach effectively diminishes the effective and accountable implementation of mitigation back in Kings County. The proposed mitigation intends to use agricultural conservation easements which are permanent easement in perpetuity and not an agricultural preservation tool of choice. Local government coordination has prioritized the use of agricultural preservation tools that more closely coincide with the county's general plan planning timeline to 2035. Therefore, this Project proposed mitigation is not consistent with this county objective.

L029-371

**RC Policy B1.2.1**

**Require new development that results in the loss of agricultural lands to provide mitigation to offset that loss. The County's Farmland Preservation Mitigation Strategy shall require comparable acreage enrollment in the County's Farmland Security Zone.**

#360. The county has prioritized the implementation and use of Farmland Security Zone (20 year) contracts as a means to protect long term agricultural land that more closely coincides with the 2035 Kings County General Plan planning timeframe. However, State elimination of nearly all Subvention payments to counties which supports implementation of the Williamson Act Program has prevented any further implementation of this agricultural land preservation tool. As the Farmland Security Zone program is more cost effective than agricultural conservation easements which require substantial upfront costs and legal expenses, it can be more effectively deployed on a larger scale which enhances implementation of agricultural preservation efforts. The tax benefits to local farmers also serves as an incentive for participation and cost reduction factor for their operations. In comparison, agricultural easements are a permanent land restriction that requires legal attorneys to draft up

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restrictions and due to high cost of implementation around urbanized areas diminishes this tool from being a highly effective tool. Therefore, this Project agricultural land mitigation proposal is not consistent with county policy and CHSRA has not explored the option to work with Kings County in supporting the Farmland Security Zone implementation and sustainment of this program.

L029-372

**RC OBJECTIVE B1.3**

**Balance the long term preservation of the County's agricultural resources with areas planned to accommodate urban growth within Cities and Community Districts, and prioritize the creation of Farmland Security Zone contracts on land outside the Blueprint Urban Growth Boundaries (refer to Figure RC-14) as defined by the Kings County Association of Governments to ensure long term preservation of the County's vital agricultural resources in areas not planned to accommodate future projected urban growth.**

#361. This Project proposes a Kings/Tulare Regional Station – East in an area not identified to accommodate future urban growth, and presents a mitigation measure for the loss of agricultural land that would be implemented by the Department of Conservation and not be effective in Kings County. Therefore, this Project is not consistent with this county objective.

L029-373

**CITY OF HANFORD  
 OBJECTIVE LU 20**

#362. The discussion provides misleading information on the BNSF Alignment Kings/Tulare Regional Station location, while demonstrating a bias for this station location over the Hanford West Bypass Alternative station location. The statement that the City of Hanford has zoned "Planned Highway Development near State Route 43 fails to acknowledge that City of Hanford city limits extend only to State Route 43 along the west side. As the HSR station is proposed on the east side of State Route 43 and outside the City's General Plan urban land uses and LAFCO established Sphere of Influence for annexation purposes it is not located around suitable planned urban type land uses. As there is no mention or comparison of the Hanford West Bypass Alternative station location in relation to this City policy, no comment can be provided.

L029-374

#363. At best the HSR Project was included in the San Joaquin Valley Blueprint as a concept as there were no specific Project details to define the exact location and station location in Kings County. In fact, the Hanford West Bypass alternative with a Kings/Tulare Regional Station location along 13<sup>th</sup> Avenue and north of State Route 198 was reintroduced into the Project in late 2011.

L029-375

**D. CITY OF HANFORD GENERAL PLAN**

#364. This discussion falsely portrays the Kings/Tulare Regional Station locations as both being located in the City of Hanford. The true and factual existing conditions in relation to the two Kings/Tulare Regional Station proposed locations are not disclosed and therefore provide misleading to CHSRA Project decision makers. The BNSF Alignment location for the Kings/Tulare Regional Station is not located within the City of Hanford General Plan urban land use areas, and it is outside any City planned municipal service area and LAFCO established Sphere of Influence that determines which land

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L029-375 | may be annexed for City future expansion. This station location has been loosely justified by relying upon an old remnant "Industrial" land use designation in the Kings County General Plan for which the County's land use policies direct new urban type growth to existing cities and communities served by special districts. The City of Hanford defines urban growth accommodation to expand east to the State Route 43 as the defined urban growth boundary. This Hanford urban growth boundary is also reinforced in the Kings County Blueprint land use plan as part of the San Joaquin Valley Blueprint for regional growth accommodation. The Kings County General Plan reinforces both the Blueprint defined "Urban Growth Boundaries" as well as the LAFCO of Kings County defined City of Hanford Sphere of Influence that is consistent and coincides with the City of Hanford General Plan urban growth being limited from eastward expansion beyond State Route 43. In relation to the Hanford West Bypass Alignment location for the Kings/Tulare Regional Station it is not fully disclosed that this site is already partially located in the existing city limits and that the entire station site is located within the Hanford General Plan defined urban land use area and within the existing City of Hanford Sphere of Influence. LAFCO of Kings County documents (i.e. City and Community District Sphere of Influence Update and Municipal Service Reviews for City and Community Districts, 2007) were not reviewed or referenced as part of this R-DEIR/S-DEIS even though LAFCO documents from other Counties were such as the Fresno LAFCO Municipal Service Reviews.

L029-376 | **AIR QUALITY**

#365. Page 3.12-108 summarizes air quality impacts by stating that "there are no significant operation related impacts as the HST generally improves the air quality in the region." As the R-DEIR/S-DEIS fails to take in to account and analyze the intended operational shift of conventional train engine Amtrak San Joaquin Service over to the new HSR alignment between Fresno and Bakersfield there exist unknown Project impacts relative to air quality. It is the stated intent of CHSRA officials to operate Amtrak service on the new HSR alignment between 2017 and 2022 and as there is an unfunded future the compromises the complete build of the entire HSR system with an electrified system and real high speed trains, the air quality impacts of these conventional train engine operations is undisclosed. The State Division of Rail has publicly acknowledged that the State has purchased high speed (125 mph) Amtrak trains for intended use on the HSR alignment. In addition, the Governor's signing of AB 1779 also locks in future operations of the San Joaquin Service to remain consistent with the CHSRA Business Plan. This newly adopted bill effectively ties the HSR and Amtrak systems together.

L029-377 | **AMTRAK SERVICE**

#366. Page 3.12-119 states that in regard to the Corcoran Amtrak Station "no disruption to Amtrak service would occur." This statement is misleading as it only refers to the station relocation effort, but fails to address the intended shift of Amtrak service to the new HSR alignment and disclose the extent to which Corcoran will lose Amtrak services with no station planned to be located in Corcoran along the HSR alignment. This will likely mean that rail service connectivity to Corcoran will be replaced by bus service to connect passengers with either Bakersfield or Fresno stations along the HSR alignment.

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L029-378 | **3.18 REGIONAL GROWTH**  
 Page 3.18-1 Introduction  
 In this discussion the following statements are made:  
 That it "discusses the potential growth-inducing effects of the HST alternatives."  
 It "determine how the HST alternatives could influence these trends, either directly or indirectly."  
 That the "BNSF Alternative would result in approximately 9,000 acres of additional growth over the No Project Alternative."  
 That "The Final Program EIR/EIS for the Proposed California HST System... did not identify growth impacts requiring mitigation."  
 #367. However, this Program EIR/EIS never envisioned a HST station located in Kings County and located in predominantly agricultural setting without existing urban municipal services. Therefore, the Program EIR/EIS cannot be relied upon in terms of having analyzed the potential growth inducing effects of a HST Station in Kings County. This provision was added after the adoption of the 2005 Program EIR/EIS in subsequent Station Alternative Analysis decisions by the CHSRA that were conducted and decided varying alternatives beyond the scope of the Program EIR/EIS.

L029-379 | **3.18.2.1 Federal – NEPA Requirements To Analyze Growth**

#368. This section states that this "provision includes a requirement to examine both direct and indirect consequences." "Positive and negative growth is a potential consequence of the HST alternatives." Indirect growth effects are associated with alterations in land use patterns that could occur with implementation of HST project. "Removal of obstacles to growth" would include the extension of public services and utilities to a previously undeveloped area." These factors are not adequately analyzed in this R-DEIR/S-DEIS and therefore fail to address regional growth implications for Kings County that will result from a HSR station located in a non-urban planned area that lacks available municipal services.

L029-380 | **3.18.2.2 State – CEQA Requirements To Analyze Growth**

#369. "Requires that the EIR evaluate the potential growth-inducing impacts of a proposed project."  
 The intent of this Project to result in the annexation of the BNSF Kings/Tulare Regional Station – East alternative to the City of Hanford would require the extensive eastward expansion of the City of Hanford and Primary Sphere of Influence to accommodate this station as new urban growth and remove local regulation obstacles that currently prevent urban growth east of State Route 43.

L029-381 | **3.18-5 Environmental Consequences**

#370. States that "Under current city and county general plans in the region, communities in the region have adequate space to accommodate planned growth by 2035 and HST-induced growth within their current spheres of influence." However, these statements fail to take into account the fact that the Project proposes a HST Kings/Tulare Regional Station along the BNSF alignment in a location outside

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any city sphere of influence and currently available for annexation. Therefore the claim that the HST-induced growth would "require minimal farmland conversion and extension of public infrastructure beyond the projections reflected in current planning documents" is false and misleading as it does not take into account the full current conditions of the BNSF station location east of State Route 43 in Kings County. Adjacent 152 acres of agricultural land north of this station location are not restricted by Williamson Act contract and presents no land contract restriction from development consideration and would likely face greater growth expansion pressure. Reference is made to the "Vision California Plan" as defining how the HST system may shape growth, but did it consider and evaluate the potential growth inducing impacts of locating a HST station in a non-urbanized and predominant agricultural area? This Project alternative for a HST station in an agricultural area outside of any Sphere of Influence is not consistent with nor does it support current and anticipated future regional growth management plans and programs as stated. It will also discourage infill development as growth pressures will increase in outlying areas beyond what is currently planned for urban land use accommodation. As a result, HST station and indirect urban growth would be pressured to grow outside of and away from existing local and regional transit connections.

L029-382

**3.18.5.2 No Project Alternative**

#371. This discussion makes reference to the beneficial growth qualities that may be experienced in Fresno and Bakersfield only, and does not disclose the opposite circumstances under which a BNSF alignment station in Kings County would be more detrimental to infill growth and denser development in downtown core areas. As the Kings/Tulare Regional Station located outside of any planned urban area and LAFCO established Sphere of Influence (Primary Sphere of Influence only has legal basis for annexation) will create a new destination travel hub away from existing downtown core areas, it would detract from investment in Hanford and other community core areas. Clearly the R-DEIR/S-DEIS acknowledges that demand for growth near HST stations will be greater. This new growth factor has the potential to further deteriorate existing downtown core areas and draw new investment away.

L029-383

**Table 3.18-15 Fresno, Kings/Tulare Regional, and Bakersfield Stations and HMF Costs (2010 \$M)**

#372. This table shows an undisclosed and possibly overinflated projection of Kings/Tulare Regional Station alternative costs. It is highly questionable that the HST station located on the Hanford West Bypass alignment would be nearly double any other station in either the Fresno, Bakersfield or Kings County along the BNSF alignment. Without demonstration of how these cost factors are significantly higher for the Hanford West Bypass station, it presents a predetermined biased selection to the CHSRA Board in order to reduce Project costs. As the CHSRA has clearly separated the Kings/Tulare Regional Station from other stations by defining it as a "possible" station rather than "proposed" station, this R-DEIR/S-DEIS fails to disclose that the cost factor for this station alternative is actually of no consequence to the CHSRA as it is not intended to be funded for construction. The Kings/Tulare Regional Station has been identified as the 24 station, while only 22 HST stations are proposed for dedicated construction funding. Page 3.16-27

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**Induced Population Growth Page 3.18-30**

L029-384

#373. This section begins by taking only a generalized regional perspective and avoids discussion of potential significant growth inducing factors at the individual site specific local level. It claims that the "HST alternatives contribute a relatively small incremental increase in the projected growth for the 4-county region." As this discussion is representative of the newly created CHSRA Project Level EIR approach to only consider communitywide and regional impacts as if it were a Programmatic EIR, it fails to take into account the significance that the Project's HST station has as it is located in Kings County agricultural land and outside of a City planned growth area and outside a LAFCO established Sphere of Influence that determines areas for annexation and municipal service provision. It may be assumed in general that "the HST project would also result in the benefits over the No-Project condition including reduced automobile travel," but these generalized statements of determination effectively discount and avoid the potential negative impacts that the Project may pose in Kings County by introducing substantial new VMT from outside the county to the proposed HST station as it will serve as a new urban land use destination. In addition, the proclaimed "reduced long-term air pollutant emissions" resulting from the Project may never be realized as the Project is only currently funded and supported by the State to shift and operate conventional train Amtrak passenger rail service on the Project alignment. Although the CHSRA Business Plan admits to this intent and the State Division of Rail has confirmed purchase of higher speed Amtrak trains for use on the Project alignment, this R-DEIR/S-DEIS arbitrarily avoids acknowledging this fact as the first phase of the Project and full disclosure of what the related impacts to the four county region may be. Kings County has over the past year questioned the CHSRA Project staff and consultants on what the full details of this Amtrak San Joaquin service shift will mean to local communities such as Hanford and Corcoran that have Amtrak stations and depend upon that passenger rail service as an affordable means to transportation and the economic benefits that derive from it.

L029-385

#374. This section states that the "project may foster spatial, economic, or population growth in a geographic area it removes obstacles to population growth." As the Project proposes to substantially alter and modify the City of Hanford's long term land use plans, municipal service plans, and growth boundary restrictions placed by LAFCO Sphere of Influence boundaries and Blueprint established Urban Growth Boundaries, this R-DEIR/S-DEIS must analyze the potential direct and indirect growth inducing effects of locating a HST station east of State Route 43 and north of State Route 198. As this R-DEIR/S-DEIS avoids acknowledging this Project fact, it is a clear violation of CEQA and full disclosure of the potential Project impacts.

L029-386

#375. Statements made on Page 3.18-31 in relation to California's population and how this HSR Project will facilitate reallocation of population distribution in the State is troubling. It alludes that growth and development in metropolitan coastal areas and Southern California's Inland Empire are increasingly challenged because of environmental and quality-of-life issues and therefore be more directed to the San Joaquin Valley. The HST Project would then serve the existing and future need for transportation. The vast majority of travel demand is inter-city commute, transport of goods, and daily personal trips within existing communities. This Project incorrectly assumes that existing and future populations in the San Joaquin Valley will have great need for travel to and from Major urban centers and be able to afford the non-subsidized higher cost ticket prices. This Project also assumes that "more

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compact urban transit-oriented development around the station areas” will occur. However, this Project is clearly noted to not be a financially feasible transportation alternative for inter-city commutes and in general people are more inclined to live where there are transportation networks that connect their homes to their places of employment. As this HSR system will not serve inter-city commutes, there is a disconnect in terms of the actual population and income sector that this system will actually support and where as the higher income individuals who could afford to ride the HSR would also be the most likely individuals and families that choose to live in more exclusive and private large lot communities. Therefore, the claim that HSR will result in more dense residential development centered around the station remains largely unsubstantiated and exaggerated because the HSR system will not serve as a transportation alternative that meets the travel to work needs of local residents.

L029-387

#376. This section also states that “Increased travel to central Fresno and Bakersfield by way of the HST will provide an economic incentive for revitalization of those areas.” This unsubstantiated claim also fails to account for the fact that Fresno and Bakersfield are not typical end point metropolitan destinations like Los Angeles and San Francisco are. As Fresno has progressively marched new development and economic investment farther north (the economic migration is well documented by commercial retail centers such as the Fulton Mall, Manchester Center, Fashion Fair Mall, and River Park) and away from the original downtown core of Fulton Mall, the remnant lower income populations of this downtown area will not be able to afford ticket prices to ride the HSR. Without a viable destination to anchor and deliver HSR passenger travel stops in Fresno, the more likely scenario of pass through trips between Los Angeles and San Francisco are more likely and by higher income individuals that are drawn to the more lucrative shopping and entertainment destinations of these two major urban metropolitan areas within the State.

L029-388

#377. The statement that “the HST would not induce unplanned growth” is rejected as a truthful statement as discoveries in this R-DEIR/S-DEIS reveal that this document is not truthful and fully disclosing of the fact that the BNSF alignment Kings/Tulare Regional Station is proposed in an agricultural area that is not planned for urban type land uses and is not within the LAFCO established Primary Sphere of Influence that is justified for annexation as determined by the Municipal Service Review. The following statement on Page 3.18-31 “incremental population growth effect of the project would have no significant effect on future water demand” is also false as it fails to recognize that communities in Kings County that would face greater population pressure as a result of this Project are already struggling to meet the new U.S. EPA standards for safe drinking water. Namely the drinking water standards for Arsenic which were dropped from 50 parts/billion down to 10 parts/billion in 2006, which essentially made nearly all communities in Kings County out of compliance. As communities have had to invest greater resources in water treatment facility upgrades and placed greater financial demands on local residents, increased demand due to Project induced growth pressure only compounds the service demand problem. In addition, groundwater is the sole source of drinking water for Kings County communities impacted by the HSR Project, and as continual natural and State regulatory drought conditions continue to restrict effective groundwater recharge efforts, the long term outlook for sustainable water supplies diminishes. Kings County is unique in relation to other San Joaquin Valley counties as it once served as the natural drainage basin (Tulare Lake Basin) for the Sierra Nevada Mountains via the Kings River, St. Johns River, Tule River, and Kern River. As a result, natural sediments have created several layers of underlying clay in the substrata that divides and isolates

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groundwater aquifers. The clay layers also diminish groundwater recharge efforts, thereby rendering groundwater supplies to finite and un-replenished sources of potable water for local communities. The HST project by inducing growth will place greater supply and demand pressure on these finite water sources and thus has the potential to significantly effect community water.

L029-389

LAND USE CONSUPTION

#378. Page 3.18-32 states that the Project “expected to result in additional population and employment near stations and indirectly influence the regional growth pattern.” How does this R-DEIR/S-DEIS address these growth inducing factors the a proposed HSR station located along the BNSF alignment in Kings County and outside of planned urban designated areas will be accommodated? Where is the analysis for this Project related impact that may result in significant impacts to the environment and local communities? This section further states that “The HST project would encourage increased densities resulting in more compact urban development around the Fresno and Bakersfield stations.” However, there is no acknowledgement or statement of effect in relation to the Kings/Tulare Regional Station as this station location has not been fully analyzed in this R-DEIR/S-DEIS.

L029-390

#379. The statement that the HST stations (including the Kings/Tulare Regional Station in Kings County) would help direct growth “into higher-density and more sustainable development patterns, and help achieve the goals of the SCS and ACSA adopted by each of the four MPOs” to comply with SB 375, the San Joaquin Blueprint, and general plans is a false representation of the current conditions and local regulatory facts. The HST station as proposed on the BNSF alignment in Kings County is not consistent with the San Joaquin Blueprint, the 2035 Kings County General Plan, the 2002 City of Hanford General Plan, the 2008 LAFCO Sphere of Influence boundaries, and future SB 375 strategies that build consistency between all of these local plans. In fact, this station – east location poses the greatest potential for unrestrained growth pressure as the surrounding agricultural land to the west and north of the site are not restricted by Williamson Act contract and highly unlikely to enter into “Agricultural Conservation Easements” as suggested as Project mitigation measure to prevent urban growth expansion around this station site that is located in an agricultural area. The station – west site along the Hanford West Bypass alignment is already partially located in the City of Hanford city limits and within the planned urban land use of the City, while also bordered by Williamson Act contracted land west of 13<sup>th</sup> and beyond the City’s planned urban growth areas. This effectively restricts agricultural land conversion by speculative urban development interests. Therefore, this R-DEIR/S-DEIS fails to fully analyze, discuss and disclose Project related impacts relative to Land Use Consumption in Kings County.

L029-391

#380. Page 3.18-33 acknowledges that the Kings/Tulare Regional Station locations along the BNSF and Hanford West Bypass alternatives are located in entirely different types of land use areas than Fresno and Bakersfield. Essentially, these proposed station locations in Kings County pose different circumstances as the West site is partially located in the existing City of Hanford limits while the East site is outside all urban growth planned areas. Both of these station locations require more in depth review and analysis of existing conditions and local land use regulations as well as LAFCO established Sphere of Influence and Municipal Service Reviews.

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L029-392

#381. Discussion related to the Kings/Tulare Regional Station – East located along the BNSF alignment east of State Route 43 and north of State Route 198 is falsely portrayed as being in the City of Hanford Sphere of Influence as this R-DEIR/S-DEIS fails to distinguish between the LAFCO established “Primary Sphere of Influence” which establishes rights for annexation purpose under State Law, and “Secondary Sphere of Influence” that is a creation of the LAFCO of Kings County to foster better project information sharing between jurisdictions but provides no legal authority for annexation purposes. This discussion also falsely portrays the City of Hanford 2002 General Plan as planning this site for urban uses when the fact of the matter is that the City of Hanford has designated this BNSF station site as an agricultural buffer for the City. The 2035 Kings County General Plan is also misinterpreted in assuming that simply because this site is shown on the Figure LU-16 for Hanford Urban Fringe that it is intended for urban uses. The fact of the matter is that this Kings County General Plan Figure is intended to identify urban designated land uses that may be subject to City/County land use coordinating policies for annexation purposes, and recognition of the Hanford Primary Sphere of Influence for where the City intends to accommodate future urban growth. The Secondary Sphere of Influence is added for the County’s project notification to the City. Therefore, discussion in this section is taken out of context and presented in a manner that serves the biased interests of the Project staff and consultants who prepared the R-DEIR/S-DEIS. As it is clearly stated that “Developing a station could remove a barrier to growth through the extension of infrastructure to the station” this document admittedly recognizes the potential growth inducing impact this station may have outside of existing urban planned areas. The statement that “people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly” is also biased and misleading as other sections clearly stated that the HST system is not intended to serve inter-city commutes and may be cost prohibitive as there will be no subsidized ticket pricing. This R-DEIR/S-DEIS assumes that the conversion and loss of prime farmland as a result of this station could be mitigated by purchasing agricultural conservation easements around the station. However, this mitigation measure (Ag-MM #1 on Page 3.14-58) is unenforceable and relies on third party (Department of Conservation) implementation that may divert funds throughout the State. In addition, it is extremely unlikely that private agricultural land owners surrounding the station site will be willing to enter in to permanent conservation easements whereby their future development rights are removed in perpetuity. Agricultural land located north of the BNSF alignment station location is not under Williamson Act contract and therefore not likely to commit to permanent restriction which also renders this mitigation measure ineffective. Land speculation surrounding the site is already occurring as surrounding properties have recently sold on the market or are in the process of selling. Therefore, the remote effectiveness of this mitigation measure is already being neutralized by market forces and speculative interests to capitalize on property adjacent to the station location. This Project driven market reality is also occurring in other locations where stations are proposed.

L029-393

#382. The discussion related to the Kings/Tulare Regional Station – East located east of 13<sup>th</sup> Avenue south of Lacey Blvd. and north of the San Joaquin Valley Railroad is also falsely portrayed as being located “adjacent” to the City of Hanford’s western Planning Area Boundary. The fact of the matter is that this station site is already partially located within the City of Hanford city limits, and is entirely “within” the City of Hanford’s 2002 General Plan planning area for urban land uses. It is correctly referenced as being located within the Hanford Primary Sphere of Influence, but fails to

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mention that the remainder of the station site not in the City is bordered by existing city limits on the east and portions of the south side. The LAFCO Municipal Service Review for Hanford also identified this area as planned for urban uses and having city planned municipal services that can be easily extended. As it is the City of Hanford’s intent to annex territory west to 13<sup>th</sup> Avenue in order to infill the western portions of their General Plan, prior to devoting infrastructure investments to Reserve urban land uses in the east, this area is considered suitable for annexation purposes according to existing plans. It is questionable that developing this station is considered to remove a barrier to growth as it is already partially in the city and planned by the city for services and urban growth, and would be adjacent to the City’s more densely planned residential areas and regional commercial center. The statement that the “potential for indirect effects on land use in the area surrounding the potential Kings/Tulare Regional Station-West Alternative is high” is unsubstantiated as it relies upon Kings County land use designations which would not apply after annexation occurs. As this station location is already partially in the city and within the City of Hanford’s urban planned land use, as well as being bordered on the west by the County’s unincorporated district served Community of Armona, the determination of high effect on regional growth is not justified beyond potential growth impacts that will occur as planned and as infill.

L029-394

#383. Reference is made to “Utilities within the permanent project footprint would be either relocated outside the restricted access areas of the HST right of way or they would be modified.” As this project omits relative information to the new Southern California Edison Mascot Substation and new electrical transmission lines under construction along the 7 ½ Avenue alignment north of State Route 198, it fails to address how this utility would be impacted and how the proposed Kings/Tulare Regional Station along the BNSF alignment would be designed over or around this transmission line and adjacent electrical facility.

L029-395

#384. Page 3.18-35 states that “with the exception of the Kings/Tulare Regional Stations, the HST would not induce unplanned growth.” Essentially, this statement admits that the Kings/Tulare Regional Station may in fact induce unplanned growth. Therefore, this very admission necessitates more detailed analysis of how this HST station in Kings County would impact growth, municipal services, consistency with existing land use plans and premature conversion of agricultural land.

L029-396

#385. Page 3.18-36 the vague and misleading statements that the Kings/Tulare Regional Station is not consistent with some local land use policies, but is consistent with others like the Blueprint are unsubstantiated and avoid providing true analysis of the proposed HST station compatibility with relevant local land use plans. Instead, it incorrectly and falsely relies upon the an exaggerated assumption of consistency with the San Joaquin Blueprint Plan as if it is a land use plan with land use regulatory authority. The Blueprint resulted in the adoption of a preferred regional growth scenario and set of smart growth principles that never envisioned the creation of a HSR station being proposed and located outside of existing planned urban land use areas and in areas lacking municipal services. The intent of the Blueprint efforts, of which Kings County was an instrumental part, built upon the coordinated and efficient land use plans of Kings County and cities such as Hanford to direct urban growth in an efficient manner to existing planned urban areas, while prioritizing agricultural preservation efforts. Where is the detailed analysis and substantiation for the arbitrary claims of the BNSF alignment Kings/Tulare Regional Station location consistency with local plans?

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L029-397

#386. Page 3.18-37 claims that the HST will help Kings County reach its greenhouse gas emissions reduction targets of 5% by 2020. However, this is a false claim as preliminary results of greenhouse gas emission reduction efforts resulting from the more efficient smart growth land use policies already in place have determined that Kings County will likely meet this goal and even be requested by other surrounding counties to help compensate for their higher emissions. The fact that a new HST station located in Kings County will serve as a new vehicle travel destination and increase county VMT, thus increasing emissions and potentially reducing the beneficial local status under a No-Project alternative. As other surrounding counties have been less efficient in agricultural land conversion, Kings County will essentially be penalized with greater VMT (1,780 daily trips according to Table 3.2-5), emissions and urban growth pressures resulting from the HST Project both short and long term.

L029-398

**3.2 TRANSPORTATION**

**Conventional Passenger Rail**

Page 3.2-63 states that Amtrak San Joaquin Service that has stations in Hanford and Corcoran had just over 1 million in ridership in 2011.

**Changes in Conventional Passenger Rail Service**

#387. Page 3.2-71 states that "it is expected that Amtrak San Joaquin rail service would like adjust" to serve as a feeder to the HST system. However, this not complete disclosure of the intended Project proposal according to the CHSRA Business Plan and coordinated/joint efforts of the State's Division of Rail that is already purchasing higher speed Amtrak trains with the intent of implementing the first phase of operation on the HST alignment between Bakersfield and Merced between 2017 and 2022. In the CHSRA Business Plan, Amtrak is identified as the means by which to demonstrate "independent utility" to Federal Railroad Administration and eligibility qualification for Federal American Reinvestment and Recovery Act funds of which 3.6 Billion were allocated to the CHSRA HSR project. As the CHSRA has failed to disclose all the details pertaining to shifting Amtrak San Joaquin rail service to the new HSR alignment, there are undisclosed Project impacts and analysis that will not be made public or presented to the CHSRA Board publicly during their Project consideration and decision making.

L029-399

**3.6 PUBLIC UTILITIES AND ENERGY**

**Electrical Transmission Lines**

#388. Page 3.6-18 discusses electrical facilities in Kings County near the proposed alternative alignments. It identifies a Southern California Edison station located 900 feet north of Front Street and west of 13<sup>th</sup> Avenue, and a PG&E station at Kent and 11<sup>th</sup> Avenues. However, it fails to even acknowledge the new Southern California Edison Mascot Substation under construction south of Grangeville Blvd. and north of the proposed Kings/Tulare Regional Station along the BNSF alignment. This substation is also accompanied by new transmissions lines that are being constructed along the 7 1/2 Avenue alignment which will be crossed by the Project to connect the HSR alignment with the proposed station. Yet there is no analysis or details provided in relation to this facility and how the Project will impact these facilities even though this information was brought to the attention of CHSRA in 2011.

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**GOVERNMENTAL SERVICES**

#389. As this Project will result in substantially increased land use related permitting projects (i.e. dairy permits, lot line adjustments, encroachment permits, and other permits) there is not mention of how this impact of greater demand for local government service will be addressed. As it has been reported in the media that the CHSRA agreed to provide financial compensation to the City of Fresno in the amount of 4.6 million (Fresno Bee, September 27, 2012, "Fresno accepts \$4.6 million to help business affected by high-speed rail") to supplement their Planning, Public Works, Fire, Public Utilities, and Economic Development to handle all the Project induced local agency permitting requirements, how is CHSRA ensuring that fair and equitable treatment is being deployed by this State entity. Otherwise, it may be seen and determined that the City of Fresno received a "Grant of Special Privilege" due to the fact that the City remained a political support of the project.

L029-401

**Promised Mitigation is Not Achievable**

#390. The Authority has indicated that it "may" mitigate the loss of important farm land by buying conservation easements "from willing sellers". The mitigation essentially is at best conditional, and at worst, meaningless because there is no guarantee of willing sellers.

L029-402

#391. The Authority has no legal authority to purchase conservation easements. Its authorizing statute, Public Utilities Code Sections 185020-185038, upon approval by the Legislature, by the enactment of a statute, or approval by the voters of a financial plan providing the necessary funding for construction of a high-speed rail network, the Authority may do any of the following: "(a)...(b) Acquire rights-of-way through purchase or eminent domain...".

L029-403

**Project violates the California Land Conservation Act of 1965:**

#392. The proposed project violates a longstanding state policy to protect land situated in agricultural preserves. The reasoning contained within the R-DEIR/S-DEIS defies the statute, defies logic, and unequally applies its protections when convenient to the project's bottom line. The analysis undertaken in the environmental document must be revisited to comply with the California Land Conservation Act of 1965.

In adopting the California Land Conservation Act of 1965 (also known as the "Williamson Act")<sup>1</sup> the California Legislature had the foresight to protect limited agricultural land and open space values and habitat. They codified the important purposes as follows:

51220. The Legislature finds:  
 (a) that the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future

<sup>1</sup> The California Land Conservation Act of 1965, also known as the "Williamson Act" is codified in Government Code section 51,200, et seq.

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residents of this state and nation.

(b) That the agricultural work force is vital to sustaining agricultural productivity; that this work force has the lowest average income of any occupational group in this state; that there exists a need to house this work force of crisis proportions which requires including among agricultural uses the housing of agricultural laborers; and that such use of agricultural land is in the public interest and in conformity with the state's Farmworker Housing Assistance Plan.

(c) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents.

(d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, aesthetic and economic asset to existing or pending urban or metropolitan developments.

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

(f) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land. (underline Emphasis added).

As only one tool included within the Williamson Act and in order to further its purposes, the Legislature proclaimed its policy to safeguard preserved agricultural land from public projects and mandated that eminent domain for public projects occur under strictures designed to take agricultural land *as a last resort*. It adopted additional findings specifically to draw attention to the need to protect agricultural land:

51290. (a) It is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves.

(b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a [preservation] contract pursuant to this chapter.

(c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land, and particularly prime agricultural land, within an agricultural preserve. (Underline and bracketed Emphasis Added.)

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In fact, the Legislature went so far as to say that *no* public project could be located within an agricultural preserve *unless* two specific findings are made:

That:

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

(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement. (Section 51292; Underline and bold Emphasis Added.)

L029-404

#393. The Co-Lead Agents, the Authority and the FRA, have failed to compare the alternatives from the perspective of preserved agricultural land and failed to identify and distinguish such land as part of their scoping, refining, and tiering processes and as part of their project environmental review.

L029-405

#394. Each agency has further failed to explain why land outside of each of the many affected agricultural preserves is not feasible for the proposed project improvements.

L029-406

#395. Each agency has failed to explain why the three Highway 99 alternatives situated along an existing public transportation corridor are more important agricultural land than the two alternatives situated in Kings County which are nowhere near transportation corridors and which consist primarily of prime agricultural land.

This unequal treatment is spelled out in the Preliminary Alternatives Analysis Report Working Draft for the Fresno to Bakersfield Section which states:

"The West of 99 and East of 99 alternatives were both considered 'greenfield' alternatives, passing largely through farmland. Both alternatives were eliminated because of their potential impacts to agricultural land and their inconsistency with the objective of following transportation corridors as a method of minimizing environmental impacts." (p. 3-2; June, 2010)

Since the State Highway 99 alternatives are clearly in immediate proximity to two intersecting highways (Hwy 99 and Hwy 198) as well as a railroad (Union Pacific) and an airport (Visalia Airport) the explanation provided in the June 2010 Alternatives Analysis defies logic. Additionally, it appears obviously evident that the true reason for cutting through Kings County is the lower cost of acquiring the land and making the improvements without highway obstructions and therefore reduced cost. This is specifically prohibited by the Williamson Act. This also clearly conflicts with the County's 2035 General Plan which is designed to preserve ag land and control growth. This conflict remains unresolved.

L029-407

#396. The elimination of the Highway 99 alternative also conflicts with the 2004 high speed rail PEIR alternative which was articulately summarized in the November 10, 2005 Record of Decision as follows: "The Authority's statutory mandate is to plan, build, and operate an High-Speed Train system that is coordinated with the state's existing transportation network, particularly intercity rail and bus

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L029-407 | lines, commuter rails, urban rail transit lines highways and airports. (Id. p. 5.) The City of Visalia, offered land at the airport for a Visalia-Kings station. The bigger population base in that area is the City of Visalia, the seat of Tulare County and its surrounding smaller cities.

L029-408 | #397. Consistent with State planning objectives, and the State's 2007-08 to 2017-18 State Rail Plan which "supports efforts by cities, counties and private sector to develop and maintain transit-oriented development projects near Amtrak stations that enhance community livability..." (p.14) the City of Hanford and the Kings County Association of Governments ("KGAG") worked together over the last 10 years to create a consolidated transportation hub in the heart of downtown Hanford. It connects the BNSF rail Amtrak station, local buses and cabs in one concentrated hub. Joe Neves, a member of KCAG and 16-year veteran of the Kings County Board of Supervisors confirmed that the very few interactions that KCAG had with the California High Speed Rail Authority were to discuss this hub centered approach to transportation. The choice to eliminate the Highway 99 alternative and eliminate the BNSF alternative utilizing this hub defies the purpose of the PEIR and the consistent planning objectives of Hanford and KCAG. It also applies the criteria used to eliminate the 99 alternative in a discriminatory way and defeats the purposes of long term planning and integrated land use. It promotes urban sprawl. It crushes the economic base around this long-term investment. An example of this disparate and discriminatory application of criteria is contained in the August 1, 2007 Visalia-Tulare-Hanford Station Feasibility Study. It indicates the Hanford Bypass alternative "became the preferred alternative when Hanford preferred not to have a station located in the center of town. The alignment that would have served a station in central Hanford along the BNSF mainline was thus eliminated from consideration." Hanford didn't want it so we didn't do it. What kind of comparative environmental analysis is this?

L029-409 | #398. The elimination of the Highway 99 alternative also conflicts with the San Joaquin Valley Blueprint, a 2009 planning document among the eight San Joaquin Valley counties, including Tulare and Kings. It developed a forecast of farmland conversion to nonagricultural uses by 2050 based on current development patterns and local planning documents. Those patterns indicate that "most development in the Southern San Joaquin Valley that is currently being planned or permitted is located in the vicinity of urban centers and/or along SR 99." (R-DEIR/S-EIS, p.S-13). Conversely, the Eastern Kings County alternative occurs in an area outside of the urban development boundaries of the City of Hanford, in an area of preserved agriculture with no municipal services. This would cause unplanned growth inducing impacts and turn the County's 2035 General Plan and the City of Hanford's General Plan on their heads. Contrary to the Authority's consistency conclusions, the County's General Plan Circulation Element states the following goal regarding Regional Transportation: "C Goal C1: Integrate through the County's regional transportation system an efficient and coordinated goods and people moving network of highways, railroads, public transit, and non-motorized options that reduce overall fuel consumption and associated air emissions" (p.C-61). "Support continued operations of Amtrak, the San Joaquin Valley Railroad and Burlington Northern Santa Fe Railroad" (C Policy C1.2.1, p.C-61). "Coordinate with the California High Speed Rail Authority and Caltrans if a high speed rail corridor is to be established within the County, and plan for the establishment of transportation linkages ..." (C Policy C1.2.4, p. C-62).

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L029-410 | #399. The elimination of the Highway 99 alternative also conflicts with the Kings County Association of Governments 2011 Regional Transportation Plan which states: "The 2011 RTP indicates that the HST alignment must be within the SR 99 corridor through the San Joaquin Valley rather than the I-5 corridor or coastal alignment; and that the HST must connect the major population centers within the San Joaquin Valley with the Los Angeles Basin and the Bay Area. Most local governments in the county support HST service to existing downtowns. Outlying suburban stations may require substantial local costs to provide connecting transit service to key activity centers downtown, and my encourage premature development. The 2014 update of the RTP will be required to be consistent with the requirements of SB 375." (See section 1.3.4 of the RTP).

L029-411 | #400. Appendix G of the CEQA Guidelines address a project's consistency with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigation an environmental effect. The County's General Plan was designed for sustainability of important ag land and in to comply with SB 375. The project, as proposed, turns this on its head.

L029-412 | #401. NEPA Regulations 40 CFR Parts 1500-1508 specifically require that and EIS include discussion of possible conflicts between the proposed action and the objectives of federal, state, regional and local land use plans (40 CFR 1502.16(c)). NEPA regulations further indicate that to better integrate environmental impact statements into state or local planning processes, statements shall discuss any inconsistency of a proposed action and should describe the extent to which the agency would reconcile its proposed action with the plan or law (40 CFR 1506.2(d)). This has not been done in the R-DEIR/S-DEIS.

L029-413 | #402. A local General Plan gives the inherent power to the adopting agency to protect the health, safety and welfare of its constituents. This is commonly referred to as "police power". To ignore the planning of such agency is to usurp the safety measures it has in place. This should not be done without extensive comparative analysis applied fairly and consistently throughout the project. California's 2025 Transportation Plan supports this position as follows: "Goal 4) Enhance Public Safety and Security. Providing for the health, safety, and security of its residents is a primary concern of governments on all levels. Ensuring traveler safety must be addressed by all modes of transportation. Prevention strategies, including the integration of new technologies in the design of the system infrastructure, should be incorporated into the planning process and coordinated at the State, regional, and local level to meet the needs of the traveling public." (CTP p.50-51, bold emphasis added). Despite this goal, the Authority refused to coordinate with the County of Kings until after it was too late and until the County spent a year demanding same. The brief coordination was not conducted in good faith to resolve planning and security issues – it was done to check a box and move on. Why?

L029-414 | #403. In relation to evaluation of agricultural parcels that will be split, there is only a simple evaluation done to determine available agricultural properties in the area that are for sale. There are no details provided to determine the relevance in terms of size or geographic location in relation to impacted agricultural parcels. There is no analysis to determine comparable land Quality (i.e. Important Farmland Classification, soils, water, and productivity) and Quantity (i.e. acreage size large enough for similar commercial farming productivity). The geographic proximity is also a significant factor as the economic viability of commercial farming as this factor is directly tied to operational expenses that

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L029-414 | increase as commonly owned farm fields are spread farther apart and not contiguous. Replacement agricultural parcels separated by greater traveling distances will directly increase the operational expenses of the farming operation.

L029-415 | #404. The cumulative impact upon agricultural crop production in Kings County is not concisely determined, nor is it readily discerned from this DREIR.

L029-416 | #405. Failure to analyze worst case scenario – analysis fails to go far enough in order to adequately inform the public, local communities, local governments, and CHSRA decision makers.

L029-417 | #406. Split agricultural land that may lie vacated, abandoned or fallowed as a result of HSR disruption should be addressed.

L029-418 | #407. Construction disruption and increased demand for local fill dirt supplies that may disrupt other agricultural properties must be addressed.

L029-419 | #408. Disruption to Agricultural water wells that are not inventoried in this R-DEIR/S-DEIS despite this issue being brought to the attention of CHSRA Project assigned staff and consultants must be addressed. Kings County has identified approximately 44 deep water wells on the BNSF alignment that will be impacted, while the Hanford West Bypass alternative will impact approximately 22 deep water wells. As the County is the local agency responsible for permitting new agricultural water wells in the County, it is locally known that new agricultural well construction is delayed upwards of 1 or 1.5 years due to the current drought condition demand and limited number of well drilling companies in the region.

L029-420 | #409. Current market conditions and pricing constraints on milk production has also negatively positioned local dairies and their milk production. The economic impacts from the Statewide pricing structure alone has placed a large number of dairies on the brink of bankruptcy. As this Project will diminish the productive capacity of impacted dairies in Kings County, the resulting impact is more likely to be bankruptcy and ultimate closure. Without a site specific analysis of the potential economic impacts to individually impacted dairies, this R-DEIR/S-DEIS fails to address the very real possibility of complete loss and shut down of milk production on some or all of the impacted dairies, and the corresponding economic implications to local supporting industries and communities.

L029-421 | #410. Dairy re-permitting and the substantial regulatory timeline involved has not been addressed despite bringing this to the attention of Dan Richard and the Authority several times and receiving promises that it would be addressed to assist in a streamlined process to avoid total disruption and economic devastation.

L029-422 | #411. Pesticide drift buffers and/or potential refusal of pesticide applicator companies to operate near the HSR alignment due to increased liability has not been adequately addressed.

L029-423 | #412. Recognition of increased regulatory expenses – Regional Water Quality Control and the projected per acre fee increase from proposed changes in the Irrigated Lands Program, San Joaquin

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L029-423 | Valley Air Pollution Control District air quality monitoring, State Legislative mandates on Farm Labor requirements, State Legislature elimination of Open Space Subvention to support and sustain local County implementation of the Williamson Act Program must be analyzed and addressed in relation to the baseline and project conditions.

L029-424 | #413. The project will cause disruption of surface water supplies and deliveries that compounds the current drought conditions that place greater strain on groundwater supplies, and regulator drought conditions imposed by the courts and environmental protection requirements.

L029-425 | #414. The project creates greater disproportionate agricultural production impacts upon Kings County which is the smallest County in the San Joaquin Valley and more closely tied to agricultural production as the main supporting industry, yet the Project proposes to induce the most severe agricultural impacts upon Kings County agricultural production as the alignment alternatives in Kings County diverge from existing transportation corridors and unnecessarily cut diagonally across highly productive agricultural crop land in order to connect Fresno to Bakersfield.

L029-426 | #415. The potential exists for far greater Project related direct and indirect impacts and disruptions to local agricultural production and this R-DEIR/S-DEIS fails to acknowledge the more complex environmental, regulatory and market driven factors that agricultural operations must endure in order to simply survive. The potential does exist that further disruptions and impacts to agricultural operations may force the last straw that renders agricultural businesses to no longer economically sustain themselves. As this R-DEIR/S-DEIS acknowledges the importance of local agricultural production to the region as well as the State, it does not go far enough to fully understand the unique operational nature of agriculture and thus fails to adequately inform CHSRA decision makers of the full potential impacts and cumulative circumstances under which this Project can have greater devastating impacts upon local agricultural operations.

L029-427 | #416. The R-DEIR/S-DEIS fails to provide any site specific analysis – impacts, mitigation measures.

L029-428 | #417. The R-DEIR/S-DEIS is a PR document rather than a Project level EIR that analyzes site specific impacts, evaluates potential mitigation measures, and clearly defines what specific mitigation measures CHSRA is required to implement. The document is the “paper tiger” that Judge Scoop Libby warned against with respect to NEPA.

L029-429 | #418. The R-DEIR/S-DEIS is required to analyze site specific impacts of the Project. It wrongfully defers analysis and mitigation by relying upon the right of way acquisition process.

L029-430 | #419. The R-DEIR/S-DEIS loosely defines mitigation measures to provide the greatest flexibility to CHSRA effectively diminishing the requirement that CHSRA implement any mitigation measure. It fails to identify how the measures will be funded and monitored or provide support for the few suggested measures.

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L029-431 #420. The R-DEIR/S-DEIS fails to provide substantiating evidence that supporting land is available for Project related off site improvements or mitigation requirements, i.e., construction staging areas.

L029-432 #421. This document disregards standard CEQA requirements – It is Project level EIR/EIS that is developed only at a Community wide or Regional level, Site specific impacts to private property are not disclosed and quantified as required.

3.14 AGRICULTURAL LANDS

3.14.3 Methods for Evaluating Impacts

L029-433 #422. This discussion states that the “Authority created an agricultural technical working group to study specific issues related to agriculture and the effects of the HST on it.” It further states that the “working group is evaluating project impacts to confined animal facilities, agricultural equipment, induced wind (pollination, bee, dust, and drift), agricultural infrastructure, and irrigation systems.” This may be all well intended, but the fact of the matter remains that the CHSRA failed to establish and implement this agriculture technical working group effort in a timely manner prior to release of the Project Draft EIR/EIS. This prevented full consideration of any findings and recommendations into the Draft EIR/EIS for public comment and review. As the Authority is relying upon the work of this group to determine how certain impacts are addressed, but fail to effectively integrate and incorporate for public disclosure and continuity with this R-DEIR/S-DEIS to ensure Project compliance and accountability after the Project is approved, demonstrates a failure to comply with CEQA. Instead, this represents another example of how CHSRA attempts to create their own unique and special privilege approach to conducting Project environmental review, analysis and mitigation.

3.14.3.3 Study Area for Analysis

L029-434 #423. Indicates that the study area for agricultural land conversion impacts is limited to only the Project footprint and areas within 100 feet from the track centerline. This limited scope conveniently avoids consideration of agricultural land surrounding the proposed HSR station locations and indirect growth pressure for conversion of agricultural land to non-agricultural uses beyond the station and in prime agricultural areas.

Figure 3.14-7 Distribution of crop cover in the Hanford project vicinity

L029-435 #424. This map that references the types of crops grown in Kings County references the source of data as “Department of Water Resources, State of California, Land Use Survey, 2007-2009.” However, the most recent data available from Department of Water Resources related to countywide crops is 2003. In contacting this State Department to inquire as to whether there is more recent and updated crop data available, DWR staff (Jean Wood (916-651-9650) confirmed that the 2003 land use data is the most current for Kings County. Therefore, this Figure’s data source reference cannot be confirmed and brings into question what data was used to develop this map and whether it is correctly noted for its source.

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3.14.4.2 Important and Protected Farmlands

L029-436 #425. On page 3.14-25 in the last paragraph there are incorrect statements made about the Kings/Tulare Regional Station sites and whether they are in a Land Conservation Contract. The East station along the BNSF alignment is incorrectly note to be under Farmland Security Zone Contract and noted to be in nonrenewal. Search of Kings County property records indicates that there is no contract currently in place on this property. In terms of growth pressure and the premature conversion of agricultural land, surrounding agricultural land north of this East station site is the most susceptible to potential conversion as this acreage has never been enrolled in the Williamson Act program which effectively restricts the land for agricultural puposes. In relation to the West station along the Hanford West Bypass alternative, it fails to acknowledge that five properties are covered by the station site and only one of the parcels (10 acres, APN 011-010-049) is under Williamson Act contract and has a non-renewal that will phase out the contract in 2017 unless acquired by a public entity which effectively renders the contract void. Growth pressure and premature conversion of agricultural land is not likely as the station site is bordered by City of Hanford urban growth heading west to 13<sup>th</sup> Avenue and is located within a remaining infill areas for the City of Hanford to their growth boundary of 13<sup>th</sup> Avenue. Territory intended to remain in County unincorporated areas and as a limited agricultural buffer between Hanford and Armona west of 13<sup>th</sup> Avenue is predominantly under Williamson Act contract and effectively places a more significant barrier to premature urban conversion growth pressure.

Figure 3.14-12 Protected lands in Hanford project vicinity

L029-437 #426. This figure relies upon outdated GIS data pertaining to existing and current City of Hanford city limits and adjacent Community District served areas of Armona and Home Garden communities. In addition, the map is outdated for Williamson Act contracted land. The Kings/Tulare Regional Station – East shows a fairly accurate representation of surrounding city limits and contracted land. However, the Kings/Tulare Regional Station – West is completely outdated and fails to take into account urbanized areas and areas within existing city limits which have also resulted in the removal of Williamson Act contracts that either completed their Non-Renewal or were effectively terminated upon annexation as a result of a “Protested” contract. Failure to take these existing conditions into account in relation to the Project station proposal is dismissive of relevant facts that pertain to Project impacts relating to agricultural land, premature conversion of agricultural land, regional growth, consistency with local land use plans and the Project’s overall efforts to minimize direct and indirect impacts.

3.14.4.3 Agricultural Lands Along the Proposed HST Alternatives Stations  
 Kings/Tulare Regional Station-East Alternative

L029-438 #427. This discussion provides a misleading assumption that the land is for urban uses by noting it is designated at “Urban Fringe.” Figure LU-16 of the 2035 Kings County General Plan is named it title “Land Use Map of Hanford “Urban Fringe” for reference purposes only, while the actual policies following from Section E. Urban Fringe policies on Page LU-44 related to urban designated land uses identified on the above mentioned map. As the City of Hanford designates this site as an agricultural

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L029-438 | buffer reference to this site as Urban Fringe to insinuate an intent for planned urban land use is incorrect. This discussion also provides false information by stating that the station "site is in the Primary Sphere of Influence of the city of Hanford." If the CHSRA Project staff and consultants had conducted due diligence in reviewing pertinent and relevant LAFCO of Kings County records and documents (City and Community District Sphere of Influence Update, 2007) it would have been determined that this station site is not in the LAFCO established Hanford Primary Sphere of Influence.

**Kings/Tulare Regional Station-West Alternative**

L029-439 | #428. This discussion makes a partially true statement in regards to the station site land being under Williamson Act contract. By stating that "lands" plural are under Williamson Act contract it implies that multiple parcels on under contract. The actual current conditions are that of the five parcels planned for conversion to a station site, only one 10 acre parcel is currently under Williamson Act with a Non-Renewal that will expire the contract in 2017. The statement that the "station site is located in unincorporated Kings County outside of the city limits of Hanford" is also false and misleading. Review of actual current conditions confirm that the southeast portion of the station site is already in the City of Hanford city limits, and that the station site is surrounded on two sides by existing city limit boundaries. It does correctly state that the site is within the city of Hanford General Plan's planning area, even though other sections of this R-DEIR/S-DEIS state otherwise and are inconsistent. This discussion also fails to mention that this site is within the LAFCO established Primary Sphere of Influence for the City of Hanford.

**Impact AG #7 – Effects on Confined Animal Agriculture (Page 3.14-53)**

L029-440 | #429. It is refreshing to see that this R-DEIR/S-DEIS recognizes that obtaining dairy related permits will be "costly and potentially economically harmful to the farmer." However, the refusal of CHSRA Project staff and consultants who prepared this R-DEIR/S-DEIS to further analyze the individual site specific impacts relative to each of the dairies impact by the Project in Kings County is disheartening as it demonstrates a true intent by CHSRA to resolve and minimize impacts to the agricultural industries in Kings County and proactively take actions that truly demonstrate that this Project and CHSRA are committed to minimizing impacts to this critical resource in the San Joaquin Valley, prime agricultural land. The sheer size of this large capital infrastructure project will in and of itself be damaging to agriculture through conversion, but the impacts are even more intensified by the lack of evidential analysis relative to site specific farming operations that is not being done.

**Population Growth**

L029-441 | #430. The Project will induce Urban Growth pressure in the four County region of Fresno, Tulare, Kings and Kern Counties and place greater demand for agricultural land conversion as agricultural land is sought for new development as a "less costly" land resource just like this Project has targeted. Page 3.12-97 states that the Project "is expected to increase population growth by 3% by 2035 in the four County region (Fresno, Tulare, Kings and Kern Counties). As this Project is projected to increase local population, the resulting cumulative impacts for increased housing demand and agricultural land conversion have not been addressed. Estimated HSR ticket prices in the CHSRA

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L029-441 | business plan were upwards of \$80 to \$110 round trip and will not be an affordable transportation option for Moderate to Low income households. Due to the sheer economic affordability of this proposed HSR system, this Project will disproportionately benefit higher income individuals in the State with increased high speed transportation connectivity as they will be the demographic parts of society that can afford access on HSR as a transportation alternative. This increased connectivity and infusion of higher income individuals from the larger metropolitan areas has the potential to also artificially inflate housing demand in the four County region, thus impacting local housing affordability. This Revised Draft EIR/EIS does not address how this Project may potentially impact local housing affordability as it is a well known fact that housing is more affordable in the San Joaquin Valley than in Los Angeles and San Francisco due to numerous regional and economic factors. The additional 3% Project related population growth in the four County region will impact local communities in terms of affordable housing, Average Daily Trip generation, air quality emissions and other impacts resulting from increased population growth.

L029-442 | #431. Project analysis must evaluate the potential impacts and implications of build out of only the two funded sections between Merced and Bakersfield. There exists a high likely scenario that no additional funding beyond 2017 will emerge given the recent decisions of the Federal Government to not provide future funding for HST and unsubstantiated claims of private investment. Where does the R-DEIR/S-DEIS address this possible partial built system and longer term use of Amtrak service on the new HSR alignment?

L029-443 | #432. Exaggerated assumption to define this Project level analysis on a larger full build out of an entire undetermined and unfunded high speed train system that even at present is being reworked to create a "Blended System" that is no longer anticipated to provide uninterrupted continual connectivity service from Los Angeles to San Francisco. Therefore, the project assumptions are false and misleading in terms of the actual project delivery upon completion of the specific project component as defined in this Project level EIR/EIS and according to defined and determined funding allocated for actual construction activities. As originally envisioned, the California Proposition 1A funding was intended for construction of a full and complete high speed train system from Los Angeles to San Francisco, yet updated cost projections and project modifications have veered significantly farther from the previous project design intention and cost. Leaving great uncertainty as to what future components will receive public or private funding and the time of such investment. It is therefore reasonable to assume that a very real possible alternative may be the partial build of only HST right of way, non-electrified rail, and 125 mph Amtrak express service between Bakersfield and Merced. However, this very probable alternative has been consistently dismissed by the California High Speed Rail Authority, its staff and consultants. Only through a full analysis of this possible alternative will the potential impacts to local communities and stakeholders be known and fully disclosed to CHSRA Board members in their discretionary actions to consider approval of this Project Section between Fresno and Bakersfield.

L029-444 | #433. Does not address the potential alternative of partial build out and long duration of only separated higher speed Amtrak service between Bakersfield and Merced which is projected to be the end result of the limited Federal and State funding through 2017 and no dedicated funds beyond the timeline.

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L029-445

#434. Page 3.14-1 states that Section 3.2 Transportation “discusses how the project will affect rural roads and provide access across the right of way for farm equipment.” However, a review of Section 3.2 revealed that little effort or discussion was provided in relation to this potential impact to farming operations bisected by the Project. Page 3.2-126 states that a “traffic control plan” includes “Provisions for farm equipment access” during construction. Long term farming operation access to bisected parcels is not adequately addressed and no site specific analysis was conducted by CHSRA Project staff and consultants. Page 3.2-128 lists TR MM#1: Access Maintenance for Property Owners as the manner in which farming operation property owners will be dealt with by providing alternative access only if feasible. If alternative road access is not feasible then the property will be considered for acquisition. As the CHSRA Project staff and consultants who prepared the R-DEIR/S-DEIS refuse to acknowledge that larger farming operational areas may be impacted due to disrupted surface or groundwater supply, waste water distribution, farm equipment access and other farming operation resources dispersed over a large acreage, there will be a failure on the part of CHSRA to consider these more extensive agricultural acreages that may be impacted.

Section 3.15 – Parks and Recreation

Comments are incorporated into other sections.

Section 3.16 – Aesthetics & Visual

Comments are incorporated into other sections.

Section 3.17 – Cultural Resources

Comments are incorporated into other sections.

Section 3.18 – Regional Growth

Comments are incorporated into other sections.

Section 3.19 – Cumulative Impacts

Comments are incorporated into other sections.

CHAPTER 5 – COST & OPERATIONS

On page 5-1 under 70 Vehicles - it states “includes costs for acquisition of the train sets (design, prototype unit, and production and delivery of train sets to the project site on annual basis). Acquisition of train sets is considered a system wide cost *and is not included* as part of the cost of individual HST study alternatives (emphasis added).

L029-446

#435. How can you estimate 114 miles of project cost based on a 15% design?

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L029-447

#436. How can you estimate project costs based on a 15% design, but can’t estimate the finance charges for the project?

L029-448

#437. How can this be a “useable” segment if trains are not included?

L029-449

#438. How can it be a “test track” if trains are not included?

L029-450

#439. How can it provide the environmental benefits claimed if trains are not included?

L029-451

#440. Where are the costs of impacts to local agencies caused by the project?

L029-452

#441. 5-2 – Indicates mitigation and monitoring costs at 3% “given potential project impacts and typical mitigation costs”. How is typical defined?

L029-453

#442. 5.2.1 – provides percentages of cost breakdowns within the paragraph. There is no indication in the cost tables where these percentages fit or what numbers they were based on.

On page 5-3, last paragraph – where are the costs for the Hanford-Visalia-Corcoran station?

L029-454

5.4.5.2 Operation - Page 5-144 discusses

#443. Biased speculative benefits of an entire HSR system that intentionally avoids full disclosure of the phased operational realities of this Project. According to the 2012 CHSRA Business Plan and public disclosure of the real intended operation of this project

L029-455

#444. John Popov, Parsons Brinkerhoff consultant contractor for the CHSRA stated on May 4, 2012 that the Project will operate Amtrak on the Project alignment from 2017 to 2022 and connect Bakersfield to Merced with an “Express Amtrak” service.

L029-456

#445. Dan Richard, CHSRA Board Chairman stated on May 8, 2012 before the Kings County Board of Supervisors that CHSRA had no control over Amtrak service.

L029-457

#446. Bill Bronte, Chief of Division of Rail with the California Department of Transportation in statements made before the Kings County Board of Supervisors on August 7, 2012 the State has already made a commitment to purchase higher speed (125 mph) Amtrak trains with the intent of operating them on the Project alignment.

L029-458

#447. As the Fresno to Bakersfield Project Section in conjunction with the Merced to Fresno Section are the only portions currently planned with dedicated State and Federal funding and will only result in right of way acquisition and rail construction, there is no dedicated or guaranteed source of revenue to electrify the Project alignment or purchase high speed rail trains. Although this Project level R-DEIR/S-DEIS wants to rely upon and count on full HSR system benefits and justifications that are based on undetermined alignments and other project specific details, the very real possibility of an incomplete and partially created HSR system may be the actual Project reality for impacted communities

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L029-458 | for the next decade and beyond. However, this Project R-DEIR/S-DEIS fails to admit and disclose these very real Project intended consequences thus preventing any analysis or mitigation evaluation relative to a vastly different Project reality whereby conventional engine Amtrak trains are operated on the Project alignment, air emissions are deceptively assumed to be related to non-existent electrical train operation, relocation and disruption of existing Amtrak stations in Hanford and Corcoran is dismissed as well as the potential economic losses to these communities and disruption to existing transportation hub connectivity and services. Instead, this Project is promoted to only be associated with full HSR system build out benefits may or may not happen decades into the future and dependent upon undetermined and speculated funding sources.

L029-459 | #448. On September 29, 2012 the Governor signed into law Assembly Bill 1779 which effectively ties the planned operation of the San Joaquin Service of Amtrak to remain consistent with the CHSRA Business Plan that intends to shift Amtrak service to the Project alignment. This Amtrak San Joaquin Service and the Project alignment both run through the Project impacted four county region that includes Kings County and in many areas is planned to parallel the existing BNSF rail corridor. However, the HSR alignment will create a separate and independent rail corridor that is grade separated from all other transportation modes of travel.

L029-460 | #449. Falsely portrays this Project as leading to “improved efficiencies in population growth as new growth concentrates around these stations’ areas, thus reducing urban sprawl into the region’s agricultural lands (Cambridge Systematics Inc. 2003, 2007).” However, this generalized assumption avoids disclosure of the Project’s Kings/Tulare Regional Station proposed for location in non-urbanized agricultural land whereby the Project will likely increase urban growth pressure in an area (BNSF Alignment) where local land use plans do not propose to accommodate urban growth and instead have prioritized the area for agricultural land preservation. Thus leading to greater unintended and unplanned urban sprawl in the Kings County part of the region.

2010 Census

L029-461 | #450. Page A-7 states the justification of using 2000 Census in determining EJ communities. As there were significant changes in ethnicity for the Community of Armona between 2000 and 2010 Census, where does this R-DEIR/S-DEIS evaluate the potential change in status as an EJ community?

Page B-139 Community of Armona (B.9.1.1 Population and Demographics)

L029-462 | #451. This section relies upon 2000 U.S. Census for race and ethnicity. It states that “No Census data are available for Armona after 2000 due to the small size of the community as compared with other communities in the study area.” This assertion is false as the 2010 Census data was made available on February 2011 and also released by the California Department of Finance on May 2011. 2010 Census data for the Community of Armona shows that the community had an increase in ethnicity over the past decade and now has a majority Hispanic concentration. As this R-DEIR/S-DEIS evaluated EJ communities based upon outdated 2000 Census data, the analysis fails to account for current demographic conditions.

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L029-463 | #452. This section discusses the background information of the Armona community. Clean drinking water and sanitary sewer service are critical services necessary for sustainable communities. However, this discussion avoids any mention of these critical services or their planned orderly and efficient expansion plans through LAFCO defined Sphere of Influence boundaries for annexation purposes. The Community of Armona is served by the Armona Community Services District, while the City of Hanford provides these essential services to city residents. Urban growth accommodation and the need for these services is currently restrained due to the 2006 US EPA change (from 50 parts/billion now to 10 parts/billion) in Arsenic Standard for drinking water. Arsenic is naturally occurring in the groundwater from which both of these communities derive their drinking water. In order for long term sustainability in meeting these standards, substantial communitywide investment is necessary to make the needed water treatment improvements. As this R-DEIR/S-DEIS avoids this critical discussion entirely, it proposed to paint a false and incomplete proposal for the Kings/Tulare Regional Station locations as these are uniquely situated in non-urbanized areas. The fact that the BNSF Kings/Tulare Regional Station is located outside of any planned urban or LAFCO defined municipal service area indicates that such a Project proposal will pose greater service demand and expansion requirements upon either the City of Hanford to outwardly expand beyond their current land use and municipal service plans or create an entirely new and separate District entity to meeting those service demands of a HSR station which is an urban type use land use. By avoiding this municipal service discussion, the Project Station proposals are dummed down and avoids the more complex land use and municipal service considerations that are needed to thoroughly evaluate in any major urban land use project consideration. Failure to disclose these facts and considerations deprives the public, local agencies and CHSRA decision makers of the potential implications resulting from a HSR station location selection.

L029-464 | #453. Discussion of only “Community Facilities” avoids acknowledgement of essential “Community Services” that are necessary to sustain urban communities such as clean drinking water and sanitary sewer services. Page B-260 indicates that the document preparers reviewed the “Fresno Local Agency Formation Commission. 2007. “Community Service Districts: Municipal Service Reviews and Spheres of Influence Update.” July 2007.” However, there is no reference or acknowledgement that the document preparers reviewed similar information prepared by LAFCO of Kings County (i.e. 2007 City and Special District Sphere of Influence Update, and 2007 City and Special District Municipal Service Reviews) which are readily available on the www.kingslafco.com website and also received a 2008 CALAFCO Project of the Year Award. As these LAFCO documents are directly representative of the planned urban growth accommodation and planned municipal service provisions in Kings County the document preparers failed to consider critical and relevant local information that directly pertains to the Project’s Kings/Tulare Regional Station proposals.

L029-465 | #454. On Page 5-9 Under the section titled 5.3 Operation of Maintenance (O&M ) Costs it states that there will be 24 HST stations, and that “up to 3 HST stations would be located within the Fresno to Bakersfield Section.” yet those costs are not included in the previous section “Project Costs”. Why?

L029-466 | **Community Facilities**

#455. Page 5-62 of the Community Impact Analysis Technical Report under Section 5.2.5 identifies “Community Facilities” that may be impacted by the Project. Discussion related to the BNSF

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L029-466 alignment fails to identify, acknowledge that the Kings County Fire Station No. 4 located at 7640 Houston Avenue may be impacted as a result of a Houston Avenue overpass constructed to maintain east west access along Houston Avenue. It also fails to take into account the potential impacts of the BNSF alignment and Kings/Tulare Regional Station location being placed across the newly permitted and under construction Southern California Edison Mascot Substation and new electrical transmission lines running along the 7 1/2 Avenue alignment where the BNSF alignment and HSR station are proposed. In addition, the Public Utilities and Energy discussion on Page 5-70 fails to address this facility as it states that "The BNSF Alternative would have no effect on public utilities and energy." As this R-DEIR/S-DEIS fails to acknowledge the Southern California Edison facility and new utility line and the fact that the proposed BNSF Kings/Tulare Regional Station would have to be designed across this major electrical utility lines, the potential impacts and/or disruption to electrical utility service is not disclosed.

L029-467 **Change in intensity of adjacent land uses.**  
 #456. Page 5-71 states that "construction of the Kings/Tulare Regional Station would put an incompatible land use in a rural area. These impacts would be significant and unavoidable." This statement fails to admit that the CHSRA Project staff and consultants have had countless opportunities to work with Kings County is developing an alignment that is less intrusive in the County's prime agricultural lands. As CHSRA and it's proponents have routinely claimed justification for the project in terms of it's economic gain to local businesses and it's influence to direct urban growth and transportation oriented development to more dense urban core areas, the BNSF alignment Kings/Tulare Regional Station places the proposed station location farthest away from any major urban center, planned urban growth area, outside of any LAFCO established sphere of influence, and in a location where there are no municipal services currently provided. In essence, completely counter to the beneficial claims of what the Project was intended and greatly increases the potential for speculative development interest pressure to disrupt long standing and efficient planned urban growth accommodation and agricultural land resource protections established between the City of Hanford and County of Kings. Other alignment options were available to more closely tie the HSR alignment more closely to existing urbanized areas where transportation connectivity already exists and could be tied into.

L029-468 **Regional Growth**  
 #457. Page 5-74 states that "The BNSF Alternative would have no effect on regional growth." This simple statement fails to take into consideration the fact that the BNSF alignment incorporates a Kings/Tulare Regional Station in an area that is outside of any planned urban service area and outside any LAFCO established sphere of influence that guides and determines the extent of local agency municipal service provision. This station has the potential to create a new major destination in the County unincorporated areas where by increased vehicular traffic will be directed and serve as a growth inducing influence. These factors are not analyzed or addressed in the R-DEIR/S-DEIS and the claim of "no effect on regional growth" is unsubstantiated and likely to result in the very opposite as a new growth inducing factor.

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L029-469 **Station Planning, Land Use, and Development (Section 3.13 of the EIR/ EIS)**  
 #458. Page 5-75 states that effects of the Hanford West Bypass Alternative "would be similar to those of the BNSF Alternative." This statement is another example of false and misleading information that will be presented to the CHSRA decision makers who are responsible for evaluating Project alternatives and making a Preferred Alternative selection. As the CHSRA Project staff and consultants have clearly stated that their Project does not need to comply nor be consistent with Local land use plans, the resulting implications of locating a HSR station will have direct and indirect land use implications. As it is the intent of the envisioned entire HSR system to connect major urban areas and provide enhanced transportation connectivity, the Kings/Tulare Regional Station represents the only HSR Station proposed in a rural agricultural setting. The BNSF Alignment station location and the Hanford West Bypass alignment station location have very different local land use rules, future planned urban growth accommodation, and municipal service plans for future accommodation. Yet despite discussions with Kings County officials over the past year, these very relevant land use and development accommodation factors have not been acknowledged, addressed or analyzed in terms of the two Kings/Tulare Regional Station locations. This represents another significant failure of not providing important local regulations and existing conditions relative to these proposed station locations, which thereby prevents the CHSRA Board from considering full disclosure of information related to local impacts.

L029-470 **Regional Growth (Impact Section 3.18 of the EIR/ EIS)**  
 #459. Page 5-75 states that regional growth impacts of the Hanford West Bypass effects "would be similar to those of the BNSF Alternative." Another example that fails to consider the inherent differences in the where the Kings/Tulare Regional Station location is proposed and whether this new destination will serve as a growth inducing factor. As there is not analysis related to this potential the R-DEIR/S-DEIS fails to fully disclose relevant Project related impacts.

L029-471 #460. Page 5-93 on 5.3.3.3 Station Alternatives even acknowledges that "The construction and operation of the potential Kings/Tulare Regional Station-East and Kings/Tulare Regional Station-West would increase urban development pressures on the agricultural lands in the area, because land in the vicinity of the stations would be developed to support the station operation." This confirms that the station may pose growth inducing impacts and increase urban growth pressure for the conversion of agricultural land to urban uses. Although this section discusses the station alternatives in terms of whether it will impact EJ communities, it acknowledges growth inducing factors and are not covered in other sections that discuss the Kings/Tulare Regional Station.

L029-472 #470. Page 5-95 on 5.3.3.5 Project Benefits acknowledges that "The Kings/Tulare Regional Station is in a sparsely populated area." Although this discussion is intended for discussing Project benefits, the discussion provides more acknowledgement of current conditions where the proposed HSR station is proposed to be located. In any proposed project subject to CEQA it is standard practice to identify and describe site specific and surrounding conditions and uses. Discussion relative to the Kings/Tulare Regional Station fails to address any of these factors and thereby provides limited to no information for CHSRA decision makers on which station alternative would be better suited to serving

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existing populations, and where urban services can be logically expanded and accommodate future growth that would can more efficiently access HSR service.

L029-473

**Farm Equipment Access mitigation**

#471. Mitigation for affected farmlands and need for farm equipment access is stated that "the Authority will consider providing overcrossings or undercrossings of the HST track to allow continued use of farmlands." The terms "will consider" is non-enforceable term left at the discretion and benefit of the CHSRA. The mitigation identified for farm equipment access across the proposed grade separated HSR alignment lacks substantial analysis and site specific identification of impacted and disrupted farming operations, thus provides meaningless and unenforceable mitigation requirements by CHSRA. As the Project proposes to evaluate the need and determination of farming operation access across the HSR alignment after the Project is approved and passed along to right of way agents, this measure fails to adequately address site specific impacts and evaluate potential mitigation measures to reduce Project related impacts. As there is no requirement for the CHSRA to provide access it is reasonable to assume that HSR bisected farming operations may potentially disrupted beyond just the HSR right of way and cause disruptions to a farming operation's more extensive growing area. The HSR grade separated alignment will physically divide and create a barrier to farming operations that are sliced through, has the potential to render farm equipment access as a cost prohibitive option and therefore necessitates that individual farming operations be evaluated each as a whole business operational area rather than relying upon a simplistic approach whereby only the bisected piece of property is evaluated. As farming operations as a business are reliant upon delivering and deploying farm equipment, soil amendments, pesticide spraying, water delivery and other resources, the failure of this R-DEIR/S-DEIS to evaluate Project impacts upon these farming operations as each individual whole deprives CHSRA decision makers from understanding to potential full Project related impacts upon these unique business operations. As the CHSRA Project staff and consultants reject the Kings County's requests to evaluate and analyze impacted farming operations and their need for farm equipment access and surface and ground water delivery, this R-DEIR/S-DEIS fails to adequately address how this Project will affect agricultural resources which is acknowledged as one of the most important resources in the San Joaquin Valley that provides food and fiber to the State and Nation, as well as provide economic support to local communities.

L029-474

#472. Page 5-124 on 5.4.3 Agricultural Access Impacts and Road Closures states that "It is beyond the scope of this effort to determine the potential impacts at the individual operation level (i.e., for each farm). Some individual operations may be affected more than others, and this cost to producers and impact on operation feasibility and value must be considered on a case by case basis during the property acquisition portion of the project." This approach fails to consider and analyze site specific impacts that will result from the Project and thus does not comply with CEQA. By not addressing these site specific impacts, the CHSRA Project proponents gain an unfair advantage over private property owners who will be subject to eminent domain acquisition of their property. The advantage that CHSRA gains is that by not addressing site specific impacts to private property, the CHSRA is not obligated or publicly required to disclose site specific impacts that may need to be compensated. With site specific impacts left to only the right of way acquisition process, Project impacts to private property can be rendered to more discrete treatment on an individual basis and further deteriorating public

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accountability for the impacts that this Project will cause. In relation to this R-DEIR/S-DEIS analyzing and examining Project impacts serving as an "economic barrier" the analysis conducts a generalized examination that is more suited to a Programmatic Level EIR/EIS, and although the 2005 Program EIR/EIS for the HSR System deferred Project specific impact analysis to the Project Level EIR/EIS, this R-DEIR/S-DEIS fails to analyze the some of the site specific impacts it was intended to address. The rejection of CHSRA Project staff and consultants to analyze and address these types of impacts while deferring the non-committal evaluation to the right of way agents and property acquisition phase demonstrates a clear avoidance of Project accountability to the public, local governments and CHSRA decision makers by not disclosing Project specific impacts relative to private property that will ultimately be acquired willingly or by force through eminent domain proceedings. All stakeholders are placed at a great disadvantage when R-DEIR/S-DEIS/EIS preparers admittedly defy CEQA Project impact disclosure requirements and establishes a self imposed special exception whereby Project impact analysis is arbitrarily performed at a newly created "Community and Regional" level of impact analysis approach. This avoids Project site specific impacts upon properties for which other projects throughout the State and subject to CEQA are held to higher standard of review.

This analysis examined the potential of the project to act as an "economic barrier" that would restrict access of agricultural operations across the linear project. The analysis identified any specific areas along the project alignment where permanent road closures (i.e., roads that are not routed over the project but rather are terminated at the project) could substantially restrict transportation or access related to agricultural operations.

L029-475

CHAPTER 6 – OTHER CEQA/NEPA

#473 The R-EIR/S-EIS discusses nine HST alignment alternatives. These were considered in the 2004 Final Programmatic EIR/EIS ("PEIR") and the preferred alternative tiered for purposes of the July, 2012 D-EIR/S-EIS. The PEIR is 8 years old. California Public Resources Code Section 21157 allows for use of a master environmental report for mass transportation projects (subd. a.6.), but requires a reevaluation if the master is more than five years old (21157.6(b).) Section 21157.7(g) prohibits its use if it is more than 7 years old, as follows:

(g) Notwithstanding Section 21157.6, the master environmental impact report shall not be used for the purposes of this section, if the certification of the master environmental impact report occurred more than seven years prior to the filing of an application for the subsequent project. (Underline added)

The baseline has most certainly changed over this extensive period and the alternatives discussed may no longer be the least environmentally harmful. This needs to be revisited in detail.

L029-476

#474 6.3 - If the BNSF alternative remains outside of the track through the center of Hanford and instead slices diagonally through either the east or west side of the outlying County areas, it is not along an existing transportation corridor as required by the California High Speed Rail Act and it is not the least environmentally damaging practical alternative (LEDPA) as required by NEPA.

L029-477

CHAPTER 7 – PUBLIC & AGENCY INVOLVEMENT

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L029-477 | #475. Kings County and its officials have consistently been omitted from notice relating to this project.

L029-478 | #476. The Authority and FRA have actively worked around Kings County. It's false publications to the contrary are not supported by the facts. In fact, Kings County requested copies of all notices to any Kings County Board of Supervisor, Kings County's Community Development and Planning Director and its County Administrative Officer regarding the Project. What it received was copies of the May 2, 2001 Federal Register publication of the April 6, 2001 Federal Notice of Intent "to advise the public that FRA will join the California High Speed Rail Authority (Authority) in the preparation of a programmatic environmental impact statement...", notice of "Scoping Meetings" that would occur in Bakersfield, Fresno and Bakersfield, but not in Kings County. The notices profess "to ensure that the issues most important to California residents, public agencies, and other involved parties are addressed in this review..." and indicate the purpose of scoping "is to identify public and agency concerns..." yet Kings County, part of the 30 mile spine, was actively excluded and worked around. Similar notices were issued by the Authority pursuant to CEQA but do not include Kings County.

L029-479 | #477. The PEIR January 2004 Land Use and Planning, Communities and Neighborhoods, Property, and Environmental Justice Technical Evaluation at Section 2.0 discusses the Baseline and Affected Environments. In doing so, it indicates each of the General Plans and agencies consulted. Most other valley counties and surrounding cities are consulted, but Kings County is completely omitted. (See p.11. Kings County should be included between 2.2.7 (City of Hanford) and 2.2.8 (City of Visalia). This omission and oversight started at this early stage and has continued throughout the scoping and alternatives process.

L029-480 | #478. As "tiering" and "refining" from the programmatic occurred, misleading notices were issued and Kings County was again excluded. All focused toward surrounding cities and counties and "Hanford Area Public Officials". For example, the June, 2010 Preliminary Alternatives Analysis (PAA) Report Working Draft describes "outreach meetings" as five meetings with Fresno in 2009 and 2010, four "rural" (but not Kings), five with Bakersfield in 2009, again no Kings. The 1/19/2010, 3/03/2010, 3/16/2010, 4/22/2010 "outreach" notices do not contain the words "scoping" or "tiering" or "refining". Instead, the covers found in the Authority's records indicate in large bold letters: "Public Information Meeting Open House". Then on the last page of the June, 2010 PAA (3-38) it indicates "Other Stakeholder Outreach" and notes a 4/4/2010 meeting with the Kings County Ag Advisory Committee, a 5/3/2010 meeting with the Kings County Planning Commission and a 5/3/2010 Kings County Board of Supervisors meeting. These "other" meetings only occurred after the demand by Kings County to be included and were not interactive. They were more like, the decision has already been made so we will come and meet with you to check a box so we can say we met, but nothing will come of these meetings. Several iterations of alternatives analyses occurred before the June, 2010 draft, but Kings County was not included in any of those.

L029-481 | #479. The Authority and FRA failed to coordinate, notice and scope/refine with Kings County in compliance with CEQ reg. 1501.7. It's requirements are mandatory:

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[t]here shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.

However, it requires not only a notice of intent in the Federal Register, it specifically requires:

- (a) As part of the scoping process the lead agency shall:
  1. Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds, ... (Italics added.)

Kings County has received no such invitation. When Kings County learned of the Authority's intent, it immediately and continually tried to coordinate primarily with the Authority as Co-Lead agent, and eventually with the FRA, Co-Lead Agent and EPA, to no avail. Please see attached volumes of correspondence and eventual volumes of transcripts whereby Kings County tried to obtain coordination. The 2004 PEIR indicates that the Co-Lead Agents will be evaluating alternatives consistent with guidelines (64 FR Section 28545 5/26/99) "and other federal agency NEPA regulations and State CEQA guidelines..." (P.3 of PEIR). Certain potentially viable less environmentally harmful alternatives have been eliminated without proper process.

L029-482

#480. Page 4-39 of the Community Impact Assessment Technical Report for the Fresno to Bakersfield Section in Table 4-15 discusses "Public Outreach Meetings" on 6/4/2007 with "HST Kings County Area Stakeholders-Group 1 and HST Kings County Area Stakeholders-Groups 10, 11, 12, 13, 15 & 16". Kings County is unsure who these "stakeholders" are. When Kings County recently submitted its Public Records Act request for any and all notices to it, no notices of these meetings were included. Similarly, Page 4-39 (Ibid.) indicates "Scoping meeting in Visalia", "Scoping meeting in Fresno", "Scoping meeting in Bakersfield" on 3/24, 3/25, and 3/26/2009 respectively. No meeting or invitation to Kings County. Page 4-40 indicates a meeting on 3/30/2011 with the "Hanford Sheriff". Hanford does not have a Sheriff - it has a Chief of Police. Page 4-40 also notes meetings on 4/15/2010 and 4/27/2010 with the stakeholder groups mentioned above. Again, Kings County is unaware of who these stakeholders might be.

L029-483

#481. In addition to CEQA and NEPA requirements, the Public Utilities Code which codifies the creation of the California High Speed Rail Authority at Section 185020-185038 specifically requires that the Authority "Keep the public informed of its activities" [section 185034(9).] Kings County has been deprived of proper notice and information.

L029-484

#482. The technical documents explicitly or implicitly incorporated into the R-EIR/S-EIS were not delivered to public outlets such as the Kings County Library. The Kings County Library has limited weekend hours and has one-hour limits on the use of the Internet. Not having the physical reports available along with the physical body of the R-DEIR/S-DEIS is misleading. None of the documents were translated into Spanish, the predominant minority language in the area. Both lead agencies were informed of this oversight on October 8, 2012, and again on October 12, 2012. The latter notice was also provided to Tom Fellenz, General Counsel to the Authority, and Dan Richard, Chairman for the Authority. These notices and request for related extension were ignored. This is a violation of

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L029-484 | due process, NEPA, CEQA, Title VI of the Civil Rights Act and the Authority's required Limited English Proficiency (LEP) Plan. The Authority's April, 2012 LEP Plan provides, in pertinent part: "It is the policy of the Authority to communicate effectively and provide meaningful access to limited English proficient (LEP) individuals... and "to treat LEP individuals with dignity and respect". The comment period should be extended/re-issued until this issue is adequately resolved.

L029-485 | #483. 7-7 [§7.3.2] indicates "The outreach team was proactively meeting with stakeholders once the results and findings of the preliminary alternatives analysis and the supplemental alternatives analysis were approved." As Kings County constitutes 30 miles of the "spine" of the project, it would at the very least qualify as a stakeholder. No outreach or notice was given to Kings County during the AA process. The only time the Authority met with Kings County was upon its demand in 2011, after it was already too late because the attitude was "we are coming through" The PEIS and scoping was already done.

L029-486 | #484. 7-13, Table 7-1. 6/4/2007 indicates "Kings County area stakeholders" to "discuss HST alignments and associated impacts." A public records request was made and no evidence was produced of this notice or meeting. It is unclear who the Authority is identifying as "stakeholders" in this instance.

L029-487 | #485. 7-13, Table 7-1. 5/6/2008 indicates "Kings County Board of Supervisors, Supervisor Tony Oliveira" to "educate elected officials on HST". A public records request was made and no evidence was produced of this notice or meeting. Additionally, Supervisor Oliveira was only one "official" not the whole body. It is unclear what is meant by "educate" the elected official.

L029-488 | #486. Table 7-1. 11/30/2009 indicates "Kings County Board of Supervisors" to "update elected officials on HST and alternatives development. A public records request was made and no evidence was produced of this notice or meeting. It is unclear who the Authority actually met with or the content of their discussion. Same comment for 3/9/2010 entry.

L029-489 | #487. Table 7-1, 5/3/2010 entry indicates "Kings County Planning Commission" to "update committee on HST alternatives including station locations east of Hanford." Attached as Exhibit F is the 5/3/2010 Kings County Planning Commission Agenda. As you can see, there is no entry whatsoever regarding high speed rail. This entry must be removed.

L029-490 | #488. Table 7-1, 7/14/2010 entry indicates "Kings County Agricultural Advisory Committee to "update on HST alternatives in Kings County and potential impacts on agriculture". Attached as Exhibit G are the 7/14/2010 minutes of the Kings County Agricultural Advisory Committee. As you can see, there were no High Speed Rail personnel in attendance and the discussion was brought by the County's Planning Director to discuss opposition to the high speed rail. This entry should be removed.

L029-491 | #489. Table 7-1, 3/30/2011 entry indicates "Hanford Sheriff" for "meeting to discuss issues and questions regarding HST project and impacts on community". There is no "Hanford Sheriff". The law enforcement for City of Hanford is the Police Department and their leader is referred to as the "Chief of Police".

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L029-492 | #490. Table 7-1, 6/7/2011 entry states: "Kings County Public Forum". What does this mean? Where was this held?

L029-493 | #491. Table 7-1, 6/29/2011 entry indicates: "Kings/Tulare station planning meeting". It is unclear who participated in this meeting. Please clarify.

L029-494 | #492. Table 7-1, 11/17/2011 entry indicates: "Kings/Tulare Hanford West Technical Working Group". There was no such group. A meeting was held at City of Hanford for the presentation. This should be clarified.

L029-495 | CHAPTER 8 – EIR/EIS DISTRIBUTION

#493. The technical documents explicitly or implicitly incorporated into the R-EIR/S-EIS were not delivered to public outlets such as the Kings County Library. The Kings County Library has limited weekend hours and has one-hour limits on the use of the Internet. Not having the physical reports available along with the physical body of the R-DEIR/S-DEIS is misleading. None of the documents were translated into Spanish, the predominant minority language in the area. Both lead agencies were informed of this oversight on October 8, 2012, and again on October 12, 2012. The latter notice was also provided to Tom Fellenz, General Counsel to the Authority, and Dan Richard, Chairman for the Authority. These notices and request for related extension were ignored. This is a violation of due process, NEPA, CEQA, Title VI of the Civil Rights Act and the Authority's required Limited English Proficiency (LEP) Plan. The Authority's April, 2012 LEP Plan provides, in pertinent part: "It is the policy of the Authority to communicate effectively and provide meaningful access to limited English proficient (LEP) individuals... and "to treat LEP individuals with dignity and respect". The comment period should be extended/re-issued until this issue is adequately resolved.

L029-496 | #494. 8-1 [§8.1] - Was a complete copy of the EIR/EIS and its appendices provided to the Corcoran Branch Library at 1001-A Chittenden, Corcoran, CA (Contact: Joseph Zamora, telephone no.: (559) 992-3314)? This public library is not listed as a repository for the EIR/EIS even though Corcoran is the one city in Kings County that HST actually proposes to run through and which will be greatly impacted by the proposed project.

L029-497 | #495. 8-8 [§8.3.3] - The list of public officials does not include the Mayor of Corcoran even though Corcoran is the only city in Kings County that the proposed HST actually cuts through. The omission of Corcoran city officials from the distribution list and the failure to make a complete copy of the EIR/EIS and appendices available for public review at the Corcoran Branch Library violates the procedural and substantive provisions of CEQA intended to ensure full disclosure of relevant information and public participation in the environmental review process. See CEQA Guidelines §§ 15086, 15087, 15200, 15201, 15203. The EIR/EIS must be recirculated for public review and comment or, in the alternative, the public review and comment period must be extended by not less than 45 days after consultation with City of Corcoran officials pursuant to CEQA Guidelines section 15086 has occurred and at least one complete copy of the EIR/EIS and appendices has been made available for public review at the Corcoran Branch Library.

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L029-498 #496. The California High Speed Rail Authority website incorrectly lists the Corcoran Branch Library as being in KERN County instead of Kings County as a location for the public to review the EIR/EIS.

CHAPTER 9 – LIST OF PREPARERS

No comment.

CHAPTER 10 – REFERENCES/SOURCES USED

No comment.

CHAPTER 11 – GLOSSARY OF TERMS

L029-499 #497. P.11-12 defines “High Speed Train System” as “The system that includes the HST tracks, structures, stations, traction-powered substations, maintenance facilities, and train vehicles able to travel 220 mph.” This contradicts the text box on P.S-1 which states: “High-Speed Train System” is “The system that includes the HST guideways, structures, stations, traction-powered substations, and maintenance facilities.” The omission of trains defeats the whole purpose of a high speed rail system. This definition also contradicts the definition in the California High-Speed Rail Act which provides: “High-speed rail means intercity passenger rail service that utilizes an alignment and technology that makes it capable of *sustained* speeds of 200 miles per hour or greater.” (Italics added.)

L029-500 #498. P.11-11 defines a “Guideway” as “A track or riding surface that supports and physically guides transit vehicles specifically designed to travel exclusively on it (as defined by the Orange County Transportation Authority).” The definition should not include reference to an omitted definition of another agency. This causes the reader to have to search for the accurate definition. Additionally, it does not indicate where to find such a definition or the date such a definition was adopted by the referenced agency in case it is subsequently changed. Finally, it contradicts the definition in the PEIR which provides at P.13-6: “Guideway: Defined by the Orange County Transportation Authority as ‘a track or riding surface that supports and physically guides transit vehicles specifically designed to travel exclusively on it.’”

L029-501 #499. P.11-12 defines “High-Speed Train” as “A train designed to operate safely and reliability at speeds near 220 mph.” This contradicts the PEIR which provides at P.13-7: “High-Speed Train: refers to a train designed to operate safely and reliably at speeds near 200 mph (350 kph)” and contradicts P.11-28 which provides: “Very High Speed Steel-Wheel-on-Steel-Rail Train: A train capable of maximum operating speeds near 220 mph using steel-wheel-on-steel-rail technology.”

L029-502 #500. The Glossary omits a definition for “Rule of Particular Applicability” which is required by FRA as part of its safety standards for systems that operate at speeds over 200 mph and for operations in shared use rail corridors. This requirement is referenced in the PEIR at Section 1.1, paragraph 3. Discussion of the need and process for the rule should also be included in Chapter 3, Section 3.11.

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In summary, the R-DEIR/S-DEIS is disappointing. It offers a minimal, low quality approach for one of the biggest public works projects in the State’s history. In places it is nonsensical and illogical. It is offensive to Kings County. Much of it contains baseless opinion and conclusion without proper analysis. It lacks true alternatives and related comparisons and analysis. Mitigation is illusory. It overlooks relevant laws. It applies criteria in a discriminatory manner. Kings County has been overlooked and avoided and important decisions were made without Kings County’s knowledge or input and inconsistent with its long-term, regionally coordinated planning and health, safety and welfare policies. Kings County was denied the coordination afforded to it by NEPA and other federal transportation statutes and was denied due process under both NEPA and CEQA. This project presented a great opportunity to work in partnership with Kings County, but the overt disregard for local impacts and lack of commitment to resolve local conflicts have lead to very unfortunate circumstances and severely deteriorated local support for this now intrusive project.

Sincerely,

KINGS COUNTY  
COMMUNITY DEVELOPMENT AGENCY

  
Gregory R. Gatzka, Director

EXHIBITS:  
Prior 2011 Comments  
A-1, A-2, A-3, A-4  
B-1, B-2, B-3, B-4, B-5  
C-1  
D  
E  
F  
G

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**L029-1**

It is noted that the Kings County Community Development Agency's letter dated October 19, 2012, together with the attachments to that letter, and the Kings County Community Development Agency's comments submitted in 2011 on the Draft EIR/EIS are entered into the administrative record for this project. The responses to the comments on the Draft EIR/EIS are provided in Volume IV of this Final EIR/EIS.

Exhibit A-1 attached to this submission from the Kings County Community Development Agency consists of a letter from the County of Kings Board of Supervisors to FRA dated August 2, 2011. In that letter, Kings County contends that the FRA and Authority must study, analyze, and develop an alternative to be carried through the Fresno to Bakersfield Section EIR/EIS that results in no conflicts with short- and long-term County plans. The County states that unless this has been done, the FRA and Authority have not properly included Kings County in the planning and environmental review process for the project in accordance with federal regulations. The County has made clear that the only alternatives that could avoid conflicts with Kings County plans would be located outside of Kings County and contends that an alignment along the SR99/UPRR corridor must be carried through the Fresno to Bakersfield EIR/EIS.

The Authority recognizes that project alternatives are not consistent with all aspects of the land use plans that have been developed by Kings County. Those inconsistencies are described in the Revised Draft EIR/Supplemental Draft EIS.

Section 2.3.1 of the Fresno to Bakersfield EIR/EIS discusses the project-level alternatives development process. Section 2.3.2 explains the range of potential alternatives preliminarily considered, but eliminated from detailed consideration. The September 2010 Supplemental AA Report and December 2011 Supplemental AA Report prepared by the Authority and FRA describe the alternatives identification process in more detail. Both are available on the Authority's website.

The SR 99/UPRR corridor was evaluated in the Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005) and was not selected as the preferred corridor for the Fresno to Bakersfield Section. Prior to initiating the preparation of the project-level EIR/EIS for the Fresno to Bakersfield Section, the Authority investigated potential alignments for a station location in the Hanford, Visalia, and Tulare area (FRA and Authority and FRA 2007). Since Visalia and Tulare are located along the SR

**L029-1**

99/UPRR corridor, most of the potential alternatives were partially or largely located in the SR 99/UPRR corridor. Therefore, alternative alignments within the SR 99/UPRR corridor were re-evaluated for the Fresno to Bakersfield Section. That analysis is provided in the Checkpoint B Summary Report (Authority and FRA 2011) prepared for the project and is available on the Authority's website.

Environmental impacts of an alignment in the SR 99/UPRR corridor would be similar to the BNSF Alternative. However, an SR 99/UPRR alignment was determined not to be practicable as summarized in Section 2.3.2 of the EIR/EIS and described in more detail in the Checkpoint B Summary Report (Authority and FRA 2011). Because the SR 99/UPRR corridor was determined not to be practicable, this alternative was not carried forward for analysis in the Fresno to Bakersfield EIR/EIS in accordance with 40 CFR 1502.14(a) and FRA's Procedures for Considering Environmental Impacts (64 FR 28546, May 26, 1999). Neither NEPA nor CEQA require a Lead Agency to carry forward an alternative that is not practicable. Kings County has provided no compelling evidence that an alignment along the SR 99/UPRR corridor is practicable.

Exhibit A-1 indicates that the Authority is mandated by law to preserve agricultural land. As quoted in the exhibit, it is State policy to avoid, whenever practicable, the location of public improvements in agricultural preserves. Over the course of the environmental review for the California HST System and the Fresno to Bakersfield Section of that system, the Authority and FRA have considered alternative alignments in the Kings County area along I-5, SR 99/UPRR, along the existing BNSF corridor through the city of Hanford, and bypasses around the east and west side of the city of Hanford. The alternatives bypassing Hanford to the east and west were the only alternatives determined to be practicable, and both of those alternatives have been carried through the EIR/EIS. FB-Response-General-02 provides a description of the reasons why the I-5 corridor and the existing BNSF corridor through Hanford are not practicable alternatives for the project.

The "spine" of the statewide HST System extends 520 miles from San Francisco to Los Angeles and Anaheim. Phase 2 of the project will extend high-speed rail service to Sacramento and San Diego, completing the 800-mile statewide system. Approximately 5 percent of the system spine comes through Kings County agricultural land. As

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-1

indicated in the submission from the Kings County Community Development Agency, the Authority has met with County staff and elected officials on many occasions in an effort to facilitate communication throughout the environmental review process and will continue to do so. County concerns have been taken into account in developing project alternatives and project-related impacts to Kings County are provided in the Draft EIR/EIS and the Revised Draft EIR/Supplemental Draft EIS.

The HST system is an integral part of state policy to improve mobility between the major metropolitan areas of the state and reduce greenhouse gas (GHG) emissions. In accordance with AB 32, the California Air Resources Board (CARB) developed a Scoping Plan in 2008 that outlines the State's strategy to achieve the 2020 GHG limit. The Scoping Plan contains five broad measures to reduce transportation-related GHG emissions, one of which is the statewide HST system.

Exhibit A-1 refers to the SB 375 requirement for regional transportation agencies (MPOs) to develop a "Sustainable Communities Strategy" (SCS) to reduce GHG emissions from driving. The Sacramento Area Council of Governments (SACG), the San Francisco Bay Area Metropolitan Transportation Commission (MTC), Southern California Association of Governments (SCAG), and San Diego Association of Governments (SANDAG) are the MPOs for Sacramento County and the San Francisco Bay Area and Southern California counties that are crossed by the HST system. These agencies have developed an SCS and incorporated it into their RTPs. All of the RTPs include the HST system as one of the methods for combining transportation resources with realistic land use patterns to achieve the state's target for reducing GHG emissions (SACG 2012, MTC 2013, SCAG 2012, and SANDAG 2011).

South of Sacramento County, the 8 counties of the San Joaquin Valley (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern counties) crossed by the HST system have individual MPOs. The 8 counties are coordinating on some aspects of the SCS planning effort to maximize resources; however, each MPO is developing a separate plan expected to be completed in 2014. All of the current RTPs for the 8 counties were last published in 2011. Those RTPs referenced the HST system but no planning had been done to integrate the HST into long-term county transportation planning.

### L029-2

The Authority and FRA acknowledge Kings County's position that "coordination" of this project is required by law. As indicated in the comment, there have been considerable written and verbal exchanges regarding the County's position that a specific type of "coordination" for this project is mandated by federal laws including the Intermodal Surface Transportation Efficiency Act and the Federal Land Policy Management Act. While the Authority and FRA respectfully disagree with the county on what legal requirements apply to the HST project, the level of active communication and outreach to affected jurisdictions including Kings County has been designed to make the project as sensitive as possible to the local environment through which it will travel, while still meeting the unique design constraints of very-high-speed train service. These efforts at communication have continued in the period after the close of the comment period for the EIR/EIS in 2012, 2013, and into 2014. The Authority and FRA are committed to continued efforts to work with Kings County to make the HST project as compatible as possible with Kings County.

### L029-3

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-04.

The EIR/EIS provides sufficient information for decision makers and the public to understand the nature and magnitude of project impacts to Kings County. Section 3.14, Agricultural Lands, identifies the acreage of important farmland that would be temporarily and permanently converted to nonagricultural uses as a result of the project; impacts to farmland under Williamson Act or Farmland Security Zone contracts; impacts to confined animal agricultural operations; project impacts to aerial spraying operations; impacts of wind created by the HST on agricultural operations; and noise impacts of the HST to grazing animals. Section 3.12, Socioeconomics, Communities, and Environmental Justice, describes project impacts on agricultural businesses in Kings County. Section 3.13, Station Planning, Land Use, and Development, describes project impacts on Kings County and local plans.

### L029-4

Refer to Standard Response FB-Response-GENERAL-07 and Master Response FB-Response-GENERAL-16.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-4**

Both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) provide for the public review of draft environmental documents. It is the responsibility of the County to undertake that review and to avail itself of the many opportunities that the Authority and FRA provided for the public and other agencies to obtain additional information about the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS.

The County's claims regarding the alleged inadequacies of the Revised DEIR/Supplemental DEIS are addressed individually in the respective comment responses.

**L029-5**

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

Section 3.13.5.3 of the Revised Draft EIR/Supplemental Draft EIS states that the Kings/Tulare Regional Station – East Alternative would likely result in a local change in the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. Therefore, the land use effect of the Kings/Tulare Regional Station–East would have substantial intensity under NEPA, and the impact would be significant under CEQA. This comment uses the analysis provided in Section 3.13.5.3 on the Kings/Tulare Regional Station – East Alternative to conclude that agricultural conservation easements are illusory, unenforceable, and ultimately ineffective. This is not the case.

Under mitigation measure AG MM-#1, the Authority will fund permanent conservation easements on agricultural land purchased through the existing California Farmland Conservancy Program administered by the California Department of Conservation. The Authority has negotiated a formal agreement with the Department ensuring that the

**L029-5**

mitigation program will occur, and final signatures are anticipated. The California Farmland Conservancy Program is an ongoing program that has many years of successful operations obtaining perpetual conservation easements on agricultural land in the Central Valley. The Program maintains a web page describing "success stories" and a map of easements within the Central Valley. The web page can be accessed here: <http://www.conservation.ca.gov/dlrp/cfcp/stories/Pages/index.aspx>. and is included in the Administrative Record. Agricultural conservation easements have been successfully established in Fresno, Kings, Tulare, and Kern counties.

Although farmland conversion is a significant and unavoidable impact, obtaining conservation easements ensures that the participating agricultural land will not be converted to other use at any future time. This is a more certain form of conservation than either the Williamson Act or Farmland Security Zones, which can be cancelled by the landowner. Contrary to the commenter's suggestion, the fact that the EIR/EIS does not identify the specific agricultural parcels that will be preserved pursuant to mitigation measure AG MM-#1 does not render the measure illusory or unenforceable. (California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4th 613, 622.) Further, in contrast to the EIRs at issue in cases cited by the commenter - Kings COUNTY Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692 and Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, the Fresno to Bakersfield Section EIR/EIS acknowledges that the project's impact of converting farmland to non-agricultural use is significant and unavoidable even with mitigation due to the inability to create new farmland.

**L029-6**

Refer to Standard Response FB-Response-BIO-02, FB-Response-GENERAL-01, FB-Response-GENERAL-13, FB-Response-GENERAL-17.

The Authority will fund the California Farmland Conservancy Program's work to identify suitable agricultural land for mitigation of impacts and to fund the purchase of agricultural conservation easements from willing sellers. Adopting these mitigation measures as part of the project approval process will require the Authority to appropriately fund and implement these programs from funding received for the project. Refer to Section 3.14.7, Mitigation Measures, for additional information on agricultural

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Continued

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**L029-6**

conservation easements.

**L029-7**

Refer to Standard Response FB-Response-BIO-02, FB-Response-GENERAL-01, FB-Response-GENERAL-17.

In accordance with Section 15097 of the CEQA Guidelines, the Authority will prepare a Mitigation Monitoring and Enforcement Plan (MMEP) to ensure that the mitigation measures and project revisions identified in the Final EIR are implemented. For each mitigation measure, the MMEP will identify the implementing party and monitoring/enforcement party, implementing and reporting schedule, and implementation mechanism or tool.

Mitigation costs are provided in Chapter 5 of the EIR/EIS.

**L029-8**

Disposal of construction waste is addressed in Section 3.6, Public Utilities and Energy, of the Final EIR/EIS. As standard construction practice, the contractor would divert [construction and demolition (C&D)] waste from landfills by reusing or recycling to aid with implementing the Local Government C&D Guide (Senate Bill 1374) and meet solid waste diversion goals...." Section 3.6 also evaluated the potential locations for disposal of nonrecyclable materials and their capacities and concluded that use of these established facilities would result in a less-than-significant impact because the maximum amount of C&D material generated would be only a fraction (4%) of the permitted capacity of the potentially available facilities. In particular, refer to Section 3.6.5, Environmental Consequences, of the Final EIR/EIS.

For example, the Kings Waste Recycling Authority transports solid waste from the Hanford area to its materials recovery facility (MRF) and then to the Chemical Waste Management Landfill in Kettleman Hills, CA. This MRF has a maximum capacity of 800 tons/day, and the Chemical Waste Management Landfill in Kettleman Hills has a disposal capacity of 8,000 tons/day and a maximum capacity of 10.7 million cubic yards, which would be adequate for the anticipated HST C&D and operational wastes potentially served by these facilities.

**L029-9**

Refer to Standard Response FB-Response-GENERAL-21.

The design presented and analyzed in the Draft EIR/EIS is based on preliminary engineering. The Authority is actively assimilating information on existing and planned utilities. The project team coordinated—and will continue to coordinate—with utility providers during the early design phases of the project to identify, describe, and evaluate the potential impact of the HST System on existing utility infrastructure. As appropriate and commensurate with the early stage of engineering design, modifications have been made to the Revised DEIR/Supplemental DEIS to reflect the comments provided (see Section 3.6.2, Laws, Regulations, and Orders, of the Final EIR/EIS).

The relocation of utility substations will be required as part of the proposed project, and the relocation of those facilities has been accounted for in the construction footprint and the EIR/EIS analysis. See Mitigation Measure PU&E-MM#1, Reconfigure or Relocate Substations, in Section 3.6.7, Mitigation Measures, of the Final EIR/EIS. Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with California Public Utilities Commission General Order 131-D.

**L029-10**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-PU&E-01.

The EIR/EIS does not improperly defer analysis and mitigation related to the reconstruction/reconductoring of PG&E electrical transmission lines. The EIR/EIS identifies all traction power facilities that will be added due to the high-speed train, including those required to connect the high-speed train traction power facilities to the PG&E grid (utility switching station). The text of chapter 2 has been clarified regarding these facilities and their connection to one or more PG&E substations via PG&E transmission lines. The text of Chapter 2 has also been clarified to explain that in some cases, reconstruction and reconductoring of PG&E transmission lines may be required, however, at this time PG&E has not made a determination on the scope of any improvements that may be required. For this reason, Chapter 2 identifies that a

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-10

subsequent environmental review step may occur in conjunction with PG&E's application to the California Public Utilities Commission for construction of the upgrades. Once PG&E has determined the scope of improvements either PG&E or the Authority will undertake additional environmental review where necessary.

### L029-11

Refer to Standard Response FB-Response-PU&E-02.

The Revised DEIR/Supplemental DEIS concluded that construction would have moderate intensity under the National Environmental Policy Act (NEPA), and the impacts would be less than significant under the California Environmental Quality Act (CEQA). The effect of project operation on peak electricity demand would have negligible intensity under NEPA and would be a less-than-significant impact under CEQA. Refer to Section 3.6.5, Environmental Consequences, of the Final EIR/EIS for a discussion of the impacts of the project on energy demand and consumption under both Impacts PU&E#16, Energy Construction Period Impacts–Common Energy Impacts, and PU&E#17, Project Impacts–Common Energy Impacts.

### L029-12

Refer to Standard Response FB-Response-GENERAL-02.

As shown throughout the EIR/EIS, a station on the eastern side of Hanford would be next to SR 43 and SR 198, as well as the Cross Valley Railroad line which may be used for commuter rail in the future. A station on the western side of Hanford would be next to the SR 198 interchange at Hanford-Armona Road and 13th Avenue.

### L029-13

Section 1.1.4 describes the Passenger Rail Investment and Improvement Act of 2008. This act established the framework for the national high-speed rail and intercity passenger rail program. Using the act as a framework, in February 2009, Congress appropriated through the American Recovery and Reinvestment Act of 2009 (ARRA) an investment of \$8 billion for new high-speed and intercity passenger rail grants. Congress continued to build upon this ARRA funding by making available, through the Fiscal Year

### L029-13

2010 Appropriations, an additional \$2.1 billion, bringing the total program funding to \$10.1 billion. In 2011, Congress rescinded \$400 million of that FY10 funding. California's high-speed rail program has received \$3.5 billion or 34% of these federal funding sources. Of this amount, slightly more than \$3.3 billion is committed to constructing the Central Valley sections.

### L029-14

This comment asserts that Section 1.2.4 contains unsupported conclusions without providing any evidence that that is the case. Section 1.2.4 provides references for all of the conclusions it presents.

### L029-15

As discussed in the Revised 2012 Business Plan (Authority 2012a), the California High-Speed Train (HST) Program will depend on a mix of public and private investment, the latter becoming available after the fundamental economics of the program are demonstrated. A phased approach to system development is the prudent course to build a foundation that allows for greater efficiency in the use of private investment once the initial segments of the system are in place.

This approach also recognizes current budgetary and funding realities. Among other things, the phased approach will help ensure the system's success by introducing Californians to HST service and building ridership over time. At the same time, improvements can be made to regional systems that connect with HST, resulting in the conventional and high-speed systems complementing each other. The goals of Proposition 1A were used to develop the phasing strategy for the statewide HST system and were guided by the following key principles:

- Divide the statewide HST program into a series of smaller, discrete projects that can stand alone, will provide viable revenue service, can be matched to available funding, and can be delivered through appropriate business models.
- Advance sections as soon as feasible to realize early benefits, especially employment, and to minimize inflation impact.
- Leverage existing rail systems and infrastructure, including connecting rail and bus services.
- Forge a long-term partnership with the federal government for program delivery.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-15

- Develop partnerships with other transportation operators to identify efficiencies through leveraging state, regional, local, and capital program investments and maximizing connectivity between systems.
- Seek earliest feasible and best value private-sector participation and financing with appropriate risk transfer and cost containment.
- Mitigate against the risk of funding delays by providing decision points for state policy-makers to determine how and when the next steps should proceed while leaving a fully operational system and generating economic benefits at each step.

The Authority applied these principles, taking into account key factors such as cost, funding scenarios, and ridership and revenue projections, to develop an implementation strategy with the following key steps:

• Step 1—Early Investments, Statewide Benefits. The first construction of dedicated high-speed infrastructure for the initial operating system (IOS) begins in the Central Valley. As with all of the steps, this initial section is being developed to deliver early benefits by leveraging other systems—enabling them to operate on the new high-speed tracks, which can be done without impacts on design or the integrity of the new infrastructure. Improved passenger rail service would begin upon completion of the first IOS segment by connecting the (Amtrak) San Joaquin, Altamont Commuter Express, Sacramento Regional Transit, and the Capitol Corridor (and potentially Caltrain). Through a new, strategic approach, there is also the opportunity for new or improved travel between Bakersfield and Sacramento, Oakland, San Jose, and San Francisco. This expanded Northern California Unified Service could begin operation as early as 2018, with the potential to provide transportation and economic benefits well before fully operational high-speed rail service is initiated.

As part of this first step, complementary investments and improvements will be made to both accelerate benefits and distribute them more widely across the state. These investments will be made using the \$950 million in Proposition 1A connectivity funding, available Proposition 1A high-speed rail funds, future federal funds, and other sources, and will include the following:

- o Investment in the bookends: In Northern California, the long-awaited electrification of the Caltrain corridor will begin under a collaborative program between Bay Area agencies and the Authority. In addition, consistent with the Southern California MOU, investments will be made in key rail corridors in the southern part of the state, such as upgrading the Metrolink corridor from Los Angeles to Palmdale.

### L029-15

- o The Northern California Unified Service described above will be initiated.
- o As the next step in the IOS, work to close the rail gap between Bakersfield and Palmdale through the Tehachapi Mountains will begin. Environmental clearance is possible in early 2014, and plans are being developed to move quickly to implement the improvements to close this critical gap and create the first statewide rail link between the Bay Area and the Los Angeles Basin.

• Step 2—Initial High-Speed Train Operations. Introduction of the state's (and the nation's) first fully operational HST service will begin. This service can be operated by a private entity without subsidy, will have the potential to attract private investment to expand the system from Bay to Basin, and can be completed within a decade. The service will be blended with regional/local systems. The IOS is achieved through expansion of the first construction segment into an electrified operating HST line from Merced to Palmdale and the San Fernando Valley, accessing the populous Los Angeles Basin. Following on the work discussed above, the next priority in implementing the IOS will be closing the rail gap between Northern and Southern California by crossing the Tehachapi Mountains with new, dedicated high-speed rail infrastructure. Prior to completion of the IOS to the San Fernando Valley, this link will tie the north to the south at Palmdale, where Metrolink commuter rail service can then provide service and connections throughout Southern California.

Currently, the IOS is defined as extending from Merced to the San Fernando Valley, and high-speed revenue service would only start once the full IOS is built and operable. Should ridership and revenue forecasts and financial projections demonstrate that revenue service compliant with Proposition 1A could begin earlier, with a shorter IOS, appropriate reviews would occur to consider and implement earlier service, if appropriate.

• Step 3—The Bay to Basin System. The dedicated high-speed rail infrastructure of the IOS will be expanded north and west to San Jose, providing HSR service between the state's major population centers in the north and south and providing the platform for the transition to statewide blended operations. At this stage, passengers will be able to take a one-seat ride between greater Los Angeles (San Fernando Station) and the San Francisco Transbay Transit Center using blended infrastructure in the north between San Francisco and San Jose (assuming electrification of the Caltrain corridor by 2020 as proposed by Caltrain), using dedicated high-speed rail infrastructure between San Jose and the San Fernando Station, and, in the south, connecting via Metrolink between the San Fernando Valley Station and Los Angeles' Union Station and on to other points

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-15

throughout Southern California.

Step 4—The Phase 1 System. For the blended approach, the dedicated HST infrastructure of the Bay-to-Basin system will be extended from the San Fernando Valley to Los Angeles Union Station, linking to a significantly upgraded passenger rail corridor developed to maximize service between Los Angeles and Anaheim while also addressing community concerns about new infra-structure impacts in a congested urban corridor that includes a number of established communities that abut the existing right-of-way. Under a Full Build scenario, dedicated HST infrastructure would be extended from San Jose to San Francisco's Transbay Transit Center and from Los Angeles to Anaheim.

Step 5—The Phase 2 System. Phase 2 will extend the HST System to Sacramento and San Diego, representing completion of the 800-mile statewide system. Travelers will be able to travel among all of the state's major population centers on HST. Phase 2 areas will see improvements in rail service well in advance of the expansion of the HST System through the combination of early investments and blended operations, as described in the Revised Plan.

### L029-16

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

### L029-17

The revised phasing assumptions for the Fresno to Bakersfield Section would not alter the construction impacts outlined in the EIR/EIS. However, the operational impacts of the HST System would be expected to be lower under the Revised 2012 Business Plan in 2020 and 2027 and for the full system build-out in 2035, than the levels presented in this EIR/EIS.

Impacts would be lower than those identified in this EIR/EIS because fewer trains are expected to be operational before 2035 under the Revised 2012 Business Plan than assumed in the EIR/EIS. With fewer trains operating, the expected ridership under the Revised 2012 Business Plan would be lower and impacts, such as traffic and noise, associated with the train operations in 2035 would generally be less than the impacts presented in this EIR/EIS. Similarly, the benefits accruing to the project (e.g., reduced vehicle miles traveled, reduced greenhouse gas emissions, reduced energy

### L029-17

consumption) would be less than the benefits presented in this EIR/EIS (see Appendix 1-A). As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this EIR/EIS for the full system.

A specific time frame has not been set for the implementation of Phase 2; that time frame will depend on funding availability and direction from the Board of Directors of the California High-Speed Rail Authority.

### L029-18

Refer to Standard Response FB-Response-GENERAL-13.

### L029-19

This comment attempts to define staged construction as the project itself. The project has not changed from that authorized by Proposition 1A. It simply provides a realistic strategy for staging the construction of the project and helping improve intercity transportation opportunities during the phased construction approach.

### L029-20

Based on two first-tier program EIR/EISs, the Authority selected general track alignments for the entire HST System. Subsequently, the Authority divided the HST System into geographically smaller pieces, called HST sections, for second-tier EIRs. Moving from a first-tier project to a more limited geographic scope second-tier project is precisely what tiering is for (Pub. Res. Code §21093; Guidelines §15152).

In the case of the Fresno to Bakersfield Section, the Statewide Program EIR/EIS for the HST System (Authority and FRA 2005) selected the BNSF Railway corridor as the preferred corridor for the HST between Fresno and Bakersfield. The project EIR/EIS for the Fresno to Bakersfield Section examines a range of alignment alternatives within the BNSF Railway corridor. Both the Statewide Program EIR/EIS and the Fresno to Bakersfield Section EIR/EIS evaluated a reasonable range of alternatives that were ripe for consideration at each tier of the environmental review. This same approach applies to all the sections of the statewide HST System. Therefore, no alternatives have been precluded by the concept of a "blended system," rather this construction staging

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
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**L029-20**

approach described in the Revised 2012 Business Plan allows for service operations, and related environmental benefits such as reduced air quality emissions, to occur sooner.

**L029-21**

The concept of a "blended system" and the memorandums of understanding developed in the northern and southern portions of the state do not unlawfully pre-commit any resources. The blended approach, and any early investment projects, seek to provide for staged construction of the project itself. The project has not changed from that authorized by Proposition 1A. It simply provides a realistic strategy for staging the construction of the project and helping improve intercity transportation opportunities during the phased construction approach.

**L029-22**

The concept of a blended system does not violate Proposition 1A and is a staged construction approach for the project itself. The overall HST project has not changed from that authorized by Proposition 1A. The "Blended System" simply provides a realistic strategy for staging the construction of the project and helping improve intercity transportation opportunities during the phased construction approach.

**L029-23**

This comment attempts to define staged construction as the project itself. The project has not changed from that authorized by Proposition 1A. It simply provides a realistic strategy for staging the construction of the project and helping improve intercity transportation opportunities during the phased construction approach.

**L029-24**

This comment attempts to define staged construction as the project itself. The project has not changed from that authorized by Proposition 1A. It simply provides a realistic strategy for staging the construction of the project and helping improve intercity transportation opportunities during the phased construction approach.

**L029-25**

Refer to Standard Response FB-Response-GENERAL-02.

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review of the Fresno to Bakersfield Section of the HST System.

As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005), the Authority and FRA selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

**L029-26**

Refer to Standard Response FB-Response-PU&E-01, FB-Response-PU&E-02.

Section 2.2.6.1, Traction Power Substations, of the Final EIR/EIS explains that the traction power substations would be located at approximately 30-mile intervals, and Figures 2-27 through 2-30 depict the locations along the Fresno to Bakersfield Section of the HST System. The impacts associated with the construction and operation of traction power substations are analyzed as part of the project, and these analyses are included in the environmental analysis provided in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS. As indicated in the above-referenced section, traction power stations would accommodate high-voltage power lines to provide power to the HST System. The buffer is included in station design to prevent injury and unauthorized access to the facility.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-27

On page 3.3-28 of the Final EIR/EIS, emissions from material hauling are quantified. This quantification includes such things as dirt, concrete slabs, aggregate, and ballast. Material was estimated to come from both within the San Joaquin Valley Air Basin (SJVAB) and outside of the SJVAB.

### L029-28

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

The Fresno to Bakersfield Project EIR/EIS evaluates alignment, station, and heavy maintenance facility alternatives for the Fresno to Bakersfield Section of the HST System. "Alignment" refers to the horizontal location and the vertical profile of the HST track. "Alternative" refers to the fact that there are options provided for the purpose of avoiding or reducing impacts associated with the project. Alignment alternatives vary by horizontal location and/or vertical profile of the track structure. Station and heavy maintenance facility alternatives vary by location and design, and in some cases they are associated with a specific alignment alternative.

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review of the Fresno to Bakersfield Section of the HST System. As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005), the Authority and FRA selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

As discussed in Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

### L029-28

The BNSF Alternative through Kings County and the Hanford West Bypass alternatives are described and depicted in Section 2.4, Alignment, Station, and Heavy Maintenance Facility Alternatives Evaluated in this Project EIR/EIS, and the environmental impacts associated with the project alternatives are discussed by resource in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS.

### L029-29

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10, FB-Response-GENERAL-04, FB-Response-AG-01.

The Authority and the FRA's prior program EIR/EIS documents (see Section 1.5, Tiering of Program EIR/EIS Documents) selected the BNSF Railway route as the preferred alternative for the Central Valley HST between Fresno and Bakersfield in the 2005 Statewide Program EIR/EIS decision document. Therefore, the Project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor.

The comment that an alternative that does not follow an existing transportation corridor is not the least environmentally damaging practical alternative (LEPDA) has no basis in fact. The determination of the LEDPA is based on environmental impacts and not the relative position of an alternative to a transportation corridor. NEPA does not require selection of the LEDPA. LEDPA is a term used in the permitting process under Section 404 of the Clean Water Act.

The Authority is committed to using existing transportation corridors and rail lines for the HST system, and has applied the same standard for siting alternative alignments in Kings County as elsewhere along the system. As described in the EIR/EIS and the responses to comments, the alignments through the city of Hanford and along the SR 99/UPRR corridor were determined not to be practicable. Kings County has provided no additional evidence to change this conclusion.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-30

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-08.

This response is organized by the commenter's issues.

- 1) As indicated in Chapter 2, Alternatives, of the Final EIR/EIS, road overcrossings in rural portions of the Fresno to Bakersfield Section would be designed in accordance with county standards that take into account the movement of large farm equipment. Overcrossings would have two 12-foot-wide lanes. Depending on average daily traffic (ADT) volumes, the shoulders would be 4 to 8 feet wide. Therefore, the paved surface for vehicles would be 32 to 40 feet wide. Most farm equipment would be able to travel within one lane, possibly overlapping onto the adjacent shoulder. Particularly large equipment may be so wide that it would cross over the centerline even when using the shoulder of the roadway. In accordance with standard safety practices, it is assumed that warning vehicles would be placed at either end of the overcrossing when such a large piece of equipment was being moved. Because of the width of the overcrossings and the use of standard safety practices, the effects of the movement of farm equipment on overcrossings on motor vehicle safety would not be significant.
- 2) The Authority would maintain all HST facilities, including the right-of-way and fences, and provide appropriate weed and pest control. Maintenance activities are described in Section 2.6, Operations and Service Plan, of the Final EIR/EIS. The Authority would not be responsible for maintaining lands outside of the project footprint.
- 3) HST facilities would be public property, and any damage incurred to them, either intentional or unintentional, would be the responsibility of the damaging party.
- 4) The Authority would be responsible for damage incurred to the County road system during construction and would provide for the repair of any damaged roads to preconstruction conditions.
- 5) Refer to Standard Response FB-Response-GENERAL-08. The California High-Speed Rail Authority will continue to coordinate with the City of Hanford during the procurement stage to agree on the required level of roadway improvements. The Authority project has no obligation to reimburse funds spent on projects that are complete.

### L029-30

- 6) The Final EIR was revised to include text regarding the signalization at the intersection of State Route (SR) 43 and E. Lacey Blvd (intersection #23). This signalization is currently stated as the mitigation measure for intersection #23 under future plus project conditions. Improvements to the SR 43 and SR 137 (Whitley Avenue) intersection are included in the 2011 Kings County Regional Transportation Plan (RTP), but are not funded (KCAG 2010). In the RTP, Figure 4-29, titled Candidate Projects: State Highway Operations and Protection Program Kings County, includes a project described as "Construct Round-about or Traffic Signals" at SR 43 and SR 137 (Whitley Ave). The projects described in Figure 4-29 are short-range state highway projects that are candidates for future State Highway Operation and Protection Plan programming. The Corcoran Bypass Alternative is the only alternative that could potentially impact this intersection. However, as shown on Drawing CB1865 in Volume 3, Alignments and Other Plans, of the Final EIR/EIS, the proposed crossing of SR 137 under the Corcoran Bypass Alternative would not impact the intersection of SR 43 and SR 137. The undercrossing should be able to be incorporated into either a round-about design or traffic-signal improvement plan.
- 7) Project design features are discussed and described in each resource section of Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS. The EIR/EIS does not defer mitigation; rather, it provides an extensive set of mitigation measures using the performance standards that will be included for anticipated project decisions to be made in the future by the Authority and FRA; where a mitigation measure has not yet been designed, the performance standards will ensure their effectiveness. Under the California Environmental Quality Act (CEQA), where the design details of the project have not been fully developed and the development of specific mitigation will rely on information not yet available, an EIR may take a phased approach to the development of specific mitigation, minimization, or avoidance, provided that it has analyzed the impact and made a significance determination; commits to mitigation in the form of a mitigation, minimization, or avoidance measures for the significant effect; and specifies "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (14 California Code of Regulations [CCR] Section 15126.4[a][1][b]). The same is true under the National

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-30

Environmental Policy Act (NEPA). The EIS must discuss mitigation "in sufficient detail to ensure that environmental consequences have been fairly evaluated," but it is not necessary to formulate and adopt a complete mitigation plan (*Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 [1989]). The mitigation measures identified in the Final EIR/EIS meet these requirements. During preparation of the impact sections, technical staff identified those impacts that would potentially exceed a level of significance. The Final EIR/EIS identifies mitigation measures that will avoid, reduce, or otherwise mitigate each such potentially significant impact. Feasible mitigation is expected to be adopted to address each significant effect that was identified in the Final EIR/EIS.

### L029-31

Fill material would be excavated from permitted local borrow sites and travel by truck from 10 to 40 miles to the Preferred Alternative. According to the California Geological Survey (California Geological Survey 2006), there are 575 million tons of aggregate resources permitted in the counties encompassed by the Fresno to Bakersfield Section. The California Geological Survey estimates that these resources represent approximately 6% of the total aggregate resource available. Aggregate resources is defined as alluvial sand and gravel or crushed stone that meets standard specifications for use in Portland cement concrete or asphalt concrete. The source of these aggregates also includes the types of soil that would be used for project embankments. Therefore, there are adequate resources from permitted borrow facilities to serve the project.

A standard contract condition for the project is that construction contractors must repair damage caused to local public roads.

### L029-32

Roadways having average daily traffic (ADT) greater than 2,000 are provided 8-foot shoulders consistent with the existing roadway condition. Grade separations comply with California Department of Transportation (Caltrans) stopping sight distance standards; adequate passing sight distance is not achievable without substantially increased impact.

### L029-32

All improvements or changes to roads resulting from the project will meet design standards, and safety hazards will not be increased by the project. Refer to Impact S&S #5 – Motor Vehicle, Pedestrian, and Bicycle Accidents Associated with HST Operations. Farm equipment will continue to be able to use local roads in the same way as under existing conditions, if the equipment meets applicable vehicle codes.

### L029-33

Refer to Standard Response FB-Response-GENERAL-08.

Improvements to the State Route (SR) 43 and SR 137 (Whitley Avenue) intersection are included in the 2011 Kings County Regional Transportation Plan (RTP), but are not funded (KCAG 2010). In the RTP, Candidate Projects: State Highway Operations and Protection Program Kings County (Figure 4-29) includes a project described as "Construct Round-about or Traffic Signals" at SR 43 and SR 137 (Whitley Ave). The projects described in Figure 4-29 are short-range state highway projects that are candidates for future State Highway Operation and Protection Plan programming.

The Corcoran Bypass Alternative is the only project alternative that could potentially impact this intersection. However, as shown on Drawing CB1865 in Volume 3, Alignments and Other Plans, of the Final EIR/EIS, the proposed crossing of SR 137 under the Corcoran Bypass Alternative would not impact the intersection of SR 43 and SR 137. The undercrossing should be able to be incorporated into either a round-about design or traffic-signal improvement plan.

### L029-34

The property characteristics for the potential heavy maintenance facility (HMF) sites included in Table 2-15 in Volume 1 of the Final EIR/EIS were provided by the submitting entity. In this case, the Kings County Economic Development Corporation submitted the "Kings County Expression of Interest: California High-Speed Train Heavy Maintenance Facility," dated January 14, 2010.

The site description included in the submittal states that site utilities are readily available. Page 3 of the Expression of Interest states that electrical power is provided by the Pacific Gas and Electric Company 115-kilovolt (kV) transmission line that runs along

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-34

the 7 1/2 Avenue alignment and is "immediately available to this property." A 6-inch high-pressure natural gas line runs along 7th Avenue to the east of this project and is provided by Southern California Gas Company. The description also goes on to discuss drinking water, process water, and wastewater treatment (Kings County EDC 2010).

### L029-35

As discussed in Section 2.8, Construction Plan, of the Final EIR/EIS, the Fresno to Bakersfield Section would be built using a "design-build" (D/B) approach. This method of project delivery involves a single contract with the project owner to provide both design and construction services. The contract with the D/B contractor will require compliance with standard engineering design and environmental practices and regulations as well as implementation of any project design features and applicable mitigation measures included in this EIR/EIS.

During final design, the Authority and its contractor would conduct a number of pre-construction activities to determine how best to stage and manage the actual construction. Construction areas, including the location of batch plants, are included in the project footprint and construction, and project impacts are analyzed by resource in Chapter 3, Affected Environment, Environmental Consequences, and Mitigation Measures, of the Final EIR/EIS. As a standard contract specification, contractors would be required to repair damage to public roads caused by construction activities, including hauling borrow material from permitted borrow sites to construction sites.

Fill material would be excavated from permitted local borrow sites and travel by truck from 10 to 40 miles to the Preferred Alternative. According to the California Geological Survey (California Geological Survey 2006), there are 575 million tons of aggregate resources permitted in the counties encompassed by the Fresno to Bakersfield Section. The California Geological Survey estimates that this amount represents approximately 6% of the total aggregate resources available. Aggregate resources are defined as alluvial sand and gravel or crushed stone that meets standard specifications for use in Portland cement concrete or asphalt concrete. The source of this aggregates also includes the types of soil that would be used for project embankments. Therefore, there are adequate resources from permitted borrow facilities to serve the project.

### L029-36

The Authority would maintain all HST facilities, including the right-of-way and fences, and provide appropriate weed and pest control. Maintenance activities are described in Section 2.6, Operations and Service Plan, of the Final EIR/EIS. The Authority would not be responsible for maintaining lands outside of the project footprint.

### L029-37

Refer to Standard Response FB-Response-GENERAL-08.

As a state agency, the Authority is exempt from local permit requirements; however, in order to coordinate construction activities with local jurisdictions, the Authority will seek local permits as part of construction processes consistent with local ordinances.

### L029-38

Refer to Standard Response FB-Response-TR-02, FB-Response-AQ-03.

Roadways having average daily travel (ADT) greater than 2,000 are provided 8-foot shoulders consistent with the existing roadway condition. Grade separations comply with Caltrans stopping sight distance standards.

### L029-39

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

The Authority acknowledges a theoretical possibility that some impacts may go unmitigated or not fully mitigated, resulting in a significant and unavoidable impact. A Finding will be made regarding this disclosure in the environmental document. Such an outcome is not, however, likely, as described in Section 3.1.4, Legal Authority to Implement Offsite Mitigation. For instance, it is anticipated that local governments would prefer traffic mitigation over traffic congestion and would work with the Authority to implement traffic mitigation. The Authority has continued to work with local governments to confirm that traffic mitigation meets the identified performance standards in Section 3.2, Transportation, and can be accomplished. Other mitigation measures that would affect public and private property owners include, for example, noise insulation at private residences or public buildings or conservation of agricultural lands through conservation

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-39

easements. Although the Authority cannot force these property owners to accept mitigation measures, many measures would benefit the properties and some would provide funding to willing sellers in selected instances, such as for the acquisition of agricultural conservation easements. For these reasons, it is considered likely that the mitigation can be accomplished.

The Authority would maintain the HST System, including the right-of-way and fence, and provide appropriate weed and pest control. Maintenance activities are described in Section 2.6, Operations and Service Plan of the Revised DEIR/Supplemental DEIS. The Authority would not be responsible for maintaining lands outside of the project footprint.

### L029-40

HSR policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles to cross the HST tracks. In most locations in the Fresno to Bakersfield Section, roadway overpasses would be provided more frequently, approximately every mile or less, because of the existing roadway infrastructure. Consequently, out-of-direction travel would be limited to approximately 1 mile in nearly all locations in the project area. Section 3.11.6 of the Revised DEIR/Supplemental DEIS explains that the project design would include coordination with emergency responders to incorporate roadway modifications that maintain existing traffic patterns and fulfill response route needs, resulting in negligible effects on response times by service providers. Section 3.11.5, Safety and Security Environmental Consequences, of the Revised DEIR/Supplemental DEIS provides additional detail regarding emergency response time during HST operations.

### L029-41

Table 3.13 A-1 summarizes goals and policies from the City of Corcoran's General Plan (City of Corcoran 2007) that are relevant to the project. In the Final EIR/EIS, Table 3.2-1 has been updated to include a summary of the City of Corcoran's General Plan.

### L029-42

Refer to Standard Response FB-Response-GENERAL-08.

### L029-43

Table 3.2-8 will be updated in the Final EIR/EIS to reference 7th Avenue and 6th Avenue for these specific intersections.

### L029-44

Figure 3.2-12 will be updated in the Final EIR/EIS to reference the speed limit for SR 43 as 55 miles per hour.

### L029-45

Page 6-22 of the 2011 Kings County Regional Transportation Plan (Adopted in 2010) (KCAG 2010) recommended (<http://www.kingscog.org/assets/2011%20RTP.pdf>):

The California High-Speed Train (HST) System is very important to the San Joaquin Valley. By connecting the San Joaquin Valley to other major metropolitan areas, high-speed rail will contribute to significant economic development opportunities, less vehicular congestion, safer highways, and improved air quality. Construction of the HST will also directly create jobs. For these reasons, the recommendations are:

- The San Joaquin Valley will continue to support the activities, including the pursuit of available future funds, of the California High Speed Rail Authority and the development of a HST network across our valley and throughout the state.
- The San Joaquin Valley supports the station locations in the cities of Merced, Fresno, Bakersfield, and Hanford.
- The San Joaquin Valley supports the heavy maintenance facility location somewhere within the Valley.
- The San Joaquin Valley supports the Altamont Corridor Rail Project service improvements, including connection to Merced, which will tie in to Phase I of the statewide HST System.

### L029-46

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

Section 3.2.7.2 provides Mitigation Measures for Intersection and Roadway Impact which would reduce impacts on circulation.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-47**

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

Refer to Master Response #24, Construction Transportation Plan (CTP) and Impact TR #1 - Construction (Not Including Stations) Impacts on Circulation and Emergency Access of the Final EIR/EIS. The movement of heavy construction equipment, such as cranes, bulldozers, and dump trucks, to and from the site would generally occur during off-peak hours on designated truck routes. Heavy construction equipment would remain onsite until no longer needed; such equipment would not be moved repeatedly to and from the construction site over public streets. Therefore, significant deterioration of road surface is not expected to occur. The CTP will define haul routes, which will limit the number of roads potentially affected and will include measures that address the impacts to local roads. The Authority will coordinate with local agencies during preparation of all CTPs.

**L029-48**

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

The Authority would require project-related trucks to use existing truck routes already designated by the cities, counties, or state.

**L029-49**

Refer to Standard Response FB-Response-S&S-01, FB-Response-TR-01.

**L029-50**

The Authority will continue efforts to work with Kings County on how to make the HST project as compatible as possible with the county's plans and will continue to seek the county's input regarding road closures and will attempt to reach a cooperative agreement on these matters. If the county refuses to agree to road closures identified in the EIR/EIS for the project, the Authority will pursue the appropriate legal mechanisms to allow for the project to proceed.

**L029-51**

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

Prior to completing the environmental review process, the Authority must determine who will complete the project obligations that have been committed as a result of environmental review and permitting. In accordance with Section 15097 of the CEQA Guidelines, the Authority will adopt a program for monitoring the measures it has imposed to mitigate or avoid significant environmental effects. For each mitigation measure in the EIR/EIS, this Mitigation Monitoring and Enforcement Plan will identify the implementing party and monitoring/reporting party, mitigation timing, and implementation mechanism or tool. As indicated in Section 15097, the Mitigation Monitoring and Enforcement Plan will be adopted following certification of the EIR and adoption of findings for the project. If the measures are construction related (as these are), the Authority can require compliance by the various applicable contractors through specifications detailed in the final design and construction contract documents, although the Authority retains ultimate responsibility that the measures are carried out.

**L029-52**

TR MM#1 mitigation measure addresses the need to maintain access to individual properties during and after construction. The RDEIR/EIS illustrates the alternative alignments, and the land that will be directly impacted as a result of right-of-way requirements for the project. It is expected that remaining portions of the parcels can and will be used to maintain access to each property. This will be further reviewed during the final design and right-of-way acquisition process, that will follow approval of the environmental document, and right-of-way discussions will begin with individual property owners at that time. It is premature to make determinations on location of specific access roads at this time, as the engineering is conceptual. Following selection of the Preferred Alternative and during the development of final engineering plans, the Authority will work with property owners to assess their access needs and discuss options to meet those needs.

**L029-53**

The potential impacts of the HST System on electricity generation and transmission includes the entire state of California (and western states that produce energy that is exported to California) because the HST System would obtain electricity from multiple

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-53

connection points throughout the statewide grid. Prorating the electricity requirements for any one segment of the HST System based on statewide demand is a reasonable approximation due to the operational requirements of HST across multiple project sections and the power for those sections being provided by the statewide (and multi-state) electrical grid. The HST System is expected to require less than 1% of the state's future electricity consumption. The Fresno to Bakersfield Section of the HST is estimated to require 78 megawatts (MW) of peak demand, which is within existing reserves. The HST project would not require the construction of a separate power source and would not impact power reliability.

Appendix 3.6-C of the Revised Draft EIR/Supplemental Draft EIS discusses the methodology for estimating electricity demand.

### L029-54

Refer to Standard Response FB-Response-PU&E-01, FB-Response-S&S-02.

The HST System would use an electrified line with traction power for electric vehicles. Electricity would be supplied and distributed by a 2 x 25-kV autotransformer power supply system and an overhead contact system (Authority 2009a). The HST System would connect to existing substations (see Chapter 2, Alternatives). Establishing connections to existing substations may require the upgrade of the substations (including an enlargement of the footprint by approximately 0.5 acre to accommodate new equipment), the upgrade of existing transmission lines, or construction of new overhead lines. These system components and infrastructure improvements have been considered in the EIR/EIS.

### L029-55

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01, FB-Response-SO-01.

The designs presented in the Revised DEIR/Supplemental DEIS are based on preliminary engineering. All site-specific information available at the time of preliminary engineering, including water systems, has been shared with the project engineers so that the designers can address utility relocations and retrofits in the HST design plans

### L029-55

and cost estimates. This information was incorporated into the preliminary design and Revised DEIR/Supplemental DEIS (e.g., see EIR/EIS Section 3.6, Public Utilities and Energy). Prior to construction, the Authority and its contractors would positively locate public utilities within the potential impact area. This would be done by probing, potholing, using electronic detection, reviewing as-built designs, or other means.

The Revised DEIR/Supplemental DEIS provides information about project impacts on public utilities and energy (refer to Section 3.6.5). Additionally, the discussion in the Conflicts with Existing Utilities subsection provides information on what the Authority would do to relocate utilities or protect them in place. Project cost estimates include the estimated cost of utility relocations. These costs will be refined as the project design progresses.

### L029-56

Refer to Standard Response FB-Response-GENERAL-22.

The Revised DEIR/Supplemental DEIS provides a rationale for using a dual baseline approach. It states that this approach complies with CEQA (see *Woodward Park Homeowners Assn v. City of Fresno* [2007], 150 Cal.App.4th 683, 707, and *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* [2010], 190 Cal.App.4th 1351), by informing the public of potential project impacts under both baselines, but focuses the analysis on the baseline analysis more likely to occur. Court decisions indicate that a projected future baseline is an appropriate means to analyze environmental effects of a long-term infrastructure project when that future baseline is supported by substantial evidence. Refer to Section 3.6.5.1 for more information.

### L029-57

Refer to Standard Response FB-Response-PU&E-02.

The potential impacts of the HST System on electricity generation and transmission includes the entire state of California (and western states that produce energy that is exported to California) because the HST System would obtain electricity from multiple connection points throughout the statewide grid. Prorating the electricity requirements for any one segment of the HST System based on statewide demand is a reasonable

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-57

approximation due to the operational requirements of HST across multiple project sections and the power for those sections being provided by the statewide (and multi-state) electrical grid. The HST System is expected to require less than 1% of the state's future electricity consumption. The Fresno to Bakersfield Section of the HST is estimated to require 78 megawatts (MW) of peak demand, which is within existing reserves. The HST project would not require the construction of a separate power source and would not impact power reliability.

Appendix 3.6-C of the Revised Draft EIR/Supplemental Draft EIS discusses the methodology for estimating electricity demand.

Regarding energy reduction estimates, Section 1.0, Project Purpose, Need, and Objectives, page 1-32 states that the operational impacts of the HST System would be expected to be lower under the Revised 2012 Business Plan in 2020 and 2027 and for the full system build-out in 2035, than the levels presented in this EIR/EIS. Impacts would be lower than those identified in this EIR/EIS because fewer trains are expected to be operational before 2035 under the Revised 2012 Business Plan than assumed in the EIR/EIS.

With fewer trains operating, the expected ridership under the Revised 2012 Business Plan would be lower and impacts, such as traffic and noise, associated with the train operations in 2035 would generally be less than the impacts presented in this EIR/EIS. Similarly, the benefits accruing to the project (e.g., reduced VMT, reduced GHG emissions, reduced energy consumption) would be less than the benefits presented in this EIR/EIS (see Appendix 1-A). As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this EIR/EIS for the full system.

### L029-58

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

To determine an appropriate agricultural water usage factor along the Fresno-Bakersfield Section, crop-specific water use rate tables published in 2001 by the California Department of Water Resources (DWR) were applied. Specific crop type data

### L029-58

within each alignment alternative is not readily available, and many areas undergo a cycle of crop rotation. An average water rate was calculated for each County using the 2001 DWR data, with weighting applied to reflect a crop's percentage of total irrigated area within that County (see Table 4 of Appendix 3.6-B in the EIR/EIS). The weighted average crop water usage rates by County are:

- Fresno County – 3.0 acre-feet per acre per year (ac-ft/ac/yr).
- Kern County – 3.3 ac-ft/ac/yr.
- Kings County – 3.2 ac-ft/ac/yr.
- Tulare County – 3.5 ac-ft/ac/yr.

The calculation of water use reduction is for land that would be permanently occupied by HST facilities. Therefore, agriculture would not take place on this land. This analysis does not state or imply that agricultural operations on land adjacent to the HST right-of-way would be altered in any way. What it states is that the amount of water that is currently used to irrigate land that would be occupied by HST facilities exceeds the amount of water that would be required for the project.

### L029-59

It is standard construction practice that the contractor would divert Construction and Demolition (C&D) waste from landfills by reusing or recycling to aid with implementing the Local Government C&D Guide (Senate Bill 1374) and meet solid waste diversion goals. The potential locations for disposal of nonrecyclable materials and their capacities are discussed in the Revised Draft EIR/Supplemental Draft EIS, concluding that use of these established facilities would result in a less than significant impact because the maximum amount of C&D material generated would be only a fraction of the permitted capacity of nearby facilities. Refer to Section 3.6.5.

The Authority has included contract provisions that require the design-build contractor to recycle all concrete and steel construction and demolition waste, and to divert 75% of all non-hazardous construction and demolition waste from landfills, or to adhere to local waste ordinances, whichever was more strict.

### L029-60

The reference to supplemental environmental analysis is in relation to activities that may occur outside of the current study area of the EIR/EIS as a result of further refinements

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-60

of the Project design. The Project is a design-build project and the design will continue to be refined after approval of the Fresno to Bakersfield section in response to site-specific features and challenges. The designs presented in the Revised Draft EIR/Supplemental Draft EIS are based on preliminary engineering and the resolution of all utility and pipeline conflicts is not feasible until the necessary coordination with owners occurs during final design.

The specifics of the future design refinements made to resolve conflicts are not known at this time and, because they are site-specific in nature and the result of future coordination with utilities and landowners, they cannot be known with certainty at this time. They may or may not involve relocating pipelines, and may involve site-specific design solutions that are not currently being considered. If they were known, they would have been analyzed in the EIR/EIS.

Any changes reflected in the final design that fall outside the EIR/EIS environmental footprint will be addressed at that time. Pursuant to CEQA, NEPA, and Authority/FRA guidance the appropriate supplemental environmental document will be prepared prior to approval of those changes if the changes would result in a new or more severe significant effect.

### L029-61

The designs presented in the Revised Draft EIR/Supplemental Draft EIS are based on preliminary engineering and the resolution of all utility conflicts is not feasible until the necessary coordination with owners occurs during final design. The Project is a design-build project and the design will continue to be refined after approval of the Fresno to Bakersfield section in response to site-specific features and challenges.

The specifics of the future design refinements made to resolve conflicts are not known at this time and, because they are site-specific in nature and the result of future coordination with utilities and landowners, they cannot be known with certainty at this time. They may or may not involve relocating transmission lines, and may involve site-specific design solutions that are not currently being considered. If they were known, they would have been analyzed in the EIR/EIS.

### L029-61

Any changes reflected in the final design that fall outside the EIR/EIS environmental footprint will be addressed at that time. Pursuant to CEQA, NEPA, and Authority/FRA guidance the appropriate supplemental environmental document will be prepared prior to approval of those changes if the changes would result in a new or more severe significant effect.

### L029-62

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

The designs presented in the Revised Draft EIR/Supplemental Draft EIS are based on preliminary engineering and the resolution of all utility conflicts is not feasible until the necessary coordination with owners occurs during final design. The Project is a design-build project and the design will continue to be refined after approval of the Fresno to Bakersfield section in response to site-specific features and challenges.

The specifics of the future design refinements made to resolve conflicts are not known at this time and, because they are site-specific in nature and the result of future coordination with utilities and landowners, they cannot be known with certainty at this time. They may or may not involve relocating water facilities, and may involve site-specific design solutions that are not currently being considered. If they were known, they would have been analyzed in the EIR/EIS.

The proposed treatment of affected utilities is part of the HST project's proposed action, and does not represent a mitigation measure. Any changes reflected in the final design that fall outside the EIR/EIS environmental footprint will be addressed at that time. Pursuant to CEQA, NEPA, and Authority/FRA guidance the appropriate supplemental environmental document will be prepared prior to approval of those changes if the changes would result in a new or more severe significant effect.

### L029-63

Refer to Standard Response FB-Response-PU&E-03.

The Authority will be meeting with local districts, municipalities, and other entities to develop agreements that will define terms and conditions to resolve utility conflicts,

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-63

including funding by the Authority to reimburse costs incurred as a result of the HST project. As necessary, the Authority will coordinate with the appropriate state agencies to facilitate oversight of these activities.

### L029-64

As required by law, the Authority would comply with AB 341. If more than 4 cubic yards of solid waste per week is generated by operation of the HST in Kings County, the Authority will coordinate with the Kings Waste and Recycling Authority to facilitate recycling of that waste.

### L029-65

Refer to Standard Response FB-Response-PU&E-02.

Mitigation measures AQ-MM#1 and AQ-MM#2 in Section 3.3.9 provide the measures that would be used to conserve nonrenewable energy and reduce construction equipment emissions. These mitigation measures are beyond what is typically used for "ordinary" public and private development.

This comment assumes that there is some value of energy use that can be used as a significance threshold for measuring energy impacts. No such value exists. As described in Appendix F of the CEQA Guidelines, the goal is wise and efficient use of energy, not the amount of energy used.

During project construction, energy would be consumed to produce and transport construction materials. Operating and maintaining construction equipment would also consume energy resources. Energy used for the construction of track work, guideways, maintenance yards, stations, support facilities, and other structures would be a one-time, non-recoverable energy cost. Construction-phase energy consumption for the BNSF alternative, and differences from this value for each alternative, were determined based primarily on the various lengths of elevated and at-grade guideway work. These data were presented in Table 3.6-2 and measured against the anticipated energy savings that would result during HST operation.

The energy consumption estimate for constructing the Fresno to Bakersfield Section is

### L029-65

7,010.2 billion Btu for the BNSF Alternative. Construction of the various other alternatives would range from approximately 713.7 billion Btu (10.2%) less than the BNSF Alternative, to 289.2 billion Btu (4.2%) greater, than the BNSF Alternative. Because the Fresno to Bakersfield Section would contribute approximately 14% to the HST energy demand and to the annual energy savings (i.e., approximately 5,278,000 to 7,910,000 MMBtu/day, depending upon the fare scenario), the payback period for energy consumed during construction would be approximately 2 to 4 years of full project operations (i.e., because the project will remove more energy-inefficient cars and planes from the system). Moreover, the energy used for project construction would not require significant additional capacity nor significantly increase peak- or base-period demands for electricity and other forms of energy.

The Authority, consistent with the 2011 MOU for Achieving an Environmentally Sustainable High-Speed Train System in California (signatories include the Authority, FRA, U.S. Department of Housing and Urban Development, Federal Transit Administration, and EPA), intends to build the project using sustainable methods that minimize energy use during construction activities. In addition, the construction contractor is required to utilize fuel efficient on- and off-road equipment, enforce an anti-idling policy, and pursue energy efficiency practices. Such measures are found in the Request for Proposal for Design-Build Services Book 2, Part B: General Provisions, Sustainability. Using these methods and practices, nonrenewable energy would not be consumed in a wasteful, inefficient, or unnecessary manner. Based on these data and contractor requirements, it is concluded that the effect of indirect use of energy for construction of the Fresno to Bakersfield Section of the HST System would have moderate intensity under NEPA, and impacts would be less than significant under CEQA. [Page 3.6-72]

### L029-66

Project design features and whether they would reduce adverse project effects are identified for each resource area. For example, Section 3.6.8 notes design features such as precautions to avoid existing utilities and design elements that minimize electricity consumption (e.g., using regenerative braking, and energy-saving equipment and facilities). These types of design features are considered standard practice in the design industry and frequently used to minimize effects on existing utilities and energy

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-66**

resources.

**L029-67**

Refer to Standard Response FB-Response-AG-07, FB-Response-BIO-02.

Anticipated impacts and proposed mitigation measures are identified and discussed in each section of the document. The impacts are based on established thresholds, and have been cross-referenced when appropriate, to avoid repetition.

**L029-68**

Refer to Standard Response FB-Response-PU&E-03.

The designs presented in the Revised DEIR/Supplemental DEIS and the Final EIR/EIS are preliminary (15% to 30% complete). Therefore, exact utility relocations would be identified as the design further develops.

The utility conflicts for all the alternatives are discussed in the Final EIR/EIS. In Section 3.6, Public Utilities and Energy, of the Final EIR/EIS, Impact PU&E#7 addresses the effects from the upgrade or construction of power lines. As discussed on page 3.6-51 of the Revised DEIR/Supplemental DEIS, the transmission lines between the transmission power supply stations and the existing substations would be constructed aboveground to industry standards and would not conflict with existing infrastructure.

**L029-69**

There is no government code or regulation that states that biology information is confidential; however, the Revised DEIR/Supplemental DEIS contains sufficient information for lay members of the public to understand the baseline conditions and impacts on special-status species, habitats of concern, and wildlife movement. None of the information regarding location of special-status species, habitats of concern (including wetlands), or wildlife movement was redacted from the Revised DEIR/Supplemental DEIS. The information presented in the Revised DEIR/Supplemental DEIS was adequate for the public to understand biological conditions in the study area. The only information redacted was from the Biological

**L029-69**

Resource and Wetlands Technical Report (Authority and FRA 2012g). Most lay members of the public do not have the biological training to fully evaluate technical information on special-status species, habitats of concern, or wildlife movement. To avoid possible damage to these resources, this technical information was only released to qualified biologists who requested the information.

**L029-70**

A rodent control program is not proposed for this project and should not have been evaluated in the Revised DEIR/Supplemental DEIS; therefore, impacts associated with a rodent control program have been removed from the Final EIR/Final EIS.

Regarding herbicide use, Mitigation measure BIO-MM#4 has been revised to provide additional information regarding implementation of a construction-phase Weed Control Plan and an operation-phase Annual Vegetation Control Plan, including the potential use of chemical vegetation control.

During operations, the Authority would generally follow the procedures established in Chapter C2 of the Caltrans Maintenance Manual to manage vegetation on Authority property (Caltrans 2010a). Vegetation would be controlled by chemical, biological, cultural, mechanical, structural, and manual methods. An annual vegetation control plan would be developed each winter for implementation no later than April 1 of each year. That plan would consist of site-specific vegetation control methods as outlined below:

- Chemical vegetation control noting planned usage
- Mowing program
- Other non-chemical vegetation control plans (manual, biological, cultural, and structural)
- List of sensitive areas
- Other chemical pest control plans (insects, snail, rodent, etc.)

Only Caltrans-approved herbicides would be used in the vegetation control program (see Caltrans Maintenance Manual, Chapter C2-A at [http://www.dot.ca.gov/hq/maint/manual/-17\\_Chpt-C2\\_01-26-11.pdf](http://www.dot.ca.gov/hq/maint/manual/-17_Chpt-C2_01-26-11.pdf) [Caltrans 2010a]). Pesticide application would be done in accordance with all requirements of the California Department of Pesticide Regulation and County Agricultural Commissioners by certified

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-70

pesticide applicators. Noxious/invasive weeds would be treated where requested by County Agricultural Commissioners. The Authority would cooperate in an area wide control of noxious/invasive weeds if established by local agencies. Farmers/landowners who request weed control on State right-of-way that is not identified in the annual vegetation control plan would be encouraged to submit a permit request application for weed control, identifying weeds and control method desired.

The Biological Resource and Wetland Technical Report has been updated to reflect this change and is now consistent with the information presented in the Final EIR/Final EIS with regards to herbicide and rodenticide application and use.

Furthermore, potential impacts associated with implementation of the revised BIO-MM#4 have been included in the Final EIR/Final EIS. Indirect impacts to biological resources, including special-status plant species, that may occur as a result of implementation of the mitigation measures are described in Section 3.7.5 Environmental Consequences, Construction Period Impacts – Common Biological Resource Impacts and Project Impacts – Common Biological Resource Impacts. Text in the Final EIR/Final EIS states that indirect impacts through implementation are expected to result in negligible effects on special-status plant species because the control would be implemented on the Authority property, where disturbance has eliminated potential suitable habitat for special-status plant species, and the application would be conducted by a certified applicator.

### L029-71

Details regarding the various types of wildlife movement structures (including engineering drawings of dedicated wildlife movement structures) are provided in Chapter 2 (Alternatives) of the Revised DEIR/Supplemental DEIS. Furthermore, specific information regarding the minimum size of culverts, design of dedicated wildlife movement structures, and engineering drawings are also provided in Chapter 2 (Figure 2-31). These descriptions include the areas in which the dedicated wildlife movement structures would be placed and their frequency (spacing). Furthermore, the text in Section 3.7.6 (Page 3.7-160) has been revised to refer the reader back to Chapter 2, as well as to correct the figure number depicting the locations in the Biological Resource and Wetlands Technical Report (Figure 5-7a through c) (Authority and FRA 2012g).

### L029-72

As described in Mitigation Measure Bio-7, Section 3.7, Biological Resources and Wetlands, of the Revised DEIR/Supplemental DEIS, environmentally sensitive areas are areas within the construction zones containing suitable habitat for special-status species and containing habitats of concern, which may allow construction activities but have restrictions placed on them because of the presence of special-status species or habitats of concern at the time of construction. Mitigation Measure Bio-4 has been revised to refer the reader to the definition of environmentally sensitive areas in Mitigation Measure Bio-7.

### L029-73

The commenter is correct. Mitigation Measure Bio-63 was incorrectly referenced. The reference has been replaced by Mitigation Measure Bio-62, and now reads: "Those impacts are generally addressed in the Bio-MM#62 as part of the CMMP." In regards to the comment regarding alleged lack of success criteria in BIO-MM-#62, note that the Comprehensive Mitigation and Monitoring Plan will incorporate the performance standards included in prior mitigation measures, which do include specific numerical performance standards. For example, mitigation measures for habitat loss are accompanied by replacement ratios to ensure a measurable performance standard is met. Accordingly, although specific plans and details regarding the Comprehensive Mitigation and Monitoring Plan and the specific mitigation sites it will include are still being developed, sufficient performance standards are in place for each type of action to be included in the CMMP to ensure success. Since there are potentially several mitigation sites, the success criteria for each site could be different, because the sites will involve different resources subject to preservation and creation.

With respect to the comment that the performance criteria will only be met in select years, the sentence has been modified.

### L029-74

Mitigation Bio-4, Prepare and Implement a Weed Control Program, has been updated in the Final EIR/EIS to include the success criteria by which the mitigation will be measured and a summary of the assigned responsibilities to implement corrective measures.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-75**

The biological resources evaluation included all areas that would be road closures and all areas that would be affected by construction of roadway overcrossings. Information about road closures is provided in Appendix 2-A, Road Crossings, of the Revised DEIR/Supplemental DEIS. This information was used in the development of the Biological Resources and Wetlands Technical Report (Authority and FRA 2012g).

**L029-76**

BNSF granted survey crews restricted access to its right-of-way but limited the area that could be surveyed without the presence of a paid BNSF flagman. Since the BNSF railroad would act as a barrier along one side of the HST alignment, areas on the far side of the BNSF right-of-way were of a lower survey priority than natural areas immediately adjacent to the HST right-of-way. Because of the barrier, indirect impacts on the far side of the BNSF right-of-way are not anticipated to occur. Furthermore, the far side of the BNSF was surveyed in areas where it could be viewed from adjacent areas (where access was granted) and by windshield surveys conducted from public roadways or other means of public access.

**L029-77**

Land managers for agencies and organizations that manage land in multiple counties throughout California, including Kings County, were contacted, as described in Section 3.6 of the Biological Resources and Wetlands Technical Report (Authority and FRA 2012g). These organizations include the Center for Natural Lands Management and the Bureau of Land Management. Furthermore, land managers in Kings County were not contacted due to the lack of natural habitat present within the portion of the study area in Kings County.

**L029-78**

Section 5.6 of the Biological Resources and Wetlands Technical Report describes the methods and analysis used in determining these species' potential to occur within the Habitat Study Area (Authority and FRA 2012g). Habitat assessments were performed for California red-legged frog, which included an evaluation of potential aquatic and upland habitat within 1 mile of the alternative alignments. The assessment identified, described, and evaluated habitat conditions in accordance with agency

**L029-78**

guidelines. San Joaquin Valley populations of California red-legged frog have been extirpated and the current distribution of these species is primarily restricted to the Coast Range, approximately 11 miles west of the project footprint. Giant garter snake populations in the San Joaquin Valley have been extirpated, with the exception of the Burrel population in Fresno County, which is outside of the Wildlife Habitat Study Area. Furthermore, wetlands suitable for repatriation of giant garter snake within the Tulare Basin identified in the Giant Garter Snake Recovery Plan are outside the Wildlife Habitat Study Area.

**L029-79**

Refer to Standard Response FB-Response-HWR-04, FB-Response-AG-04.

Utility conflicts are discussed in Section 3.6, Public Utilities and Energy. Construction of the HST will require the replacement of existing water supply wells. The Authority will fairly compensate landowners during the right-of-way acquisition process for destruction and replacement of wells. The Authority will work with individuals on a case-by-case basis to provide equal utility for the replacement wells. Hydraulic studies would be done to determine the location of new wells so that impacts on existing wells would be minimized. All local rules and regulations will be followed in relocating wells. Information developed for the EIR/EIS chapter 3.8 suggests it is feasible to replace wells with equal utility.

**L029-80**

Refer to Standard Response FB-Response-GENERAL-21, FB-Response-HWR-04, FB-Response-AG-04.

Individual wells that will be impacted will be identified as negotiations with property owners located within the right-a-way proceed. The Authority will negotiate with the individual property owners regarding compensation for impacted wells.

Utility conflicts are discussed in Section 3.6, Public Utilities and Energy. Construction of the HST will require the replacement of existing water supply wells. The Authority will fairly compensate landowners during the right-of-way acquisition process for destruction and replacement of wells. The Authority will work with individuals on a case-by-case

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-80

basis to provide equal utility for the replacement wells. Hydraulic studies would be done to determine the location of new wells so that impacts to existing wells would be minimized. All local rules and regulations will be followed in relocating wells.

### L029-81

The duplicate line has been removed from text of Section 3.9.2. Many of the laws summarized in this section provide guidelines and standards that must be followed in design and construction in California. These guidelines and standards have provisions for designs of foundations and other features to reduce the risk of geological hazards such as unstable soils or seismicity. It is implementation of these provisions in the design that help reduce the impact of geologic hazards on the project.

### L029-82

The volume of fill material and aggregate is discussed in the Revised DEIR/Supplemental DEIS, Section 3.9.1. This section discusses five regions where permitted aggregate material can be obtained in sufficient quantities. The diesel exhaust and fugitive dust associated with material-hauling, including dirt and ballast, were estimated according to the methodologies outlined in Section 3.3.4.9 of the Final EIR/EIS. Further details are contained in the *Fresno to Bakersfield Section: Air Quality Technical Report*, Section 6.8.3, and Appendices A and G. The vehicle exhaust was estimated using EMFAC2007. Fugitive dust emissions were estimated using AP-42 Emission Factors.

For impacts and mitigation to roadways, refer to design feature No. 5, Construction Truck Routes, and No. 6, Protection of Public Roadways during Construction, in Section 3.2.6 of the Final EIR/EIS.

### L029-83

The HST would be electrically powered and it would only carry passengers. The trains would carry no fuel and no cargo except for passengers baggage. The only hazardous materials on a train would be small amounts of lubricants in the bogies and other running gear of each car and chemical toilets. This comment provides no evidence to indicate otherwise.

### L029-83

As indicated in Section 3.11 of the Revised DEIR/Supplemental DEIS, HSTs have a substantially better safety track record than conventional rail. Since 1964 and the inauguration of the first HST service in Japan, Japanese HST trains (the Shinkansen) have maintained a record of no passenger fatalities or injuries due to train accidents, including derailments or collisions (Central Japan Railway Company 2011). In France, HSTs (the TGV) have been operating for 27 years, and currently carry more than 100 million passengers a year. Like Japan, the French HST system has not had a single HST-related passenger fatality on its dedicated HST trackway, which is similar to the dedicated trackway proposed for the California HST System (TGVweb 2011). Unlike France and Japan, Germany's HST, the InterCity Express (ICE) does not use an entirely dedicated track system, but shares track with freight and conventional passenger rail. An HST accident in the late 1990s prompted design changes to the wheels of German ICE trains to remedy a design flaw (National Aeronautics and Space Administration 2007; North East Wales Institute of Higher Education 2004). German ICE trains carry more than 66 million passengers a year.

High-speed train service was introduced in China in 2007, and that country now has 6,012 miles of high-speed rail lines, the most of any country in the world (Railway-Technology.com). On July 23, 2011, a high-speed train rear-ended another high-speed train on a viaduct in Wenzhou, killing 40 people and injuring 72. The crash was caused by the failure of signaling equipment. This equipment was determined to have a flawed design that was not properly identified during its development. The official investigation found that the accident was symptomatic of a lack of emphasis on safety by the management of China's rapidly growing HST industry (Aredy 2011).

As indicated in Chapter 2.0 and Section 3.11 of the Revised DEIR/Supplemental DEIS, the Authority will develop a fire/life safety program (FLSP) for the project implementing the requirements set forth in the Federal Rail Safety Act. The FLSP will address the safety of passengers and employees during emergency response. The FLSP will address the needs of disabled persons. An FLSP is coordinated with local emergency response organizations to provide them with an understanding of the rail system, facilities, and operations, and to obtain their input for modifications to emergency response operations and facilities, such as evacuation routes.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-84**

This comment does not address an environmental issue and is not relevant to the EIR/EIS. The Authority has accounted for maintenance requirements based on international experience with high-speed trains and has included maintenance costs of the system in Section 5.3.3 of the EIR/EIS. The Authority will assume responsibility for compliance with pertinent state and federal regulations regarding the HST System. Maintenance intervals will be established and achieved to meet the requirements of system reliability and safety.

**L029-85**

Refer to Standard Response FB-Response-S&S-05.

**L029-86**

Refer to Standard Response FB-Response-S&S-05.

In accordance with Section 15125 of the CEQA Guidelines, the environmental setting for the EIR/EIS is based on environmental conditions as they existed at the time the notice of preparation was published, which was October 2009. Therefore, the appendix has not been updated.

The probability of a vehicle or farm equipment accident that results in the vehicle or equipment falling off the structure into the HST right-of-way is remote because of the low volume of traffic on rural roads and the crash barriers that would be built into the overcrossings. However, it is possible that such an accident could occur and local agencies would be the first responders. Because the probability of this type of accident is low, it does not appear that this risk would place a substantial burden on the emergency response resources of San Joaquin Valley counties.

**L029-87**

Impact S&S #4 in Section 3.11.5.3 describes the risk of accidents associated with train-to-train collisions, collisions with vehicles or other trains entering the HST right-of-way, and train derailment. Based on that information, as stated in Impact S&S #10, project design features have minimized the potential for train accidents; therefore, local response to accidents is not expected to be required because any incident would be

**L029-87**

extremely rare. For emergency preparedness, however, the Authority would collaborate with local responders to develop a Fire and Life Safety Program for emergency response in case of an accident or other emergency (see Section 3.11.6, Project Design Features, and Section 3.11.7, Mitigation Measures).

**L029-88**

The risk of accidents is based on international experience because there are no high-speed trains operating in the United States. It is not appropriate or possible to estimate the potential for accidents to occur using conventional rail technology because, as explained in Section 3.11, the current practice in the United States to ensure safety of passengers in the event of a conventional train-to-train collision is to provide locomotives with sufficient weight and strength to protect the trailing passenger cars. This approach is sometimes referred to as crashworthiness, as both the lead vehicles, or locomotives, are designed to withstand the impact of a collision (Aldrich 2006). Design of HST systems takes a different approach for ensuring safety of passengers from a train-to-train collision. This approach is known as collision avoidance (Wyre 2011; Rao and Tsai 2007).

HST systems take advantage of a risk-based system-design approach in which the operational procedures, the rolling stock, the automatic train control system, the electrification system, the rail infrastructure, and all other ancillary systems are considered in whole and in relation to each other, as opposed to separately. The general approach for the automatic train control system is to monitor the location and speed of all trains on the high-speed network and to coordinate and maintain enough physical separation to allow safe braking. If a fault occurs within the HST network (i.e., intrusion, derailment, significant natural event such as an earthquake), the automatic train control system will initiate a braking sequence to slow or stop the train and minimize or eliminate a potential hazard. In areas of high risk, the system-design approach can also require protection from other intrusions into the HST corridor, such as errant automobiles, trucks, or other unauthorized entry, by the use of intrusion-detection and other monitoring equipment to detect a fault and initiate action as needed.

The response to accidents involving the HST system considered the approach to emergency response used in the United States and will include input from state and

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-88

local emergency response agencies.

### L029-89

Authority policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles to cross the HST tracks. In most locations in the Fresno to Bakersfield Section, roadway overpasses would be provided more frequently, approximately every mile or less, because of the existing roadway infrastructure. Consequently, out-of-direction travel would be limited to approximately 1 mile in nearly all locations in the project area. The Revised DEIR/Supplemental DEIS, Section 3.11.6, explains that the project design would include coordination with emergency responders to incorporate roadway modifications that maintain existing traffic patterns and fulfill response route needs, resulting in negligible effects on response times by service providers. Section 3.11.5, Safety and Security Environmental Consequences, of the Revised DEIR/Supplemental DEIS provides additional detail regarding emergency response time during HST operations.

### L029-90

The Authority anticipates four permanent road closures in unincorporated Kings County on the BNSF Alternative alignment:

- 9th Avenue, 0.3 mile southeast of Kings River. This closure would result in up to 2.25 miles of out-of-direction travel using Cairo, South 8th, and Corona avenues.
- North Avenue, 0.5 mile southeast of Dutch John Cut. No out-of-direction travel anticipated.
- Douglas Avenue, 0.8 mile southeast of Dutch John Cut. No out-of-direction travel anticipated.

On the Hanford West Bypass Alternative, the Authority anticipates two permanent road closures in unincorporated Kings County:

- Elder Avenue, 2.6 miles south of the Kings River. This closure would result in approximately 1 mile of out-of-direction travel using either Excelsior or Flint avenues.
- South 10th Avenue in the Guernsey area. This closure would result in up to 1 mile of out-of-direction travel using either Lansing or Kansas avenues.

The Authority judged the impact of these road closures on emergency response to be

### L029-90

less than significant because of the small distance of out-of-direction travel and the small number of residential units affected (estimated to be less than a dozen residential units on either alignment).

### L029-91

The HMF will be a large industrial facility employing approximately 630 workers. The Authority assumes that such a facility could increase demand for emergency services to such an extent that additional emergency service facilities may be required. The amount of out-of-direction travel created by road closures and the sparse population affected are not expected to require construction of additional emergency service facilities.

### L029-92

In accordance with CEQA Guidelines, increased need for personnel and equipment is not an environmental issue. Environmental impacts associated with emergency services result from physical impacts associated with the provision of, and the need for, new or physically altered governmental facilities (the construction of which could cause significant environmental impacts), in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services, including fire protection, police protection, and emergency services (see Appendix G of CEQA Guidelines). As stated in Mitigation Measure S&S-1, the Authority would monitor the response of local fire, rescue, and emergency service providers to incidents at stations and the HMF and provide a fair share of cost of service.

### L029-93

As stated in Section 3.11.6 of the EIR/EIS, the Authority will develop a fire/life safety program (FLSP) for the project to implement the requirements set forth in the Federal Rail Safety Act. The FLSP addresses the safety of passengers and employees during emergency response. The FLSP would address the needs of disabled persons. The FLSP will be coordinated with local emergency response organizations to provide them with an understanding of the rail system, facilities, and operations, and to obtain their input for modifications to emergency response operations and facilities, such as evacuation routes.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### **L029-94**

Refer to Standard Response FB-Response-S&S-01.

As stated in Section 3.11, the Authority will develop emergency plans meeting the requirements of the Federal Railroad Safety Act. This comprehensive law authorizes the Secretary of Transportation to prescribe regulations for all areas of railroad safety (supplementing existing rail safety statutes and regulations) and to conduct necessary research, development, testing, evaluation, and training. Regulations for HST safety are developed by the FRA, which are the U.S. experts on railroad safety. Developing emergency plans in accordance with FRA regulations is a performance standard the Authority must meet, which will be reviewed and approved by FRA. This is adequate for the environmental review of the project.

In accordance with CEQA requirements, the consistency of the project with current general plans is provided in Section 3.13 of the EIR/EIS. As indicated in Section 3.13, the HST project is an undertaking of the Authority and FRA, in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans. Nevertheless, the analysis provided in the EIR/EIS included a review of the goals and policies of local land use plans, as well as other plans, to describe the local land-use planning context.

As explained in Impact S&S #4 in Section 3.11.5 of the EIR/EIS, the potential for an HST accident is remote because of project design features. Therefore, local response to accidents is not expected to be required because any incident would be extremely rare. For emergency preparedness, however, the Authority would collaborate with local responders to develop a Fire and Life Safety Program for emergency response in case of an accident or other emergency (see Section 3.11.6, Project Design Features, and Section 3.11.7, Mitigation Measures).

The Authority anticipates four permanent road closures in unincorporated Kings County on the BNSF Alternative alignment:

- 9th Avenue, 0.3 mile southeast of Kings River. This closure would result in up to 2.25 miles of out-of-direction travel using Cairo, South 8th, and Corona avenues.

### **L029-94**

- North Avenue, 0.5 mile southeast of Dutch John Cut. No out-of-direction travel anticipated.
- Douglas Avenue, 0.8 mile southeast of Dutch John Cut. No out-of-direction travel anticipated.

On the Hanford West Bypass Alternative, the Authority anticipates two permanent road closures in unincorporated Kings County:

- Elder Avenue, 2.6 miles south of the Kings River. This closure would result in approximately 1 mile of out-of-direction travel using either Excelsior or Flint avenues.
- South 10th Avenue in the Guernsey area. This closure would result in up to 1 mile of out-of-direction travel using either Lansing or Kansas avenues.

The Authority judged the impact of these road closures on emergency response to be less than significant because of the small distance of out-of-direction travel and the small number of residential units affected (estimated to be less than a dozen residential units on either alignment).

Mitigation Measure S&S-1 commits the Authority to monitor response of local fire, rescue, and emergency service providers to incidents at stations and the HMF and provide a fair share of cost of service.

### **L029-95**

Because stations will concentrate people using the HST system, crime trends in station areas are relevant to the analysis of the potential for the project to increase demand on police services. People will not concentrate along the HST alignment itself since there will be no access to the right-of-way and no ability to use the system outside of stations. Crime statistics were used for the city of Hanford because the alternative station sites are located immediately adjacent to the city. It was the Authority's judgment that crime information for Hanford was more relevant to the evaluation of police services than crime information for rural Kings County.

### **L029-96**

Monitoring would be done by the Authority. The Authority would establish the baseline for service levels (i.e., as they exist without the project) and then monitor those service levels with the project in place. Service levels consist of the monthly volume of calls for

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-96**

fire and police protection and the city- or fire protection district-funded emergency medical technician (EMT)/ambulance calls that occur in the station and the heavy maintenance facility (HMF) site service areas. The tools for this monitoring effort are already in place with the service providers. This monitoring program will be included in the Mitigation Monitoring and Enforcement Plan prepared for the project.

### **L029-97**

As compared to driving an automobile.

### **L029-98**

"Negligible intensity" is not based on any comparison. It is based on roadway design standards and common safety practices.

### **L029-99**

The small increase in out-of-direction travel for emergency responders is not judged to be great enough to require the construction of new facilities or the modification of existing facilities that may lead to physical impacts to the environment. None of the comments provided in this submission provide evidence that such facilities would be required because of out-of-direction travel caused by the project. Therefore, there is no significant impact under CEQA.

### **L029-100**

This comment is on the Section 3.11, Safety and Security, which does not address impacts on agricultural land. As discussed in Section 3.14, Agricultural Lands, the project would result in a significant adverse impact on Important Farmland that cannot be reduced to a level less than significant.

### **L029-101**

As stated in the discussion, access control and security monitoring would be used to deter such actions. As indicated in Section 3.11.6, the Authority's Urban Design Guidelines (Authority 2011i) for stations also require implementing the principles of Crime Prevention through Environmental Design. This is a design method that focuses on reducing opportunities for crime through the design and management of the physical

### **L029-101**

environment. Four basic principles of Crime Prevention through Environmental Design should be considered during station and site planning: territoriality (designing physical elements that express ownership of the station or site); natural surveillance (arranging physical features to maximize visibility); improved sightlines (provide clear views of surrounding areas); and access control (physical guidance of people coming and going from a space).

### **L029-102**

Fog will not hamper the operation of the train or cause trains to derail or collide. There is no incident that the Authority is aware of that fog has cause an HST accident anywhere in the world. Fog cannot physically derail an HST or any train for that matter. Fog cannot cause a collision between HSTs because the system will be automated. It is not possible to operate a 220-mph train through visual observation by conductors. This is explained in both Chapter 2 and Section 3.11 of the EIR/EIS. The HST is fully grade-separated. This means there is no physical connection between the HST and the roadway system. Therefore, fog would not cause collisions between HSTs and vehicles using the roadway system. Fog is not a relevant safety issue and needs no discussion in the EIR/EIS. This comment provides no evidence that fog could pose a safety issue other than the fact that there is dense ground fog in Kings County.

### **L029-103**

As shown in Chapter 10 of the EIR/EIS, the Hanford Police Department report on 911 response time is available from Kings County at <http://www.countyofkings.com/grand%20jury/reports09-10/Hanford%20Police%20Department%20Final.pdf>.

### **L029-104**

The Authority anticipates four permanent road closures in unincorporated Kings County on the BNSF Alternative alignment:

- 9th Avenue, 0.3 mile southeast of Kings River. This closure would result in up to 2.25 miles of out-of-direction travel using Cairo, South 8th, and Corona avenues.
- North Avenue, 0.5 mile southeast of Dutch John Cut. No out-of-direction travel anticipated.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-104

- Douglas Avenue, 0.8 mile southeast of Dutch John Cut. No out-of-direction travel anticipated. On the Hanford West Bypass Alternative, the Authority anticipates two permanent road closures in unincorporated Kings County:
- Elder Avenue, 2.6 miles south of the Kings River. This closure would result in approximately 1 mile of out-of-direction travel using either Excelsior or Flint avenues.
- South 10th Avenue in the Guernsey area. This closure would result in up to 1 mile of out-of-direction travel using either Lansing or Kansas avenues.
- The Authority judged the impact of these road closures on emergency response to be less than significant because of the small distance of out-of-direction travel and the small number of residential units affected by this out-of-direction travel (estimated to be less than a dozen residential units on either alignment)
- For construction, roads would be closed sequentially during construction of road crossings so that there would not be a road closure farther than 1 mile apart. For example, on the BNSF Alternative, crossings are proposed for Dover, Excelsior, and Elder avenues, each approximately 1 mile apart. These roads would not be closed simultaneously for construction of crossings. Only one would be closed at a time. The sequencing of these closures would be coordinated with emergency response agencies to minimize impacts on emergency response times. Therefore, out-of-direction travel should not exceed 2 miles at any given time. Because the out-of-direction travel would be relatively small and the incidence of emergency responses is relatively low, the Authority judged this impact to be less than significant.

### L029-105

Many pieces of farm equipment are 8 feet wide or less, including many tractors and farm implements. For example, a John Deere 7930 tractor is 96 inches wide. Other pieces of farm equipment are narrow enough to fit in one lane and the shoulder of the road, such as John Deere 9660 or 9760 harvesters, which vary in width up to about 140 inches wide depending on axle settings and tire widths.

The type of safety requirement called out in the EIR/EIS is a standard safety procedure for oversized slow-moving equipment specified in the California Vehicle Code. However, the vehicle code does not apply to farm equipment and implements of husbandry if the operator chooses not to use these precautions. California Vehicle Code 24615 does require slow-moving vehicles, including farm equipment operating at 25 mph, or less, to

### L029-105

display a "slow-moving vehicle emblem." This emblem may use flashing amber turn signals, flashing simultaneously, as warning lights.

As shown on Figures 2-11 and 2-12 of the EIR/EIS, road overcrossings consist of bridges. It is standard engineering design practice to provide guardrails for roadway bridges. These design standards are provided in Chapter 208.10 of the Caltrans Highway Design Manual (Caltrans 2012a).

### L029-106

Construction transportation plans are developed and implemented as standard practices on all types of projects throughout California that involve temporary closures of public roads. By referencing these plans in the EIR/EIS, the Authority is legally committed to develop and implement the plans in coordination with local jurisdictions. An environmental document is intended to be a planning tool to minimize environmental impacts and provide the public and decisionmakers with an understanding of the environmental effects of a project. It is not possible or necessary to develop the details of construction scheduling and sequencing at the planning stage of a project.

### L029-107

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02, FB-Response-GENERAL-12, FB-Response-GENERAL-16, FB-Response-SO-07.

The environmental justice analysis adheres to the definition given by Executive Order 12898 and U.S. Department of Transportation Order 5610.2, which defines an environmental justice effect as a "disproportionately high and adverse effect on minority and low-income populations." This is an adverse effect that is predominately borne by a minority population and/or a low-income population or that would be appreciably more severe or greater in magnitude for the minority and/or a low-income population than the adverse effect that would be suffered by the nonminority and/or non-low-income population along the project.

Section 4.3 in the Community Impact Assessment Technical Report identifies the environmental justice populations along the project. The methodologies for identifying these populations are detailed in Appendix A of the Community Impact Assessment

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-107

Technical Report. Section 5.3 in the Community Impact Assessment Technical Report provides detailed information on the potential for substantial environmental justice effects across resources along the project. Impacts SO#17 and SO#18 of the EIR/EIS, Volume 1, Section 3.12, summarize these findings.

The Authority has met with the staff and elected officials of Kings County and the cities in Kings County on numerous occasions and understands their concerns with the proposed project. The Authority has evaluated a range of alternatives in the vicinity of Kings County. Those alternatives include the I-5 corridor, the BNSF corridor through the city of Hanford, the SR 99/UPRR corridor, and bypasses around the east and west sides of the city of Hanford. There is no evidence to support the claim made in the comment that because the Authority did not select the SR 99/UPRR corridor, it eliminated a potential \$11 million annual revenue source for Hanford and investments in a transportation hub outside of Visalia. As discussed in Chapter 2.0 of the EIR/EIS, the various alternatives analyses conducted by the Authority, the Checkpoint B documents prepared for the U.S. Army Corps of Engineers as part of the Section 404 permitting process, and Standard Response FB-General-02, the Authority determined that the only practicable alternatives to be carried through the EIR/EIS were the bypasses around the east and west sides of the city of Hanford. Kings County has provided no substantive evidence to alter this determination by the Authority.

The HST project includes no plans to discontinue Amtrak service to the Corcoran station or any other station or platform along the Fresno to Bakersfield Section corridor. If the BNSF Alternative is selected in the Corcoran area, the relocation of the facility would be completed prior to demolition of the existing structure and no disruption to Amtrak service would occur (see FB-Response-GENERAL-12).

AB 1779 establishes a joint powers authority through which the state will provide funding for existing San Joaquin service. The bill would require the joint powers agreement to cover the initial 3-year period after the transfer, and would authorize subsequent extensions by mutual agreement. The bill says nothing about ceasing state funding after the first 3 years. This comment speculates that the state will cease funding the San Joaquin service and then wraps that speculative assumption into an argument that because state will stop Amtrak service the HST system will not serve minority

### L029-107

populations and therefore is in violation of Title VI of the Civil Rights Act. This argument has no basis in fact.

### L029-108

The characterization in the EIR/EIS, Section 3.12, of the San Joaquin Valley as "one of the wealthiest agricultural areas in the nation" does not imply that the personal income status of all residents is one of wealth. Instead, as stated in the same paragraph, what is meant is that the project impacts were analyzed as they related to the unique agricultural communities of the region. Community conditions, including the presence of low-income populations (see Section 3.12.7), were examined at the local level, and significance determinations were made accordingly (see Section 3.12.9).

### L029-109

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01.

The impact analysis in Section 3.12 considered the impacts from many other resource areas, including Agricultural Lands, Transportation, Aesthetics and Visual Resources, Noise and Vibration, Air Quality, and Safety and Security, in order to provide a complete assessment.

The job creation and benefits to the regional economy will not come at the expense of natural resources. To preserve the maximum amount of farmland, the Authority will work with local, regional, and the Department of Conservation representatives to identify suitable land in the region and willing landowners to establish permanent agricultural conservation easements on an acre-for-acre basis, ensuring permanent protection and long-term stewardship for working agricultural lands (see Section 3.14.7, Mitigation Measure AG-1). The Authority has entered into a contract with the Department of Conservation's California Farmland Conservancy Program (CFCP) to provide comprehensive assistance in this endeavor (Authority and Department of Conservation 2013).

Section 3.12, Impact SO #15, analyzes the economic effects on agriculture and acknowledges that given the time required to relocate affected operations, some short-term reduction in agricultural production is expected, and the values for each alternative

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-109**

are presented.

Section 3.12 uses the term "Industrial Agriculture" to accurately portray the current state of agricultural operations in the region. The labor market report produced by the California Employment Development Department that is cited in the section shows a trend in a decline in small family farms, and an increase in large-scale industrial agricultural operations. Using this term does not preclude consideration and compensation for owners of small family farms.

Section 3.12, as well as the entire EIR/EIS document, acknowledges the unique agricultural productivity of the region, and several mitigation measures have been developed to preserve farmland. Section 3.12.8.2 presents the estimated total reduction in agricultural production as a result of each HST alternative. Although there would be a reduction in revenues, it would represent less than 0.2% of the region's estimated \$16 billion annual agricultural production and would not pose a national security threat.

### **L029-110**

For information on the economic effects on agriculture, see the EIR/EIS, Volume I, Section 3.12, Impact SO #15. For a detailed analysis of the effects of the HST project on agricultural production, see Appendix C of the Community Impact Assessment Technical Report. The analysis in this appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production loss, the resulting annual revenue loss in both dollar and percentage terms for each type of agricultural product, and the employment loss. For Kings County, the estimated reductions in agricultural revenue lost would be about 0.05% of the county's total crop production.

For information on new job creation and the resulting impacts on the regional economy, see Volume I, Section 3.12, Impact SO #5 and SO #13. Also see Section 5.1.2 of the Community Impact Assessment Technical Report for more detailed information on short-term and long-term job creation.

### **L029-111**

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-04.

### **L029-111**

The Economic Effects on Agriculture in Section 3.12 explains that the project would acquire agricultural land and convert it to HST use and therefore, some agricultural production would be lost. Under the No Project Alternative, farmland conversion would occur to accommodate the anticipated growth in the region without the HST project. The HST project provides the opportunity for focusing more compact future development around station areas, which might otherwise occur as sprawl. While the Authority cannot directly control future growth within the region or guarantee the absolute accuracy of growth projections, the HST project will indirectly change the real estate market by providing an economic driver for revitalization and investment in areas near the stations.

### **L029-112**

Refer to Standard Response FB-Response-GENERAL-02.

The BNSF Alternative has been consistently referred to throughout all of the Fresno to Bakersfield Section documents. The BNSF Alternative is a single continuous alignment from Fresno to Bakersfield. In Kings County, the BNSF Alternative would be east of the city of Hanford and east of the Hanford West Bypass alternatives 1 and 2.

### **L029-113**

The analysis in the EIR/EIS, Section 3.12, Impact SO #7, considers the impacts on the regional agricultural community. This is evident in the analysis of impacts on community cohesion, where it is acknowledged that the historical dominance of agriculture in the rural economy yields a strong sense of community throughout the agricultural region, even though that community is dispersed throughout the rural areas. The analysis considers that impacts from the introduction of a new linear feature, such as split agricultural parcels and displaced farmsteads, would cause a disruption unique to an agricultural community, where rural neighbors often rely on each other for assistance.

### **L029-114**

The Final EIR/EIS has addressed the regional importance of Baker Commodities (see Section 3.12, Impact SO #11). Information on mitigation measures for this facility can be found in Section 7, under Mitigation Measure SO-3. Baker Commodities is also mentioned in Section 5.2.4 of the Community Impact Assessment Technical Report

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-114**

under Agricultural Displacements, and in Section 6.4.3 of the Draft Relocation Impacts Report under Special Relocation Considerations.

**L029-115**

Refer to Standard Response FB-Response-GENERAL-06.

The Final EIR/EIS provides a reasonable growth scenario based on the research and projections of Cambridge Systematics, Inc., a reputable firm that specializes in such work.

**L029-116**

Refer to Standard Response FB-Response-SO-05.

As demonstrated in Section 3.12, Impact #16, the estimated reductions in Kings County agricultural revenue lost would be about 0.05% of the county's total crop production, which was determined to be negligible in intensity over the long term. This small percentage of the total crop production would have been subject to sales tax. As of 2010, California has a sales tax rate of 8.25%, where 6.25% of the base sales tax goes to the state while the remaining 2% of the tax collected is returned to the local jurisdictions. Estimating sales tax loss was done on a jurisdiction-by-jurisdiction basis, using the 2% local portion of the base sales tax rate plus any specific local increases. All businesses (including agricultural) in a certain jurisdiction that were identified as displaced were evaluated by type of industry and estimated total annual sales. The economic impact of the small loss of sales tax is measurable, but would not be perceptible to community residents. Together with the short-term reduction in property tax revenues due to property acquisition, which would be about 0.2% of the total fiscal year 2009-2010 property tax revenue of Kings County, the impact on tax revenues was determined to be negligible in intensity.

**L029-117**

Refer to Standard Response FB-Response-SO-05.

As demonstrated in Section 3.12, Impact #16, the estimated reductions in Kings County

**L029-117**

agricultural revenue lost would be about 0.05% of the county's total crop production, which was determined to be negligible in intensity over the long term. The analysis states that a short-term reduction in sales tax revenue is expected to occur because of land acquisition that will necessitate the relocation of businesses. As discussed in the examination of suitable replacement properties, most businesses would have the opportunity to relocate within the same tax jurisdiction. Therefore, the duration of business disruptions would be minimal. The expected annual gain in sales tax revenue from project spending is greater than the expected loss from business relocation.

**L029-118**

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

Farm owners would be compensated consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the California Relocation Assistance Act (CRAA) to provide full functionality for remaining agricultural operations. Specific opportunities to restore functionality during and after construction will be analyzed on case-by-case bases in the valuation process. The appraisal will include temporary and permanent losses of property value.

**L029-119**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-10, FB-Response-SO-07, FB-Response-GENERAL-12.

For a detailed analysis of the effects of the HST project on agricultural production, see Appendix C of the Community Impact Assessment Technical Report. The analysis in this appendix estimates that the employment loss in Kings County would be 83 jobs for the BNSF Alternative, 54 jobs for the Hanford West Bypass 1 Alternative, and 51 jobs for the Hanford West Bypass 2 Alternative. For information on project job creation, see Section 5.1.2 of the Community Impact Assessment Technical Report, which estimates that over the construction period the BNSF Alternative would create 21,944 one-year full-time jobs throughout the entire region. Long-term job creation in the region is estimated at 47,436 jobs by 2035. The increase in job opportunities is just one example of the benefits from the HST project on the environmental justice population. Please review the Environmental Justice Effects Conclusion section of the Community Impact

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-119

Assessment Technical Report, which outlines the project benefits for the environmental justice populations within the region.

Cambridge Systematics provided technical advise to the Authority regarding a Kings/Tulare Regional station. The Authority has chosen to locate a station in the Kings/Tulare egrion to serve Tulare and Kings county despite the recommendations of Cambridge Systematics.

The Cambridge Systematics memorandum has been available to the public on the Authority's website since March 2010.

### L029-120

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

Specific details on the methodologies that were used in the analysis for socioeconomic, community, and environmental justice issues can be found in the *Fresno to Bakersfield Section: Community Impact Assessment Technical Report*, Sections 5.2.1, 5.3.1, 5.4.7.1 and Appendix A; and in the *Fresno to Bakersfield Section: Draft Relocation Impacts Report*, Chapter 4.

### L029-121

Refer to Standard Response FB-Response-SO-05.

The potential for tax revenue reductions are analyzed in the EIR/EIS, Section 3.12, Impacts SO #3 and SO #12.

### L029-122

Refer to Standard Response FB-Response-SO-05.

The potential for construction-related sales tax revenue gains are analyzed in the EIR/EIS, Section 3.12, Impact SO #4. The new sales tax revenues generated by project spending on operation and maintenance are analyzed under Impact SO #12.

### L029-123

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-12, FB-Response-GENERAL-13, FB-Response-GENERAL-19.

### L029-124

The analysis in Section 3.12 considers the impacts on the regional agricultural community in addition to all the specific community-level analysis performed to augment the evaluation of project effects.

### L029-125

Please see Appendix C of the Community Impact Assessment Technical Report for all of the methodological detail, discussion of assumptions, and exact numbers of estimates of reduction in agricultural production. The analysis conducted has been thorough and takes into account the unique circumstances of agricultural production in the four-county region.

In brief, this analysis examined potential losses in revenue resulting from: (1) the loss of agricultural production on agricultural land acquired in the project right-of-way, and (2) potential yield losses occurring up to 500 feet away from the project as a result of factors, such as reduction in crop growth from dust, wind effects resulting in reduced pollination benefits, difficulties and limitations imposed in applying pesticides near the project, etc. These are the direct effects of the project on agriculture. To determine the resulting indirect and induced effects to economic activity in other related sectors, such as agricultural processing and transportation, the Bureau of Economic Analysis (BEA) RIMS II multiplier for agricultural production in the region is used. The BEA estimate is a multiplier of 1.96, or for every dollar of agricultural production lost in the region, an additional 96 cents of output is lost across related sectors. Therefore, it is reasonable to almost double the estimate of loss to agricultural production to get an overall estimate.

### L029-126

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-02.

The Authority will use the information in the Final EIR/EIS and input from the agencies and public to identify the preferred alternative. The Authority's decision will include

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-126

consideration of the project purpose and need and the project objectives presented in Chapter 1, Project Purpose and Need, as well as the objectives and criteria in the alternatives analysis, and the comparative potential for environmental impacts. The preferred alternative would have the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

### L029-127

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

As discussed in Section 3.12, some remnant parcels are expected to be created that would no longer be economically viable for agricultural. Those parcels are accounted for in the calculation of land that would be taken out of agricultural production as a result of the project.

There would be other parcels divided by the project that would remain economically viable for agricultural but agricultural activities may be less efficient under current ownership. This is most likely to occur as a result of restricted access points across the HST right-of-way resulting in increased farming costs. It may also be caused by modifications to field layouts and perimeter access roads as a result of the direction the HST crosses a farm. Because of the high value of land in the San Joaquin Valley, it is unlikely that this reduction in farming efficiency on some parcels will result in the land no longer being used for agricultural. A more likely scenario is that property will change ownership so that farming efficiency is improved.

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

- Important Farmland converted to nonagricultural uses either by direct commitment of the land to project facilities or by the creation of remnant parcels that cannot be economically farmed will be mitigated at a ratio of 1:1.

### L029-127

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

### L029-128

Refer to Standard Response FB-Response-AG-01, FB-Response-GENERAL-01, FB-Response-GENERAL-14, FB-Response-SO-01, FB-Response-SO-03, FB-Response-SO-04.

Any diminution in value to a property owner's remaining parcel(s) will be estimated by the appraiser through the appraisal process. This involves appraising the remainder as it contributes to the whole property value before acquisition, then appraising the remainder in the after condition as a separate parcel as though the project was constructed (i.e., as bisected by the HST), and including any estimated "cost to cure" damages to the remainder such as the design and permitting costs of new facilities required to continue operation of an existing business, relocation of irrigation systems, etc. Such cost of cure damages will be analyzed in the appraisal process with consultation from experts in the appropriate fields and compensation will be estimated accordingly. The difference between these "before" and "after" values is termed as severance damages and will reflect any loss in value to the remainder due to the construction of the proposed project.

It is not possible to provide a more detailed analysis of compensation to landowners prior to right-of-way acquisition, and the right-of-way acquisition process cannot begin until the EIR is certified and a Record of Decision has been issued on the EIS. Agricultural lands have been divided in the past by linear transportation projects in California, most recently the Lincoln bypass in Sacramento County. None of these transportation projects have resulted in the economic collapse of the agricultural industry in a California county.

It is understood that the agricultural industry is facing costs associated with environmental regulation and labor that they are not used to, and water deliveries have been an economic issue in the San Joaquin Valley for at least the last 30 years. This comment implies that the agricultural industry in the San Joaquin Valley, and therefore

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-128

the economic engine that supports local cities and communities, is on the verge of collapse because of these economic issues. This concern with the viability of agriculture in the San Joaquin Valley is not reflected by other economic indicators. For example, the U.S. Department of Agriculture (USDA 2012), reported California's average farm real estate was valued at \$7,200 per acre in 2012, based on surveys of California farmers and ranchers. This was an all time record high for California and \$300 above the previous record set in 2011. Annual farm real estate values have continually increased in California since 1994, the last time it dipped below the previous year's value. Irrigated cropland, at \$12,000 per acre, increased \$500 per acre compared with the 2011 estimated value. Non-irrigated cropland, at \$3,550 per acre, was down 1.4 percent from last year. All cropland, at \$9,810 per acre, was up \$360 per acre from last year. The U.S. Department of Agriculture (USDA 2012) also reported that cash rents for irrigated crop land in the San Joaquin Valley increased 13% over 2011 values. Cash rents for non-irrigated cropland in the San Joaquin Valley increased by 24% over 2011 values.

### L029-129

Refer to Standard Response FB-Response-PU&E-03.

The Authority has committed to maintain a permit bureau to help businesses overcome the regulatory disruptions caused by the project. It is beyond the scope of the EIR/EIS to address the specific concerns of each private business. Individual acquisition and access issues will be determined during the property acquisition process.

### L029-130

Refer to Standard Response FB-Response-AG-06.

The Authority has committed to maintain a permit bureau to help businesses (including confined-animal operations) overcome the regulatory disruptions caused by the project.

### L029-131

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

### L029-132

Tables 3.12-14 and 3.12-15 in Section 3.12 of the Revised DEIR/Supplemental DEIS present agricultural parcel splits by alternative. Table 3.12-14 presents the total split agricultural parcels along the BNSF Alternative by county. Table 3.12-15 presents the split agricultural parcels along the other alternatives relative to the corresponding portion of the BNSF Alternative. The Hanford West Bypass alternatives and the Corcoran alternatives travel through multiple counties, so using the impact information for each of these alternatives in Table 3.12-15 will not produce the total split agricultural parcels in Kings County. More information about the number of agricultural parcels split and the number of agricultural facilities displaced by the Hanford West Bypass alternatives and the Corcoran alternatives is presented immediately following Table 3.12-15, in Impact SO #12.

### L029-133

The Hanford West Bypass alternatives also result in split agricultural parcels in Fresno County, so the totals presented include those from both Fresno and Kings counties.

### L029-134

Refer to Standard Response FB-Response-LU-03.

The Kings/Tulare Regional Station site alternatives would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses.

Neither the Kings/Tulare Regional Station–East Alternative nor the Kings/Tulare Regional Station–West Alternative is consistent with the general plans of either Kings County or the City of Hanford (Kings County 2010; City of Hanford 2002). Also, neither alternative is discussed in the San Joaquin Valley Blueprint (San Joaquin Valley Regional Policy Council 2010). Refer to Section 3.13, Station Planning, Land Use, and Development, of the Final EIR/EIS for more information.

### L029-135

Refer to Standard Response FB-Response-LU-01, FB-Response-GENERAL-14.

The Kings/Tulare Regional Station–West Alternative site is in line with urbanization

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-135

trends in the Hanford area; the Kings/Tulare Regional Station–East Alternative, on the other hand, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher-density development in the city's downtown. As discussed in Section 3.13, Station Planning, Land Use, and Development of the EIR/EIS, the Kings/Tulare Regional Station sites would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of a station at either site would likely result in some unplanned changes in the use of existing adjacent land.

### L029-136

The EIR/EIS fulfills the requirements of CEQA and NEPA by including a discussion of impacts under the No Project Alternative. The purpose of describing and analyzing a No Project Alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The No Project Alternative does not include construction and operation of the HST project in the Fresno to Bakersfield Section but does include many planned actions that would be implemented by the year 2035.

### L029-137

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-04.

HST fares are expected to be tied to typical airplane fares and the cost of the fares will discourage relocation and a daily commute to and from the Bay Area and the Los Angeles Basin. Therefore, no statewide impacts on housing prices, affordability, or sprawl are expected.

Kings County, as well as other counties in the San Joaquin Valley, do have policies that are meant to limit the conversion of agricultural lands. Using Kings County as an example, there is currently a large amount of land (more than 45,000 acres according to the Agricultural Land Conversion Study) that is currently within the sphere of influence of either a city or census-designated place. That means that the land is designated as future development areas where the county's agricultural preservation policies have little weight. It is expected that a majority of the development will occur within these areas; however, a large amount of this land is currently in agricultural production.

### L029-137

The San Joaquin Valley Blueprint was adopted in 2009. It was the result of a regional planning process involving the San Joaquin Valley's councils of government and counties, of which Kings County is one of the members. The Blueprint used existing general plans of the cities and counties in the San Joaquin Valley to project the potential for future conversion of farmland to other uses, which was titled Scenario A. Several other scenarios were presented, including the Preferred Scenario B+, which incorporates high-speed rail. Analysis of this scenario showed that it would help to preserve approximately 118,000 acres of agricultural land from conversion in the San Joaquin Valley (Source: *Memo from Barbara Steck to the San Joaquin Valley Regional Policy Council, dated March 20, 2009*). While high-speed rail is not the only determining factor in the conversion of agricultural lands and development patterns, it could (as stated Section 3.12.8.1, Economic Effects on Agriculture) help reduce the amount of farmland converted, by being a part of the Preferred Scenario, which focuses on providing more transportation infrastructure that crosses county boundaries.

### L029-138

Section 3.12, Impact SO #15, explains the agricultural revenue and employment effects.

### L029-139

The statement on EJ impacts referenced in this comment provides no bias in favor of the HST. Page 3.12-49 states that under the No Project Alternative there will be transportation improvements in a region that has numerous minority and/or low-income populations. Therefore, the transportation projects may disproportionately affect these communities. However, it is assumed that project-specific environmental review and community outreach would address these potential EJ issues and feasible mitigation measures to avoid or substantially reduce potential impacts would be required.

### L029-140

Refer to Standard Response FB-Response-GENERAL-03.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-141

Refer to Standard Response FB-Response-GENERAL-03.

HST fares are expected to be tied to typical airplane fares and the cost of the fares will discourage relocation and a daily commute to and from the Bay Area and the Los Angeles Basin. Therefore, no statewide impacts on housing prices, affordability, or sprawl are expected.

### L029-142

Refer to Standard Response FB-Response-GENERAL-03.

HST fares are expected to be tied to typical airplane fares and the cost of the fares will discourage relocation and a daily commute to and from the Bay Area and the Los Angeles Basin. Because the project would not stimulate substantial relocation to Central Valley communities, no impacts are expected on local housing prices, housing affordability, or sprawl.

### L029-143

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time the document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of EIR/EIS Section 3.12 Socioeconomics, Communities, and Environmental Justice presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations, as well as all data sources used in the analysis, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

### L029-144

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time the document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of EIR/EIS Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations as well as all data sources used in the analysis are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h). In preparing the Final EIR/EIS, analysts considered whether the 2010 Census data would alter the conclusions or analysis from the Revised Draft EIR/Supplemental Draft EIS and determined this was not the case.

### L029-145

EIR/EIS Section 3.12 Table 3.12-1 presents the existing and projected populations of the counties in the project area using California Department of Finance 2010 and 2007 data. The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time the document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of EIR/EIS Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-145**

one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations, as well as all data sources used in the analysis, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

**L029-146**

EIR/EIS Section 3.12 Table 3.12-2 presents minority group representation in the region using U.S. Census Bureau data from 2000 and 2008 as well as American Community Survey estimates from 2006-2008 and 2008. The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time that document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of Section 3.12 Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations, as well as all data sources used in the analysis, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h).

**L029-147**

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time the document was being prepared the 2010

**L029-147**

Census block level data had not been published; it was released in late August 2011. The Affected Environment section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations as well as all data sources used in the analysis are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h). In preparing the Final EIR/EIS, analysts considered whether the 2010 Census data would alter the conclusions or analysis from the Revised Draft EIR/Supplemental Draft EIS and determined this was not the case. The 2010 Census data is not, as the commenter suggests, "more accurate."

**L029-148**

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time that document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations, as well as all data sources used in the analysis, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h). In preparing the Final EIR/EIS, analysts considered whether the 2010 Census data would alter the conclusions or analysis from the Revised Draft EIR/Supplemental Draft EIS and

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### L029-148

determined this was not the case because the totality of data developed was consistent with the data in the 2010 Census. The 2010 Census therefore did not provide "more accurate" data as the commenter suggests.

### L029-149

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time that document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations, as well as all data sources used in the analysis, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h). In preparing the Final EIR/EIS, analysts considered whether the 2010 Census data would alter the conclusions or analysis from the Revised Draft EIR/Supplemental Draft EIS and determined this was not the case because the general trends from the entirety of the data evaluated were consistent.

### L029-150

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time that document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of Section 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing,

### L029-150

economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations, as well as all data sources used in the analysis, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h). In preparing the Final EIR/EIS, analysts considered whether the 2010 Census data would alter the conclusions or analysis from the Revised Draft EIR/Supplemental Draft EIS and determined this was not the case because the data already gathered, including the 2007 and 2010 Department of Finance data, provided consistent information.

The analysis of the minority and low-income percentages in the region and in the study area are presented in Table 3.12-6 of the EIR/EIS. As shown in the table, the community of Armona was identified as having an environmental justice population and was evaluated accordingly in Impact SO #17 for the construction impacts and Impact SO #18 for project-operations impacts.

### L029-151

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time that document was being prepared, the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment Section of Chapter 3.12, Socioeconomics, Communities, and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations, as well as all data sources used in the analysis, are detailed in Appendix A of the Community Impact Assessment Technical Report (Authority and FRA 2012h). In

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-151

preparing the Final EIR/EIS, analysts considered whether the 2010 Census data would alter the conclusions or analysis from the Revised Draft EIR/Supplemental Draft EIS and determined this was not the case

### L029-152

Refer to Standard Response FB-Response-GENERAL-03.

Section 3.12.8 Environmental Consequences Overview states "The HST stations in the cities of Fresno and Bakersfield would have the potential to encourage redevelopment, attract new businesses, and revitalize the downtowns." In this sentence, 'redevelopment' is not referring to the activities of local Redevelopment Agencies, which have recently been abolished in California, but instead to the act of rebuilding and renovating a blighted residential or commercial area.

### L029-153

As explained in the EIR/EIS, Section 3.12.5, the EJ study area included all census blocks and block groups having any part that lies within a 0.5-mile radius of the project alignments and stations. The analysis of the minority and low-income percentages in the region and in the study area is presented in Table 3.12-6. The community of Armona and the city of Corcoran both have Environmental Justice populations. This section describes how the Hanford West Bypass alternatives are located in an area west of Hanford, which is not an EJ area. The Corcoran area alternatives pass through EJ communities in the city of Corcoran.

### L029-154

As explained in the EIR/EIS, Section 3.12.5, the EJ study area included all census blocks and block groups having any part that lies within a 0.5-mile radius of the project alignments and stations. The analysis reveals that both station alternatives, Kings/Tulare Regional Station–East and Kings/Tulare Regional Station–West (both options), are not in EJ communities and therefore would not have disproportionately high and adverse effects on minority and low-income populations.

### L029-155

The mitigation measure AQ-MM#4: Offset Project Construction Emissions through a San Joaquin Valley Air Pollution Control District's (SJVAPCD) Voluntary Emission Reduction Agreement (VERA) provides that the Authority and SJVAPCD will enter into a contractual agreement to mitigate by offsetting to net zero the project's actual emissions by providing funds for the district's Emission Reduction Incentive Program. These funds will be provided at the beginning of the construction phase. Therefore, mitigation/offsets shall occur in the year of impact or as otherwise permitted by 40 CFR Part 93 Section 93.163. There will be no long-term delay in achieving the net zero emission reductions through the construction offset agreement.

### L029-156

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

Localized impacts from construction activities including grading and excavation have been analyzed under Impact AQ #1, #6, #7, #8, and #9. On page 3.3-28 of the Final EIR/Final EIS, emissions from material hauling have been quantified. This includes such things as dirt, concrete slabs, aggregate, and ballast. Material was estimated to come from both within the San Joaquin Valley Air Basin (SJVAB) and outside of the SJVAB. Details of the amount of fill estimated can be found in Appendices A and G of the Fresno to Bakersfield Air Quality Technical Report. The Surface Mining and Reclamation Act is discussed in Section 3.9.2 of the Final EIR/Final EIS. The project will be compliant with this and other applicable regulations.

### L029-157

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

### L029-158

The Final EIR/EIS has added a discussion of the potential for an interim use of the initially constructed tracks that are currently proposed for construction between north of Fresno and north of Bakersfield by Amtrak. See Standard Response 13. This discussion provides the information the comment suggests is required of a "partial build". Contrary to the comment, however, the information does not suggest that use of the initially constructed tracks by an Amtrak train will result in additional, undisclosed

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-158

significant impacts on the environment. (See Appendix 2-F.) If funding does not become available to allow for construction and operation of high-speed train passenger service in the near term, project benefits from electrified train service will be delayed.

### L029-159

As described in Section 3.11, overcrossings would be built with sidewalks that provide pedestrian access. This is substantially safer than most rural roads in Kings County where there are no sidewalks.

### L029-160

Refer to Standard Response FB-Response-GENERAL-13, FB-Response-S&S-02.

This comment indicates that future contractors will have to "figure out" how to design features of the HST system to keep trains within the right-of-way with "no guarantee of the performance requirement." The design and operation of high-speed trains using the concept of collision avoidance has been applied successfully for almost 50 years. Since 1964 and the inauguration of the first HST service in Japan, Japanese HST trains (the Shinkansen) have maintained a record of no passenger fatalities or injuries due to train accidents, including derailments or collisions (Central Japan Railway Company 2011). In France, HSTs (the TGV) have been operating for 27 years, and currently carry more than 100 million passengers a year. Like Japan, the French HST system has not had a single HST-related passenger fatality on its dedicated HST trackway, which is similar to the dedicated trackway proposed for the California HST System (TGVweb 2011).

Unlike France and Japan, Germany's HST, the InterCity Express (ICE) does not use an entirely dedicated track system, but shares track with freight and conventional passenger rail. An HST accident in the late 1990s prompted design changes to the wheels of German ICE trains to remedy a design flaw (National Aeronautics and Space Administration 2007; North East Wales Institute of Higher Education 2004). German ICE trains carry more than 66 million passengers a year.

Clearly the evidence shows that the body of design information and experience that has been developed worldwide for HST systems is there to ensure system features that achieve the goal of collision avoidance. Future contractors working on the California

### L029-160

HST System will not need to come up with new, unproven concepts to achieve safety performance similar to what has been achieved elsewhere in Europe and Asia. Additionally, all of the potential environmental health and safety risks to children were analyzed in Appendix 3.12-C, Children's Health and Safety Risk Assessment.

### L029-161

Refer to Standard Response FB-Response-SO-05.

The analysis in EIR/EIS Section 3.12 Impact SO #12 on property tax revenue effects takes the local conditions into account. The estimated annual loss in property tax revenue in Kings County is \$435,000, which represents 0.2% of the total fiscal year 2009-2010 property tax revenue in the county.

### L029-162

Refer to Standard Response FB-Response-GENERAL-03.

Overall, the number of jobs expected to be created and the likely levels of available workers in the region suggest that the physical impacts from the provision of new or altered worker housing and the provision of government and public services would be less than significant under CEQA.

### L029-163

See Section 5.1.2 in the Community Impact Assessment Technical Report (Authority and FRA 2012h) and EIR/EIS Volume I Section 3.12 Impacts SO#5 and SO#13 for information on project job creation during construction and operation. Jobs created by construction and operation of the project would likely be filled by workers in the region. To help offset any disproportionate effects, the Authority has approved a Community Benefits Policy that supports employment of individuals who reside in disadvantaged areas and those designated as disadvantaged workers, including veterans returning from military service. It helps to remove potential barriers to small businesses, disadvantaged business enterprises, disabled veteran business enterprises, women-owned businesses, and microbusinesses that want to participate in building the High-Speed Rail System. Under the Authority's Community Benefits Policy, design-build

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-163

construction contracts will be required to adhere to the National Targeted Hiring Initiative, which states that a minimum of 30% of all project work hours shall be performed by national Targeted Workers and a minimum of 10% of National Targeted Workers hours shall be performed by disadvantaged workers.

According to the National Targeted Hiring Initiative, disadvantaged workers either live in an economically disadvantaged area or face any of the following barriers to employment: being homeless, a custodial single parent, receiving public assistance, lacking a GED or high school diploma, having a criminal record or other involvement with the criminal justice system, chronically unemployed, emancipated from the foster care system, being a veteran, or an apprentice with less than 15% of the required graduating apprenticeship hours in a program. The Community Benefits Policy will be to supplement the Authority's Small Business Program which has an aggressive 30% goal for small business participation, which includes goals of 10% for disadvantaged business enterprises and 3% for disabled veteran business enterprises.

### L029-164

Refer to Standard Response FB-Response-SO-05.

The analysis in EIR/EIS Section 3.12 Impact SO #14 considers the number of residential displacements to be large if it would result in a decline in school-age residents in a school district, leading to a drop in attendance and affecting the overall school district funding. As discussed in this analysis, suitable vacant residential property lies in the vicinity of all residential displacements. Therefore, little effect is expected to occur on school district funding as a result of the project operation. The details of this analysis can be found in the Community Impact Assessment Technical Report (Authority and FRA 2012h).

### L029-165

Overcrossings are designed in accordance with current county standards, which have been established to allow for safe negotiation of roadways. It is expected that licensed drivers can safely negotiate a simple overcrossing. In accordance with existing design standards, overcrossings would be equipped with railings to prevent vehicles from running off the overcrossing. While leaving the overcrossing is not an impossible

### L029-165

outcome of an accident, few incidents occur where barriers fail to keep vehicles involved in an accident on the overcrossing. The probability of a vehicle accident severe enough for the vehicle to crash through or over the overcrossing barrier and onto the HST rails at the time an HST is approaching or going under the overcrossing is extremely remote.

### L029-166

For information on the economic effects on agriculture see EIR/EIS Volume I Section 3.12 Impact SO #15. For a detailed analysis of the effects of the HST project on agricultural production, see Appendix C of the Community Impact Assessment Technical Report (Authority and FRA 2012h). The analysis in this appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production loss, the resulting annual revenue loss in both dollar and percent terms for each type of agricultural product, and the employment loss.

### L029-167

Refer to Standard Response FB-Response-AG-06.

That regulatory analysis appears in Appendix 3.14-B, Impacts on Confined Animal Agriculture.

### L029-168

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

The displacement of residential, business, and community facilities will be mitigated for because the Authority will comply with applicable federal and state laws and regulations, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The act and its amendments provide guidance on how federal agencies, or agencies receiving federal financial assistance for a project, will compensate for impacts on property owners or tenants who need to relocate if they are displaced by a project. The Authority will compensate all property owners or tenants in accordance with this act, which applies to all real property.

All benefits and services will be provided equitably without regard to race, color, religion,

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-168

age, national origins, and disability, as specified under Title VI of the Civil Rights Act of 1964. The Relocation Assistance Program was developed to help displaced individuals move with as little inconvenience as possible and has commonly been used for large infrastructure projects that displace a large number of residences and businesses, such as the HST project, and is considered successful standard practice for mitigating the impacts to individual property owners.

### L029-169

Research on noise effects on wildlife and livestock is limited, but suggests that noise levels about 100 decibels (dBA) sound exposure level (SEL) (the total A-weighted sound experienced by a receiver during a noise event, normalized to a 1-second interval) may cause animals to alter behavior. Accordingly, the FRA High Speed Ground Transportation Noise and Vibration Impact Assessment Manual (2005) considers an SEL of 100 dBA the most appropriate threshold for disturbance effects on wildlife and livestock of all types. The level is based on a summary of the research and studies referenced in the FRA Guidance Manual in Appendix A. Given a reference SEL of 102 dBA at 50 feet for a 220-mph HST on ballast and tie track, an animal would need to be within 100 feet of an at-grade guideway to experience an SEL of 100 dBA. At locations adjoining an elevated guideway, an SEL of 100 dBA would not occur beyond the edge of the elevated structure. Refer to Section 3.4.3.3, Impact Assessment Guidance, and Section 3.4.5.3, High-Speed Train Alternatives, of the Revised DEIR/Supplemental DEIS under the heading "Noise Effects on Wildlife and Domestic Animals" for further information regarding noise effects on wildlife and livestock.

Table 3.4-24 of the Revised DEIR/Supplemental DEIS presents the screening distances to the HST tracks within which the level would exceed the criteria and therefore may affect animals for both at-grade and elevated structures. The criterion for assessing potential noise impacts on wildlife and domestic animals is an SEL of 100 dBA from HST pass-by events. This criterion is based on research into potential effects from HST noise on animals. These potential effects include relocation, running, physiological effects such as changes in hormones or blood composition, and startle. The criteria for potential startle from rapid onset rates of HST noise apply to humans as the supporting research is based primarily on human response to rapid onset rates from military aircraft flights. At this time, there is no conclusive evidence of noise and vibration decreasing

### L029-169

production in livestock or affecting breeding habits.

### L029-170

Refer to Standard Response FB-Response-AG-06.

For a detailed analysis of the effects of the HST project on agricultural production, see Appendix C of the Community Impact Assessment Technical Report (Authority and FRA 2012h). The analysis in that appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production loss, the resulting annual revenue loss in both dollar and percent terms for each type of agricultural product, and the employment loss.

### L029-171

For a detailed analysis of the effects of the HST project on agricultural production, see Appendix C of the Community Impact Assessment Technical Report (Authority and FRA 2012h). The analysis in this appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production loss, the resulting annual revenue loss in both dollar and percent terms for each type of agricultural product, and the employment loss.

### L029-172

Refer to Standard Response FB-Response-AG-01, FB-Response-AG-02.

### L029-173

Refer to Standard Response FB-Response-AG-02, FB-Response-SO-01.

The Authority will consider the effects of severance during the right-of-way acquisition process. The Authority will acquire the land of property owners whose land is directly affected by the project in accordance with the Uniform Relocation Act (42 U.S.C. Ch. 61). The Uniform Relocation Act establishes minimum standards for treatment and compensation of individuals whose real property is acquired for a federally funded project. The project must also adhere to California Relocation Assistance Act requirements, which are discussed in Appendix 3.12-A of the Final EIR/EIS. Information

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-173**

about acquisition, compensation, and relocation assistance is also available at the Authority's website.

**L029-174**

Refer to Standard Response FB-Response-GENERAL-12.

The sales tax revenues are expected to be generated during the construction phase of the project. Although the exact timeline for the start of project construction is undetermined, it is expected to be completed within 7 to 9 years.

**L029-175**

Refer to Standard Response FB-Response-SO-05.

See sections 5.4.4 and 5.4.6 of the Community Impact Assessment Technical Report (Authority and FRA 2012h) for details of the potential impacts on county and city tax revenues. Surveying individual businesses is beyond the scope of the EIR/EIS, but affected businesses would be contacted and involved during acquisition stage.

**L029-176**

The Federal Railroad Administration and Department of Transportation issued a notice of intent (NOI) to prepare an environmental impact statement for the California High Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. The Draft EIR/Supplemental Draft EIS was released in August 2011. At the time that document was being prepared the 2010 Census block level data had not been published; it was released in late August 2011. The Affected Environment section of Section 3.12 Socioeconomics, Communities and Environmental Justice, presents county- and community-level demographics, housing, economic conditions, community characteristics, and environmental justice populations in the four-county region. The 2000 Census was only one of many data sources referenced. Other data sources include the California Department of Finance (2007, 2010), American Community Survey (2006-2008), and California Employment Development Division (2010). The methodologies for identifying and analyzing affected populations as well as all data sources used in the analysis are detailed in Appendix A

**L029-176**

of the Community Impact Assessment Technical Report (Authority and FRA 2012h). In preparing the Final EIR/EIS, analysts considered whether the 2010 Census data would alter the conclusions or analysis from the Revised Draft EIR/Supplemental Draft EIS and determined this was not the case.

**L029-177**

Local jurisdictions will receive an increase in sales tax revenues due to HST construction-related spending. The local jurisdiction will have exclusive purview over the funds.

**L029-178**

Refer to Standard Response FB-Response-SO-03, FB-Response-SO-01.

The Draft Relocation Impact Report (Authority and FRA 2012i) states that the business relocations in Corcoran will be an important special consideration for the final relocation plan to be developed by the Authority. The Authority has committed to establishing a field office in Corcoran to provide special location assistance. The office would be open throughout the project planning and construction period or until the relocation processes are complete. They would provide technical assistance, transportation assistance, residential-search assistance, and other forms of help to the community.

**L029-179**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Although the project may require approvals from local agencies, the Authority is the lead agency for the Revised DEIR/Supplemental DEIS; therefore, Kings County does not have approval authority over the project such as it would for "new development proposals" within County limits.

**L029-180**

As stated in Section 3.13.2.4, the BNSF Alternative would be consistent with relevant San Joaquin Valley Blueprint Principles 8 and 11 by increasing the variety of transportation choices in the San Joaquin Valley and assisting with the enhancement of

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-180

the region's economic vitality. In addition, the BNSF Alternative would be consistent with San Joaquin Valley Blueprint Principles 7 and 12 inasmuch as the BNSF Alternative follows the existing rail right-of-way to the greatest extent feasible.

However, the Hanford West Bypass 1 and Hanford West Bypass 2 alternatives would extend through areas of agricultural land uses in a new right-of-way. This conversion would not be consistent with San Joaquin Valley Blueprint Principles 7 and 8, nor with the Kings County General Plan policies. Additionally, the Corcoran Bypass Alternative would extend through areas of agricultural land uses in a new right-of-way. This conversion would not be consistent with San Joaquin Valley Blueprint Principles 7 and 8, nor with Kings County General Plan policies.

### L029-181

As stated in CEQA Guidelines 15006 (m), public agencies should reduce delay and paperwork by "Eliminating repetitive discussions of the same issues by using Environmental Impact Reports on programs, policies, or plans and tiering from reports of broad scope to those of narrower scope." (15152) CEQA Guidelines 15385 and 15385 (b) state that tiering may be used to focus the analysis of an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

The growth impacts of the Kings/Tulare Regional Station–East Alternative were analyzed in Section 3.13.5.3, Section 3.18.5.3, and Section 3.19.4.1. Mitigation measures for agricultural easements are described in Section 3.14.7. As stated in Section 3.14.7, agricultural easements can only be purchased from willing sellers. The Authority and California Farmland Conservancy Program will develop selection criteria under this agreement to guide the pursuit and purchase of conservation easements. These will include, but are not limited to, provisions to ensure that the easements will conform to the requirements of Public Resources Code Section 10252 and to prioritize the acquisition of willing seller easements on lands that are adjacent to other protected agricultural lands or that would support the establishment of greenbelts and urban separators.

### L029-181

Limiting parking at the stations would reduce the area of land needed for the Kings/Tulare Regional Station, thereby reducing the use of agricultural lands. As stated in Section 3.13.5.3, the Authority plans to provide less parking at the stations and to work with local communities such as Hanford, Visalia, and Tulare to provide parking at satellite lots in those communities, with transit service to the stations. A future environmental review of these satellite lots would be conducted by the Authority if this approach to serving the HST station is implemented.

Regarding the Kings County General Plan and the Kings/Tulare Regional Station consistency, the Kings/Tulare Regional Station–East Alternative is designated as Limited Agriculture in the Kings County General Plan. The Kings/Tulare Regional Station–East Alternative is also located in an area adjacent to the City of Hanford Planning Area within the city's Secondary Sphere of Influence (SOI). The "Urban Fringe" Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to the cities of Corcoran, Hanford, and Lemoore, including the unincorporated land within the city limits of Hanford.

Similarly, the Kings/Tulare Regional Station–West Alternative site is designated in the Kings County General Plan as Limited Agriculture, as is all adjacent land to the west, north, and east of the station site. Parcels to the south/southwest of the station site, in the Armona Community Plan, are designated Very Low Density Residential, Multiple Commercial, and Reserve Multiple Commercial.

As stated in the Kings County 2035 General Plan, the Land Use Element designates the general distribution, location and intensity of land uses throughout the unincorporated territory of the County, and establishes land use policies to guide and direct future land use decisions and development. The Limited Agriculture designation is intended primarily for application around cities and community districts to serve as a transitional buffer between intensive agricultural uses and urban land uses. The Limited Agriculture designation allows less-intensive agricultural practices and operations, and is considered more compatible with urban land uses.

As stated in Article 1 of the Kings County Zoning Ordinance, the zoning ordinance is

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-181

adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the zoning ordinance is adopted in order to provide a plan for the physical development of the county in such a manner as to achieve progressively the general arrangement of land uses depicted in the general plan. Therefore, zoning is used by local agencies to further refine development on parcels. The Kings/Tulare Regional Station–West Alternative is zoned as Agriculture and Single-Family Residential. The Kings/Tulare Regional Station–East Alternative is zoned as Industrial.

While the Kings/Tulare Regional Station is not an agricultural use and would therefore not be consistent with the General Plan, zoning on the site would not prohibit the construction of the station. Nonetheless, as stated in Section 3.13.5.3, the land use effect of the Kings/Tulare Regional Station–East and Kings/Tulare Regional Station–West would have substantial intensity under NEPA, and the impact would be significant under CEQA.

Mitigation for agricultural easements would apply to suitable land (high-quality farmlands).

### L029-182

The Kings County – Hanford HMF Site is designated in the General Plan and zoned as Agriculture. Although the land use designation for the Hanford HMF Site may need to be changed to reflect the use as an HMF, it would be consistent with the Kings County zoning ordinance because it is a permitted use and would not require any zoning changes. The Kings County General Plan and Zoning Ordinance are under the jurisdiction of Kings County. Any inconsistencies between permitted and prohibited uses are under the purview of Kings County and not the Authority.

### L029-183

Impacts on the division of an established community are analyzed in Section 3.12.5.2 of the Revised DEIR/Supplemental DEIS.

### L029-184

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21.

The EIR/EIS is based on the level of engineering and planning necessary to identify potential environmental impacts and to identify the appropriate mitigation measures; however, the design for the project is still subject to some level of change and refinement. Therefore, it would be premature to be able to fully consider impacts of the relocation of existing facilities.

The Revised DEIR/Supplemental DEIS discusses indirect effects as warranted. Impacts on existing facilities are described in Section 3.12.5.2.

### L029-185

Technical Appendix 3.1-A shows all parcels located within the HST footprint. Section 3.14.4 describes general characteristics of agricultural lands in the project area, including Important and Protected Farmland. The analysis in the Revised DEIR/Supplemental DEIS was conducted using detailed information on each parcel in the HST footprint. This information was analyzed in GIS and the results aggregated as it would not be feasible to present detailed information on each individual parcel affected by the HST project.

### L029-186

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

Road closures would not create a land use impact, because such closures would not result in a permanent change in land use on a site. Also, the temporary use of land for construction would not be considered a permanent conversion of land because the land would be returned to its former use once construction is complete.

### L029-187

Mitigation measures for project construction, including temporary and intermittent disruption of access to some properties, temporarily inconvenience nearby residents, and temporarily change the intensity of agricultural operations on some lands that are listed in Table 3.13-5 under LU Impact #1.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-188**

As discussed in Section 3.13.5.3, although land acquired for the project would constitute a small portion of the total agricultural, industrial, residential, commercial, and public land in the four counties, all nine project alignment alternatives would result in permanent conversion of land in other uses to transportation-related uses. Overall, the effect of the permanent conversion of land for the project would have moderate intensity under NEPA and a significant impact under CEQA.

The analysis does not improperly use the "ratio theory" as the impact is deemed significant under CEQA, and the "ratio theory" is not used to dismiss the impact as a small fraction of the overall acreage.

**L029-189**

Both the Kings/Tulare Regional Station–West and Kings/Tulare Regional Station–East include parking facilities.

**L029-190**

As stated in Section 3.2.5.3, the conceptual design of the Kings/Tulare Regional Station includes parking. Sufficient land has been identified for both station sites to meet the projected parking demand of 2,800 spaces in 2035. Therefore, the environmental review of the Kings/Tulare Regional Station has not been deferred. It is possible that the Authority will pursue satellite lots in communities. However, satellite lots are not part of the project description at this time and were therefore not included in the analysis. Inclusion of satellite parking in the future would trigger additional environmental review.

**L029-191**

As stated in Section 3.13.5.3, although impacts will occur to communities and affect some residents, they will not be disruptive enough to force a change in land use patterns. Both the BNSF Railway and UPRR cross through the south San Joaquin Valley and have not prevented recent development of residential neighborhoods in close proximity to the lines. For example, there has been substantial residential development along the BNSF Railway alignment on the western side of metropolitan Bakersfield over the past 30 years.

**L029-191**

Both of the Kings/Tulare Regional Station alternatives could indirectly result in development of supporting uses, such as restaurants and rental car agencies, on adjacent lands to serve the traveling public. These changes to adjacent lands would be incompatible with their current land uses and designations. As stated in Section 3.13.5.3, given the Urban Reserve and agricultural land use designations surrounding the station area, the availability of appropriately designated land on the western side of Hanford that could be developed, and the Authority's vision for the Kings/Tulare Regional Station–East to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East is high. Given the agricultural land use designations surrounding the station area, the availability of appropriately designated land on the western side of Hanford and in the community of Armona that could be developed, and the Authority's vision for the Kings/Tulare Regional Station–West to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West is high.

**L029-192**

No comment was included in this numbered comment from Kings County.

**L029-193**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-04, FB-Response-GENERAL-21.

Mitigation measures for agricultural easements are described in Section 3.14.7.

As stated in Section 3.2.5.3, the conceptual design of the Kings/Tulare Regional Station includes parking. Sufficient land has been identified for both station sites to meet the projected parking demand of 2,800 spaces in 2035. Therefore, the environmental review of the Kings/Tulare Regional Station has not been deferred. It is possible that the Authority will pursue satellite lots in communities. However, satellite lots are not part of the project description at this time and were therefore not included in the analysis. Inclusion of satellite parking in the future would trigger additional environmental review.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-194

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21.

As stated in Section 3.2.5.3, the conceptual design of the Kings/Tulare Regional Station includes parking. Sufficient land has been identified for both station sites to meet the projected parking demand of 2,800 spaces in 2035. Therefore, the environmental review of the Kings/Tulare Regional Station has not been deferred. It is possible that the Authority will pursue satellite lots in communities. However, satellite lots are not part of the project description at this time and were therefore not included in the analysis. Inclusion of satellite parking in the future would trigger additional environmental review.

### L029-195

Many related impacts in other resources have mitigation measures that work to further reduce the likelihood for impacts on land uses. Mitigation measures for land use impacts are located in Section 3.13.7. The Authority has considered avoidance and minimization measures that are consistent with commitments in the Program EIR/EIS documents. No additional measures have been identified to minimize or avoid significant land use impacts. The Authority would work with local governments to amend their plans to reduce the land use conflicts where appropriate.

### L029-196

As discussed in Section 3.13.5.3, although land acquired for the project would constitute a small portion of the total agricultural, industrial, residential, commercial, and public land in the four counties, all nine project alignment alternatives would result in permanent conversion of land in other uses to transportation-related uses. Overall, the effect of the permanent conversion of land for the project would have moderate intensity under NEPA and a significant impact under CEQA.

The analysis does not improperly use the "ratio theory" as the impact is deemed significant under CEQA and the "ratio theory" is not used to dismiss the impact as a small fraction of the overall acreage.

### L029-197

Refer to Standard Response FB-Response-GENERAL-02.

### L029-197

The text has been corrected to state that 2,000 acres would be affected. The extensive information provided in the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS (including Section 3.14 and Appendix 3.14-B) concerning impacts to dairies along the alternative alignments illustrates the extent to which the Authority and FRA have attempted, in good faith, to disclose the HST project's impacts in light of what is reasonable feasible. The information presented in the Revised DEIS/Supplemental DEIS provides a sufficient degree of analysis to provide decisionmakers with information which will enable them to make a decision which intelligently takes account of the environmental consequences of the project. This is a design-build project and design along much of the rural portions of the alignment is only 15% complete. At this level of design, it is not reasonably feasible to provide more specific information about the impacts on every parcel along the route. The additional acreage was included to ensure that there would be enough land available for use for project construction.

Mitigation for temporary construction impacts is described in Section 3.13.7, Mitigation Measures, of the Final EIR/EIS. Project design features to reduce temporary construction impacts include implementation of a construction management plan to minimize temporary impacts on adjacent land uses and implementation of dust-control measures during project construction. These mitigation measures are common and acceptable measures to reduce the impact of construction on nearby land uses.

The Final EIR/EIS includes Mitigation Measure AG-MM#1 to mitigate the impacts resulting from the permanent conversion of agricultural land to a non-agricultural use. This effectiveness of this mitigation measure has been demonstrated by the nationwide and local success of farmland preservation programs that use agricultural conservation easements and the experience of the Department of Conservation's California Farmland Conservancy program. However, because the mitigation does not anticipate the creation of new farmland (e.g., conversion of natural lands to agriculture), the mitigation measure would not reduce impacts to a less-than-significant level. Feasible mitigation measures for land use impacts are identified in Section 3.13.7, Mitigation Measures, of the Final EIR/EIS. Mitigation Measure AG-MM#1 is required to mitigate Impacts LU#2, LU#3, LU#4, and LU#5. Similar to the explanation for agricultural land use impacts, because the mitigation does not anticipate the creation of new

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-197**

farmland (e.g., conversion of natural lands to agriculture), the mitigation measures would not reduce impacts to a less-than-significant level.

HST project alternatives were chosen based on the analysis contained in the Program EIR/EIS (Authority and FRA 2005) for their ability to reduce environmental impacts.

**L029-198**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-16.

The Authority has consulted with Kings County on numerous occasions. However, this reference in the EIR/EIS is to cooperation on station area plans, not general consultations.

The Fresno to Bakersfield Section of the California HST System includes rural areas in unincorporated Fresno, Kings, Tulare, and Kern counties, and urban areas in Fresno, Hanford, Armona, Corcoran, Wasco, Shafter, and Bakersfield. The Authority has adopted Station Area Development Policies for the Fresno and Bakersfield stations in order to encourage beneficial high-density transit-oriented development (TOD) in those urban areas and discourage the potential for development at urban boundary edges (also called sprawl). The Authority does not intend to develop the area surrounding the Kings/Tulare Regional Station in the same manner as the urban Fresno or Bakersfield stations as this development would not be consistent with existing land uses and land use planning in the area. Therefore, the Authority does not seek to encourage high-density TOD development in Kings County and does not need to meet with Kings County to discuss this particular type of development.

**L029-199**

Refer to Standard Response FB-Response-GENERAL-02.

California Streets and Highways Code Section 2704-2704.21 describes the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century. Proposition 1A (2008) calls for the HST alignment to follow existing transportation or utility corridors to the extent feasible. However, due to HST engineering and operational needs, it cannot feasibly be built solely within the existing transportation corridors. Existing corridors are

**L029-199**

not sufficiently straight nor are their curve radii long enough to support high-speed operation along their full lengths. Safety considerations also dictate the need to separate the HST from roads and conventional rail (see Section 2.4.2.A, Alignment Requirements).

**L029-200**

The project is subject to NEPA and the Revised DEIR/Supplemental DEIS is a joint CEQA/NEPA document. The Revised DEIR/Supplemental DEIS has been reviewed by the FRA for compliance with all relevant state and federal laws and regulations.

**L029-201**

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

Additional information about the Farmland Protection Policy Act (FPPA) has been added to the Final EIR/EIS in Section 3.14.2.1, including scores from Natural Resources Conservation Service (NRCS) Form CPA-106 for each of the alternatives. In addition, a new appendix has been added (Appendix 3.14-A, Results and Findings of Land Evaluation and Site Assessment Pursuant to the FPPA) containing land evaluation score sheets prepared by the NRCS State Resources Inventory Coordinator and site assessment scores prepared by project staff.

**L029-202**

Project consistency with the San Joaquin Valley Blueprint is discussed in Section 3.13.2.4. Project consistency with the Kings County General Plan is outlined in Appendix 3.13A-1. Only policies that were relevant to the HST project, i.e., related to protection of agricultural lands or natural resources, growth, or transportation, were included as it would not be relevant to include policies that have no relationship to the project.

**L029-203**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-02.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-204

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-02.

Indirect impacts on surrounding land uses including development pressure from the HST project are addressed in Section 3.13.5.3. The actual HST alignment would not require the extension of water and sewer services. However, the Kings/Tulare Regional Station would require the extension of these services. As stated in Section 3.13.5.3, the Kings/Tulare Regional Station could stimulate transportation-related commercial development on adjacent agricultural lands that is not consistent with Kings County and City of Hanford plans and policies.

While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the potential station site. The Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–East would have substantial intensity under NEPA, and the impact would be significant under CEQA.

Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West, but it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station. This would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the

### L029-204

land use effect of the Kings/Tulare Regional Station–West would have substantial intensity under NEPA, and the impact would be significant under CEQA.

### L029-205

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-02.

See Standard Responses FB-Response-GENERAL-08 and FB Response-LU-03 for further discussion of the HST project's indirect impacts on surrounding land uses, including development pressure from the HST project, which are addressed in Section 3.13.5.3. The actual HST alignment would not require the extension of water and sewer services. However, the Kings/Tulare Regional Station would require the extension of these services. As stated in Section 3.13.5.3, the Kings/Tulare Regional Station could stimulate transportation-related commercial development on adjacent agricultural lands that is not consistent with Kings County and City of Hanford plans and policies.

While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the potential station site. The Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–East would have substantial intensity under NEPA, and the impact would be significant under CEQA.

Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West, but it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station. This would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-205

the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–West would have substantial intensity under NEPA, and the impact would be significant under CEQA.

### L029-206

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-02.

Indirect impacts on surrounding land uses, including development pressure from the HST project, are addressed in Section 3.13.5.3. The actual HST alignment would not require the extension of water and sewer services. However, the Kings/Tulare Regional Station would require the extension of these services. As stated in Section 3.13.5.3, the Kings/Tulare Regional Station could stimulate transportation-related commercial development on adjacent agricultural lands that is not consistent with Kings County and City of Hanford plans and policies.

While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the potential station site. The Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–East would have substantial intensity under NEPA, and the impact would be significant under CEQA.

Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the

### L029-206

Kings/Tulare Regional Station–West, but it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station. This would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–West would have substantial intensity under NEPA, and the impact would be significant under CEQA.

### L029-207

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-02.

Indirect impacts on surrounding land uses including development pressure from the HST project are addressed in Section 3.13.5.3. The actual HST alignment would not require the extension of water and sewer services. However, the Kings/Tulare Regional Station would require the extension of these services. As stated in Section 3.13.5.3, the Kings/Tulare Regional Station could stimulate transportation-related commercial development on adjacent agricultural lands that is not consistent with Kings County and City of Hanford plans and policies.

While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the potential station site. The Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–East would have

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-207**

substantial intensity under NEPA, and the impact would be significant under CEQA.

Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West, but it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station. This would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–West would have substantial intensity under NEPA, and the impact would be significant under CEQA.

### **L029-208**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

The Hanford Inert Landfill is located 0.25 mile west of the BNSF Alternative. The Hanford HMF site footprint includes the east end of the landfill site. Landfills, including the closed Hanford Inert Landfill, are discussed in Sections 3.10.4.1 and 3.10.5.3. The potential for landfill gas release at the Hanford Inert Landfill is Low, there is no known release, and the site is actively monitored. This landfill site is not considered a potential environmental concern (PEC) site. Nonetheless, the HST project includes Project Design Features, as outlined in Section 3.10.6, to avoid or minimize impacts on landfills.

### **L029-209**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-210**

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-211**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-212**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-213**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1.

### **L029-214**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-215**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-AG-02.

The Authority is committed to working with agricultural property owners to resolve or mitigate, if possible, partial acquisitions that result in the division of farmlands with large, farmable lots on either side of the HST alignment.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-216**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-217**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-218**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3.

### **L029-219**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan policies is discussed in Section 3.13.2.4, Section 3.13.5.3, and Appendix 3.13A-1. Impacts on agricultural resources and farms are discussed in Section 3.14.5.3. Impacts from growth in population are discussed in Sections 3.18, Regional Growth, and 3.19, Cumulative Impacts.

### **L029-220**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Because the HST project is a state project, consistency with local plans and policies is not required by law. Nonetheless, in order to comply with the principles set out in Proposition 1A, the HST project has been designed to minimize conflicts and to be compatible with future and planned use to the extent possible. Accordingly, the analysis includes a review of the goals and policies of the local land use plans, as well as other plans. However, because as a State and federal project, the HST is not required to comply with local and regional plans, potential conflicts are not treated as environmental impacts. Project consistency with the Kings County General Plan is outlined in Appendix 3.13A-1; however, LU Policy D1.3.2 is not included in the list of policies because it does not apply to the project. Kings County does not have approval authority over the project such as it would for "new development" within County limits.

### **L029-221**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Kings County does not have approval authority over the project such as it would for "new development proposals" within County limits.

Per the analysis in Appendix 3.13A-1 of LU Objective D1.6, the proposed HST stations are likely to attract some growth in the form of transportation-related commercial uses within the station areas. However, the station alternatives are close to existing services, and it would be reasonable to extend those services to the station sites. The Kings/Tulare Regional Station–East Alternative is located just outside the City of Hanford, but within its Secondary Sphere of Influence (SOI). The Kings/Tulare Regional

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-221

Station–West Alternative is within the City of Hanford's Planning Area F, which is in its Primary SOI. Although municipal services can be reasonably extended to these areas, they are not within existing community districts. Thus, building the stations at either location would be inconsistent with the first part of the land use objective stated above. As stated in Section 3.13.2.4, to ensure that the development pattern and the extension of services are consistent with the above objective, the Authority will seek annexation of the preferred HST station to the City of Hanford. This measure would achieve the stated objective in that close-by municipal services can then be easily extended to ensure orderly and efficient development in these areas.

### L029-222

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Project consistency with the Kings County General Plan is outlined in Appendix 3.13A-1; however, LU Policy D1.6.4 is not included in the list of policies because it does not apply to the project. Kings County does not have approval authority over the project such as it would for "new development within a Community District." See the analysis in Appendix 3.13A-1 of LU Objective 1.6.

Kings County does not have approval authority over the project such as it would for "new development proposals" within County limits.

Per the analysis in Appendix 3.13A-1 of LU Objective D1.6, the proposed HST stations are likely to attract some growth in the form of transportation-related commercial uses within the station areas. However, the station alternatives are close to existing services, and it would be reasonable to extend those services to the station sites. The Kings/Tulare Regional Station–East Alternative is located just outside the city of Hanford, but within its Secondary Sphere of Influence (SOI). The Kings/Tulare Regional Station–West Alternative is within the city of Hanford's Planning Area F, which is in its Primary SOI. Although municipal services can be reasonably extended to these areas, they are not within existing community districts. Thus, building the stations at either location would be inconsistent with the first part of the land use objective stated above. As stated in Section 3.13.2.4, to ensure that the development pattern and the extension of services are consistent with the above objective, the Authority will seek annexation of

### L029-222

the preferred HST station to the City of Hanford. This measure would achieve the stated objective in that close-by municipal services can then be easily extended to ensure orderly and efficient development in these areas.

### L029-223

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Kings County does not have approval authority over the project such as it would for "new development proposals" within County limits.

Per the analysis in Appendix 3.13A-1 of LU Objective D1.6, the proposed HST stations are likely to attract some growth in the form of transportation-related commercial uses within the station areas. However, the station alternatives are close to existing services, and it would be reasonable to extend those services to the station sites. The Kings/Tulare Regional Station–East Alternative is located just outside the City of Hanford, but within its Secondary Sphere of Influence (SOI). The Kings/Tulare Regional Station–West Alternative is within the City of Hanford's Planning Area F, which is in its Primary SOI. Although municipal services can be reasonably extended to these areas, they are not within existing community districts. Thus, building the stations at either location would be inconsistent with the first part of the land use objective stated above. As stated in Section 3.13.2.4, to ensure that the development pattern and the extension of services are consistent with the above objective, the Authority will seek annexation of the preferred HST station to the City of Hanford. This measure would achieve the stated objective in that close-by municipal services can then be easily extended to ensure orderly and efficient development in these areas.

### L029-224

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

As discussed in Appendix 3.13A-1, this objective ensures that all development within the urban fringe areas in Kings County is provided with an adequate level of service to enhance quality of life; prevent leap-frog, sprawling development; and ensure efficient use of existing services. In addition to being unsustainable, sprawl also stretches public resources for providing the essential and basic services that affect quality of life. It is the

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-224

Authority's intention to be consistent with the objective stated above by facilitating the annexation of the HST station area to the City of Hanford. The nearness of the potential station sites to the City of Hanford's existing service lines makes it a natural progression to fold the station's development into the City's jurisdiction, where appropriate. This would ensure ease of extending and providing municipal services to the station sites, managing growth within the station areas, and restricting conversion of resource agricultural lands. Annexation of the preferred HST site would be approved by the Kings County Local Agency Formation Commission in consultation with the City of Hanford.

Kings County does not have approval authority over the project such as it would for "new development proposals" within County limits.

Per the analysis in Appendix 3.13A-1 of LU Objective D1.6, the proposed HST stations are likely to attract some growth in the form of transportation-related commercial uses within the station areas. However, the station alternatives are close to existing services, and it would be reasonable to extend those services to the station sites. The Kings/Tulare Regional Station—East Alternative is located just outside the City of Hanford, but within its Secondary Sphere of Influence (SOI). The Kings/Tulare Regional Station—West Alternative is within the City of Hanford's Planning Area F, which is in its Primary SOI. Although municipal services can be reasonably extended to these areas, they are not within existing community districts. Thus, building the stations at either location would be inconsistent with the first part of the land use objective stated above. As stated in Section 3.13.2.4, to ensure that the development pattern and the extension of services are consistent with the above objective, the Authority will seek annexation of the preferred HST station to the City of Hanford. This measure would achieve the stated objective in that close-by municipal services can then be easily extended to ensure orderly and efficient development in these areas.

### L029-225

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

The "Resource Conservation Element" of the 2035 Kings County General Plan is described in Section 3.6.2.3. The Revised DEIR/Supplemental DEIS describes Kings County Resource Conservation policies, including RC Policy A1.1.2, which provide

### L029-225

regulation for the use, conservation, and protection of water supplies, including groundwater supply (quality and quantity) and recharge, while encouraging development of sustainable and renewable energy sources. The Revised DEIR/Supplemental DEIS included an analysis of water supply required for the project, including the stations and HMF. This analysis, which is included in Section 3.6.5.3., found that there is adequate water supply and that entitlements needed to meet the project needs and impacts were of negligible intensity under NEPA and less than significant under CEQA.

### L029-226

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

The "Resource Conservation Element" of the 2035 Kings County General Plan is described in Section 3.6.2.3. and 3.8.2.3 of the Revised DEIR/Supplemental DEIS.

The Revised DEIR/Supplemental DEIS included an analysis of stormwater runoff and water supply required for the project. This analysis is included in Sections 3.6.5.3. and 3.8.5.3 of the Revised DEIR/Supplemental DEIS, respectively. The Revised DEIR/Supplemental DEIS states in Section 3.6.5.3 that the project would incorporate stormwater detention facilities and would result in stormwater impacts that are of negligible intensity under NEPA and less than significant under CEQA. Section 3.8.5.3 states that there is adequate water supply and that entitlements needed to meet the project needs and water supply impacts would be of negligible intensity under NEPA and less than significant under CEQA..

### L029-227

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

The "Resource Conservation Element" of the 2035 Kings County General Plan is described in Section 3.6.2.3. and 3.8.2.3 of the Revised DEIR/Supplemental DEIS

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Under California Water Code Section 10912(a)(7), water supply assessments are required for projects that "would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project." This is equivalent to 250 acre-feet/year. As stated in Section 3.6.5.3, because the stations and HMF are

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-227

expected to require less than 250 acre-feet/year, water supply assessments will not be needed for these facilities, and no other special action to secure water from the local agencies will be needed. Appendix 3.6-B, Water Usage Analysis Technical Memorandum, contains an in-depth analysis of water use and supply. It concludes that construction of the Fresno to Bakersfield Section will result in a net decrease in annual water consumption to only 7% of the existing water usage for the project footprint. Operation and maintenance of the HST at final build-out also will result in a net decrease of water usage over existing water usage in/at the project footprint to only 2% of the current water usage. Water usage will decrease at the track alignment and the HMF locations, but increase at the Fresno, Kings/Tulare Regional and Bakersfield stations.

### L029-228

As discussed in Appendix 3.13A-1, the alternative HST alignments in Kings County cross primary agricultural land, and the two alternative Kings/Tulare Regional Station sites are located on land that is principally in agricultural uses, as is the Kings County Economic Development Corporation (EDC) proposed alternative heavy maintenance facility (HMF) site. The conversion of this agricultural land to a transportation use is not consistent with LU Goal B1. However, the Authority has incorporated mitigation measures to provide for permanent preservation of an equivalent quality and acreage of agricultural land. While this mitigation does not eliminate the agricultural land conversion due to the HST, and in that sense it is not consistent with Goal B1, the approach to mitigating for the impact is generally consistent with Land Use Element policies addressing agricultural land preservation.

The Authority recognizes that construction of the Kings/Tulare Regional Station could place pressure on adjacent agricultural lands for development of transportation-related commercial uses, and has committed to several measures to minimize this pressure. One of those measures is to limit parking at the HST station and work with the cities of Hanford and Visalia to locate satellite parking for the HST in those cities with bus transit to the station. The other measure is to attempt to obtain agricultural conservation easements from the landowners in the station site vicinity. The Authority would welcome participation from Kings County in accomplishing these measures with the Department of Conservation.

### L029-228

On January 14, 2010, the Kings County EDC submitted an expression of interest to locate the HMF in Kings County. That submittal states: "The subject property [Kings County HMF site shown in EIR/EIS] is zoned AG-20 (General Agriculture, 20 acre minimum). The development would be a permitted use under AG-20 as a public utility or as public service structures. As a permitted use in an agriculture zone, the development is permitted on Williamson Act property." Thus, the HMF site would be consistent with the Kings County zoning ordinance, because it is a permitted use and would not require any zoning changes.

### L029-229

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

As discussed in Appendix 3.13A-1, the alternative HST alignments in Kings County cross primary agricultural land, and the two alternative Kings/Tulare Regional Station sites are located on land that is principally in agricultural uses, as is the Kings County Economic Development Corporation's (EDC) proposed alternative heavy maintenance facility (HMF) site. The conversion of this agricultural land to a transportation use is not consistent with LU Goal B1. However, the Authority has incorporated mitigation measures to provide for permanent preservation of an equivalent quality and acreage of agricultural land. While this mitigation does not eliminate the agricultural land conversion due to the HST, and in that sense it is not consistent with Goal B1, the approach to mitigating for the impact is generally consistent with Land Use Element policies addressing agricultural land preservation.

The Authority recognizes that construction of the Kings/Tulare Regional Station could place pressure on adjacent agricultural lands for development of transportation-related commercial uses, and has committed to several measures to minimize this pressure. One of those measures is to limit parking at the HST station and work with the cities of Hanford and Visalia to locate satellite parking for the HST in those cities with bus transit to the station. The other measure is to attempt to obtain agricultural conservation easements from the landowners in the station site vicinity. The Authority would welcome participation from Kings County in accomplishing these measures with the Department of Conservation.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-229

On January 14, 2010, the Kings County EDC submitted an expression of interest to locate the HMF in Kings County. That submittal states: "The subject property (Kings County HMF site shown in EIR/EIS) is zoned AG-20 (General Agriculture, 20-acre minimum). The development would be a permitted use under AG-20 as a public utility or as public service structures. As a permitted use in an agriculture zone, the development is permitted on Williamson Act property." Thus, the HMF site would be consistent with the Kings County zoning ordinance, because it is a permitted use and would not require any zoning changes.

### L029-230

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

As discussed in Appendix 3.13A-1, the alternative HST alignments in Kings County cross primary agricultural land, and the two alternative Kings/Tulare Regional Station sites are located on land that is principally in agricultural uses, as is the Kings County Economic Development Corporation (EDC) proposed alternative heavy maintenance facility (HMF) site. The conversion of this agricultural land to a transportation use is not consistent with LU Goal B1. However, the Authority has incorporated mitigation measures to provide for permanent preservation of an equivalent quality and acreage of agricultural land. While this mitigation does not eliminate the agricultural land conversion due to the HST, and in that sense it is not consistent with Goal B1, the approach to mitigating for the impact is generally consistent with Land Use Element policies addressing agricultural land preservation.

The Authority recognizes that construction of the Kings/Tulare Regional Station could place pressure on adjacent agricultural lands for development of transportation-related commercial uses, and has committed to several measures to minimize this pressure. One of those measures is to limit parking at the HST station and work with the cities of Hanford and Visalia to locate satellite parking for the HST in those cities with bus transit to the station. The other measure is to attempt to obtain agricultural conservation easements from the landowners in the station site vicinity. The Authority would welcome participation from Kings County in accomplishing these measures with the Department of Conservation.

### L029-230

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### L029-231

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

As discussed in Appendix 3.13A-1, the alternative HST alignments in Kings County cross primary agricultural land, and the two alternative Kings/Tulare Regional Station sites are located on land that is principally in agricultural uses, as is the Kings County Economic Development Corporation (EDC) proposed alternative heavy maintenance facility (HMF) site. The conversion of this agricultural land to a transportation use is not consistent with LU Goal B1. However, the Authority has incorporated mitigation measures to provide for permanent preservation of an equivalent quality and acreage of agricultural land. While this mitigation does not eliminate the agricultural land conversion due to the HST, and in that sense it is not consistent with Goal B1, the approach to mitigating for the impact is generally consistent with Land Use Element policies addressing agricultural land preservation.

The Authority recognizes that construction of the Kings/Tulare Regional Station could place pressure on adjacent agricultural lands for development of transportation-related commercial uses, and has committed to several measures to minimize this pressure. One of those measures is to limit parking at the HST station and work with the cities of Hanford and Visalia to locate satellite parking for the HST in those cities with bus transit to the station. The other measure is to attempt to obtain agricultural conservation easements from the landowners in the station site vicinity. The Authority would welcome participation from Kings County in accomplishing these measures with the Department of Conservation.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-231

On January 14, 2010, the Kings County EDC submitted an expression of interest to locate the HMF in Kings County. That submittal states: "The subject property (Kings County HMF site shown in EIR/EIS) is zoned AG-20 (General Agriculture, 20-acre minimum). The development would be a permitted use under AG-20 as a public utility or as public service structures. As a permitted use in an agriculture zone, the development is permitted on Williamson Act property." Thus, the HMF site would be consistent with the Kings County zoning ordinance, because it is a permitted use and would not require any zoning changes.

### L029-232

Refer to Standard Response FB-Response-43, FB-Response-GENERAL-01, FB-Response-GENERAL-08, FB-Response-LU-03.

Since 2005, environmental analysis and corresponding section-specific design work have continued on portions of the HST System, including refinement of the alternative alignments and station locations identified in the 2005 Program EIR/EIS (Authority and FRA 2005). In larger transportation infrastructure projects, consistent with both CEQA and NEPA, the environmental analysis process occurs before completion of final design, and this is common practice in projects using a design/build process for construction.

Extensive Mitigation Measures for biological impacts are listed in Section 3.7.7 of the Biological and Wetlands Resources analysis. In addition to the analysis already conducted in the Revised DEIR/Supplemental DEIS to identify the potential presence of special-status plants, an extensive set of mitigation measures have been developed to minimize HST effects on biological resources, including special-status plants, in the Fresno to Bakersfield area (refer to Section 3.7.7 of the Revised DEIR/Supplemental DEIS).

### L029-233

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.7 discusses the existing biological resources in the project area, including the Kings River and analyzes the impacts of the HST Project on those resources. Impacts to riparian habitat are described in Section 3.7.5.3.

### L029-233

The Authority has met with the Kings River Conservation District on several occasions. Specifically, the Authority has consulted with Kings River Conservation District engineers regarding project design elements associated with the crossings of the Kings River complex. Potential impacts on the riparian environment have been discussed with Kings River Conservation District and are being evaluated within and beyond the boundaries of the floodway, as required by RC Policy D3.1.3 on Page RC-48 of the Resource Conservation Element.

### L029-234

See Response #4537. The Authority conducted early consultation with federal, state, and local agencies, including USFWS, USACE, EPA, California Department of Fish and Wildlife, and State Water Resources Control Board. This coordination effort resulted in refinement of the mitigation measures presented in Section 3.7.7 of the Biological and Wetlands Resources section.

### L029-235

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-AG-02.

Impacts on agricultural land and remnant parcels are discussed in Section 3.14.5.3.

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

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

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-235**

by project facilities (not counting remnant parcels) will be mitigated at a ratio of 0.5:1.

**L029-236**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.14 of the Revised DEIR/Supplemental DEIS analyzes visual impacts on views from SR 43.

**L029-237**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.14 of the Revised DEIR/Supplemental DEIS analyzes visual impacts on views from SR 43.

**L029-238**

Per the analysis in Appendix 3.13A-1, there are two aspects of the goals and policies in the 2035 Kings County General Plan. First, it is designed to encourage compact and community-centered development patterns that lower public service costs, make more efficient use of land, and encourage alternative regional modes of transportation. Second, it discourages premature conversion of farmland to other uses. While the HST is generally consistent with both these aspects, the proposed Kings/Tulare Regional Station Alternatives and the Hanford HMF site would convert areas of prime agricultural lands to transportation-related uses. However, the minimization measures proposed by the Authority would reduce further impacts on agricultural lands, and annexation of station areas would allow compact development and efficient provision of services.

In addition, the 2035 Kings County General Plan states that because the County has the highest future growth rate in the Central Valley, the existing vehicular transportation system has insufficient capacity to meet current and expected future travel demand. This lack of transportation choices and capacity can potentially be fulfilled by the HST System. The General Plan also states the need for improved intercity transportation to improve air quality and travel reliability and to reduce travel congestion and travel times. The HST System would achieve all these objectives by reducing regional dependence

**L029-238**

on the automobile.

**L029-239**

As described in Appendix 3.13A-1, this policy indicates Kings County's support of development of HST and a Kings/Tulare Regional Station and to support the establishment of transportation linkages to the station. Pursuant to the requirements of NEPA and CEQA, the Authority and FRA have conducted an extensive public and agency involvement program as part of the environmental review process, including the development of alternatives. Proposition 1A (2008) calls for the HST alignment to follow existing transportation or utility corridors to the extent feasible. However, as discussed in FB-Response-General-02: Alternatives, due to HST engineering and operational needs, the HST cannot feasibly be built solely within the existing transportation corridors as those corridors are not sufficiently straight nor are their curve radii long enough to support high-speed operation along their full lengths. The Authority consulted with Kings County on the location of alternatives in an attempt to minimize impacts and conflicts with Kings County General Plan policies. While the alternatives were designed in to minimize impacts to the full extent feasible, accommodations for design requirements were also necessary and resulted in the alternatives analyzed in the Revised DEIR/Supplemental DEIS.

**L029-240**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

As described in Section 3.12, the affected rendering facility (Baker Commodities) is the only one of its kind in the area, and is critical to the economic well-being of local dairy and livestock operations. It would therefore be important that the rendering facility is relocated before the existing facilities are closed or that steps be taken to ensure that sufficient capacity is available at other facilities to avoid interruption in the services these facilities provide. Mitigation Measure SO-3 requires the Authority to minimize impacts resulting from the disruption to key community facilities, including Baker Commodities. In implementing this mitigation measure, the Authority will consult with the parties before land acquisition to assess potential opportunities to reconfigure land use and buildings and/or relocate affected facilities, as necessary, to minimize the disruption of facility activities and services, and also to ensure relocation that allows the community currently

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-240**

served to continue to access these services.

**L029-241**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.14.3 5 of the Revised DEIR/Supplemental DEIS includes analysis from the direct permanent conversion of Important Farmlands to non-agricultural use. Project consistency with the Kings County General Plan is outlined in Appendix 3.13A-1; however, HS Policy B1.2.1 is not included in the list of policies because it does not apply to the project.

The HST project would require a small piece of property at Kings County Fire Station No. 4. However, the amount of land needed would not interfere with operation of the facilities or result in any substantial impacts to the ability to provide fire and emergency services to the public. Displacement of community facilities is discussed in Section 3.12.8, Socioeconomics, Communities, and Environmental Justice. Impacts to aviation facilities are discussed in Section 3.11.5.

**L029-242**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.14.3 5 of the Revised DEIR/Supplemental DEIS includes analysis from the direct permanent conversion of Important Farmlands to non-agricultural use. Project consistency with the Kings County General Plan is outlined in Appendix 3.13A-1; however, HS Policy B1.2.1 is not included in the list of policies because it does not apply to the project.

The HST project would require a small piece of property at Kings County Fire Station No. 4. However, the amount of land needed would not interfere with operation of the facilities or result in any substantial impacts on the ability to provide fire and emergency services to the public. Displacement of community facilities is discussed in Section 3.12.8, Socioeconomics, Communities, and Environmental Justice. Impacts to aviation facilities are discussed in Section 3.11.5.

**L029-243**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.14.3 5 of the Revised DEIR/Supplemental DEIS includes analysis from the direct permanent conversion of Important Farmlands to non-agricultural use. Project consistency with the Kings County General Plan is outlined in Appendix 3.13A-1; however, HS Policy B1.2.1 is not included in the list of policies because it does not apply to the project.

The HST project would require a small piece of property at Kings County Fire Station No. 4. However, the amount of land needed would not interfere with operation of the facilities or result in any substantial impacts on the ability to provide fire and emergency services to the public. Displacement of community facilities is discussed in Section 3.12.8, Socioeconomics, Communities, and Environmental Justice. Impacts to aviation facilities are discussed in Section 3.11.5.

**L029-244**

Appendix 3.6-B, Water Usage Analysis Technical Memorandum, contains an in-depth analysis of water use and supply. The at-grade and below-grade options of the Kings/Tulare Regional Station–West Alternative are inside the City of Hanford urban growth area (sphere of influence) and water service area, and would rely on the city for water service to the station. The Kings/Tulare Regional Station–East Alternative is outside of the City of Hanford water service area, and therefore the station would likely pump and treat groundwater for use as municipal supply. Regarding the two different station locations (Kings/Tulare Regional Station–East Alternative and Kings/Tulare Regional Station–West Alternative), Section 3.13.5 of the EIR/EIS discusses the difference in existing land uses and changes that could occur in each location from implementation of either of the stations.

The comment states that the EIR needs to disclose that the Authority does not have funding to construct the station in the vicinity of Hanford. The Kings/Tulare Regional Station is no longer considered a "potential" station. The Authority and FRA will construct a Kings/Tulare Regional Station in the vicinity of Hanford as part of the project. Construction timing would be based on ridership demand in the region, and would occur

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-244

during Phase 2 of the statewide project, sometime after 2020. This project component is included in the project description and the analysis to present an accurate analysis of project impacts associated with the Kings/Tulare Regional Station.

### L029-245

The Revised DEIR/Supplemental DEIS analyzes the project's consistency with applicable land use plans, policies, and regulations in Section 3.13.2.3. The Revised DEIR/Supplemental DEIS states the HST project would not be consistent with agricultural land uses. The HST project is an undertaking of the Authority and FRA, in their capacities as state and federal agencies. As such, it is not required to be consistent with local plans. Section 3.14.3 5 of the Revised DEIR/Supplemental DEIS includes analysis from the direct permanent conversion of Important Farmlands to non-agricultural use.

### L029-246

As discussed in Appendix 3.13A-1, urban fringe areas usually allow agricultural and non-urban uses, which will continue with or without the HST. The station sites are within the urban fringe areas. However, they are also located within the City of Hanford's sphere of influence (SOI), created to allow easy extension of existing municipal services for future development projects. The Authority recognizes that some of these areas, closest to the proposed Kings/Tulare Regional Station, would be under pressure to develop. However as stated earlier, the Authority is committed to measures that minimize conversion of agricultural lands, through agricultural conservation easements and fewer parking lots within the proposed station areas. These measures and others developed in consultation with Kings County would allow existing land uses within the urban fringe areas to continue with minimal changes, while directing growth and expansion of cities to areas with adequate urban level services.

### L029-247

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-08, FB-Response-LU-03.

The selection of project alternatives was informed by the Program-Level EIR/EISs,

### L029-247

public and agency comments received as part of the scoping process, and input received during ongoing interagency coordination meetings. The Authority and the FRA conducted a preliminary alternatives analysis process for the Fresno to Bakersfield Section to identify the potential alternatives for study. As discussed in Section 2.3 of the EIR/EIS, this initial assessment of potential alternatives involved both qualitative and quantitative measures that addressed applicable policy and technical considerations. Through this process, the Authority and FRA identified the alternatives that would be likely to best meet the project purpose and need (i.e., objectives), would be potentially feasible, and would be expected to have varying levels of impacts, so that, in comparison, each offers lesser impacts in some area of concern. As a result of this analysis process, certain alternatives were identified as the range of alternatives to be analyzed in the Fresno to Bakersfield Section EIR/EIS. The alternatives analysis was reviewed by the Authority's Board at a noticed public meeting prior to completion of the Preliminary Alternatives Analysis (AA) Report. The Preliminary AA Report took into consideration public comments submitted on the initial recommendations concerning the alternatives for study in the EIR/EIS.

Pursuant to Section 14(l) of the FRA's Procedures for Considering Environmental Impacts, alternatives analyzed must include "all reasonable alternative courses of action which could satisfy the [project's] purpose and need" (64 FR 28546, May 26, 1999). Under CEQA, the alternatives are to include a No Project Alternative and a range of potentially feasible alternatives that would (1) meet most of the project's basic objectives and (2) avoid or substantially lessen one or more of the project's significant adverse effects (14 CCR 15126.6(c)). Through this process, the Authority and FRA identified the alternatives that would be likely to best meet the project purpose and need (i.e., objectives), would be potentially feasible, and would be expected to have varying levels of impacts, so that, in comparison, each offers lesser impacts in some area of concern. As a result of this analysis process, certain alternatives were identified as the range of alternatives to be analyzed in the Fresno to Bakersfield Section EIR/EIS. The alternatives analysis was reviewed by the Authority's Board at a noticed public meeting prior to completion of the Preliminary Alternatives Analysis (AA) Report. The Preliminary AA Report took into consideration public comments submitted on the initial recommendations concerning the alternatives for study in the EIR/EIS.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-247

Project consistency with the Kings County General Plan is outlined in Appendix 3.13A-1.

### L029-248

Refer to Standard Response FB-Response-GENERAL-03.

Growth is expected to occur within the region under the No Project Alternative as well as with the HST System. The cities of Fresno and Bakersfield already have existing general plan policies promoting higher-density downtowns, have undertaken redevelopment activities to help revitalize their downtowns, and are considering stronger general plan policies that would promote mixed uses near the HST stations (i.e., draft Fresno Downtown Neighborhoods Community Plan, in progress as of May 2011). The San Joaquin Valley Blueprint generally encourages higher-density development near the stations of the proposed HST System. The “sustainable communities strategies” or “alternative planning strategies” to be adopted by the Metropolitan Planning Agencies in Fresno, Kings, Tulare, and Kern counties pursuant to SB 375 (2008) are expected to include policies and transportation funding incentives that will encourage compact development patterns in order to meet the region’s greenhouse gas reduction targets for automobiles and light trucks (5% by 2020; 10% by 2035). Therefore the project is not only consistent with existing local plans in Bakersfield and Fresno, the project would actually help create a market and help local government harness this market for intensified development near HST stations, in furtherance of those plans, to accommodate the needs of HST riders. That market driver would not exist without the HST System.

### L029-249

Construction impacts on land use are considered negligible because they would not change the use of the land. Economic impacts on agricultural operation, dairy, and farm-related businesses during construction are detailed in Section 3.12.

### L029-250

Economic impacts from conversion of land during construction are discussed in Section 3.14. As explained in Section 3.13.5.3, the effect of the temporary use of land for project construction staging, laydown, and fabrication would have negligible intensity under

### L029-250

NEPA, and the impact would be less than significant under CEQA because the land use would not change. Long-term land use impacts are discussed in Impact LU#2. Economic impacts on agricultural operation, dairy, and farm-related businesses during construction are detailed in Section 3.12.

### L029-251

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-LU-01, FB-Response-LU-02, FB-Response-LU-03.

### L029-252

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-LU-02, FB-Response-LU-03.

### L029-253

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-LU-02, FB-Response-LU-03.

### L029-254

The Hanford heavy maintenance facility (HMF) study area is zoned as Agriculture. However, as stated in Section 3.13.2.4, the HMF is a permitted use in this zone and would not require any zoning changes.

### L029-255

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-08.

As discussed in Standard Response FB-Response-GENERAL-02: Alternatives, the HST Authority informed by the Program-Level EIR/EISs, public and agency comments received as part of the scoping process, and input received during ongoing interagency coordination meetings, conducted a preliminary alternatives analysis process for the Fresno to Bakersfield Section to identify the potential alternatives for study.

Additionally, as discussed in FB Response-02: Alternatives, while the I-5 corridor could possibly provide better end-to-end travel times compared to alignment alternatives that

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-255

follow the SR 99 corridor, it would not meet project objectives and would not satisfy the project's purpose and need. For these reasons, the I-5 corridor was dismissed from further consideration in the Statewide Program EIR/EIS. There is no new information to indicate that this analysis should be revisited, nor that a different conclusion would be reached. The I-5 corridor does not meet many of the objectives described in the Revised DEIR/Supplemental DEIS (refer to Section 1.2.3). Because it is isolated from existing cities and population centers as well as airports, it does not meet the purpose and need of the project of using high-speed intercity travel capacity to supplement critically over-used interstate highways and commercial airports.

Regarding the SR 99 corridor, the HST project is generally located in the SR 99 corridor. However, the HST project cannot be located within the SR 99 right-of-way due to HST engineering and operational needs. Existing corridors are not sufficiently straight nor are their curve radii long enough to support high-speed operation along their full lengths. Safety considerations also dictate the need to separate the HST from roads and conventional rail. As a result, the potential to run the HST down the center of SR 99, as suggested by some comments, does not exist. Further, to make greater use of existing corridors, additional right-of-way would be needed to provide sufficient width and curve radii for high-speed operations. This would necessitate acquisition and removal of substantially greater numbers of homes and businesses to expand and straighten these corridors, with greatly increased impacts on existing communities as the alignments pass through urban areas.

In addition, see Standard Response FB-Response-GENERAL-08: Consultation with Public Agencies, for a discussion of how the Authority will work with public agencies with jurisdiction over lands affected by the HST.

### L029-256

Refer to Standard Response FB-Response-AQ-05, FB-Response-GENERAL-01.

As stated in Section 3.13.7, many related impacts in other resources have mitigation measures that work to further reduce the likelihood for impacts on land uses. Mitigation measures for agricultural lands are contained in Section 3.14, Agricultural Lands.

### L029-257

Refer to Standard Response FB-Response-AG-04, FB-Response-AG-05, FB-Response-AG-06.

The Agricultural Working Group (AWG) was established in July 2011 to assist the Authority with an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include representatives of universities, governmental agencies, county agricultural commissions, and agri-business. A series of white papers was produced by this group and they were presented to the High-Speed Rail Authority Board. The information contained in the white papers produced by the Working Group is included in the Final EIR/EIS in FB-Response-AG-04, Severance – Farm Impacts; FB-Response-AG-05, Pesticide Spraying/Dust/Pollination; and FB-Response-AG-06, Confined Animal Facilities. The final white papers are currently provided on the Authority's website.

### L029-258

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01.

The lead agency is authorized to establish the thresholds of significance used in analyzing project impacts under CEQA (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327). The Authority applied the agricultural resources criteria found in Appendix G of the CEQA Guidelines. In addition, the Authority and FRA complied with the requirements of the FPPA for consideration of farmland avoidance.

### L029-259

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-01, FB-Response-AG-04.

Each individual farmer affected by the HST project will be able to discuss the impacts in detail with the right-of-way agent during the property acquisition phase. The costs will be identified during this phase.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-260**

Refer to Standard Response FB-Response-AG-01, FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04.

**L029-261**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01.

The Authority recognizes that the loss of farmland cannot be fully mitigated, and as such this impact has been classified as significant and unavoidable. Refer to Impact AG#4 for information on the permanent conversion of agricultural land and refer to Mitigation Measure AG-MM#1 in Section 3.14.7, Mitigation Measures, of the Final EIR-EIS for measures to preserve the total amount of Prime Farmland.

**L029-262**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-04.

The U.S. Department of Agriculture (USDA) farmland classification system used in the Final EIR/EIS takes into account many factors, including soil and water. For example, “[p]rime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding” (USDA NRCS n.d. [soils.usda.gov/technical/handbook/contents/part622.html]).

Other criteria, including land use, frequency of flooding, irrigation, water table, and wind erodibility, are also identified in the Final EIR/EIS. Mitigation Measure AG#1 in Section 3.14.7, Mitigation Measures, identifies measures to preserve the total amount of prime

**L029-262**

farmland and applies equally to all counties.

**L029-263**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-01.

Impacts on the economy are calculated on a regional basis (for Fresno, Kings, Tulare, and Kern counties). Economic activities are not confined to an individual county because farmers are free to buy and sell their products anywhere. The Authority will compensate losses experienced by individual farmers as a result of the HST project.

The Authority has committed to help businesses (including confined-animal operations) overcome the regulatory disruptions caused by the project. As a part of the HST project, the Authority will assign a representative to act as a single point of contact to assist each confined-animal facility owner during the process of obtaining new or amended permits or other regulatory compliance necessary to the continued operation or relocation of the facility. The Authority will consider and may provide compensation when acquisition of a confined-animal site would either require relocation of the facility or amendment of its existing regulatory permits (refer to Section 3.14.6, Project Design Features, of the Final EIR/EIS).

The Authority will compensate landowners fairly for loss or disruptions to their operations during the right-of-way acquisition process. Loss or disruptions will include the relocation of existing dairy wastewater ponds and the regulatory costs of permitting relocated wastewater storage ponds. The Authority will work with individual landowners and operators to permit new wastewater lands that may be required. This work with individual landowners will be done on a case-by-case basis, with the actual amount of compensation depending on the characteristics of the property/dairy operation involved and the necessary permits. The commenter has provided an estimate of costs, but that amount is unverifiable until actual negotiations begin over the just compensation due.

**L029-264**

Impacts on the economy are calculated on a regional basis (for Fresno, Kings, Tulare, and Kern counties). The analysis in Section 3.14, Agricultural Land, of the Final EIR/EIS

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-264**

compares the impacts on dairies for the Hanford West Bypass 1 and 2 alternatives with each other and with the BNSF (Hanford East) Alternative. The HST project would create losses of approximately \$7.0 million in revenue from Hanford West Bypass 1 Alternative and \$6.2 million from Hanford West Bypass 2 Alternative. Both of these totals are less than the \$11.6 million in losses for the comparative portion of the BNSF Alternative. All of these losses are detailed in Impact SO#16, Economic Effects on Agriculture, in Section 3.12.6, Project Design Features, of the Final EIR/EIS.

**L029-265**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06, FB-Response-GENERAL-04.

The Authority will fairly compensate landowners for the loss of or disruptions to their operations during the right-of-way acquisition process, including the relocation of existing dairy wastewater ponds and the regulatory costs of permitting relocated wastewater storage ponds. The Authority will work with individual landowners and operators to permit new wastewater lands that may be required.

**L029-266**

Refer to Standard Response FB-Response-AG-06, FB-Response-GENERAL-01, FB-Response-GENERAL-04, FB-Response-SO-01.

The Authority will fairly compensate landowners for loss of or disruptions to their operations during the right-of-way acquisition process, including the relocation of existing dairy wastewater ponds and the regulatory costs of permitting relocated wastewater storage ponds. The Authority will work with individual landowners and operators to permit new wastewater lands that may be required.

**L029-267**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-04, FB-Response-SO-03.

**L029-268**

Yes, these are the methodologies used to assess impacts on agricultural production, as stated in Appendix C, Impacts to Agricultural Production, of the Community Impact Assessment (Authority and FRA 2012h).

**L029-269**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-AG-05.

An economic analysis was conducted of the direct losses on lands within the HST footprint and lands adjacent to the footprint that could experience hardships as a result of several issues, such as access, crop direction, or groundwater delivery. These indirect impacts were included in the economic analysis to estimate the possible losses from adjacency to the HST project. Because this adjacent land next to the HST project would not likely be converted to non-agricultural uses, it is not included in the total acreage of agricultural land lost.

**L029-270**

Refer to Standard Response FB-Response-AG-01, FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04, FB-Response-GENERAL-04.

The land acquisition phase would begin before project construction. During this phase, the Authority's right-of-way agent would work with individual landowners to mitigate impacts from both construction and operation of the HST project. Also during this phase, wells and other agricultural infrastructure would be modified to minimize impacts from the construction and operation of the HST project. Before the destruction of the affected infrastructure and before the start of construction, the farm owners would have time to restore the infrastructure. This restoration of infrastructure would minimize impacts on farm infrastructure.

**L029-271**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-06, FB-Response-GENERAL-01.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-271

The goal of the Authority is to work with individual landowners to make sure that they can continue to operate their farms and dairies, as described in the Farmland Consolidation Program project design feature (see Section 3.14.6, Project Design Features, of the Final EIR/EIS). Lost business revenue from the construction and operation of the HST project will be dealt with on a case-by-case basis.

### L029-272

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-06.

The land acquisition phase would begin before project construction. During this phase, the Authority's right-of-way agents would work with individual landowners to mitigate impacts from both construction and operation of the HST project. Also during this phase, agricultural infrastructure would be modified to minimize impacts from the construction and operation of the HST project. Before the destruction of the affected infrastructure and before the start of construction, the farm owners would have time to restore the infrastructure. This restoration of infrastructure would minimize impacts on farm infrastructure.

The Authority will fairly compensate landowners for loss of or disruptions to their operations during the right-of-way acquisition process, including the relocation of existing dairy wastewater ponds and the regulatory costs of permitting relocated wastewater storage ponds. The Authority will work with individual landowners and operators to permit new wastewater lands that may be required.

### L029-273

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-01, FB-Response-AG-06.

The Authority will make every effort to fully compensate any impacted dairies.

### L029-274

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-

### L029-274

Response-AG-01, FB-Response-AG-06.

The Authority will make every effort to fully compensate any impacted dairies.

### L029-275

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

The GIS data layer that was used to identify lands permitted for wastewater application was purchased from Kings County and is the most accurate available data. Lands that are allowed to accept dairy waste under grandfathered permits that Kings County is unaware of were not included in the analysis. During the right-of-way process the land owner may bring to the attention of the Authority the loss of these lands. The Authority is proposing to work with all businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields, even if they do not appear in the Kings County data. The Authority will work with individual land owners and operators to permit new wastewater lands that may be required.

Where land that is currently being used for wastewater application and is subject to a recorded wastewater agreement would be acquired for the Project, the landowner would be provided with compensation for the fair market value of the agreement.

### L029-276

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06.

If the dairy is unable to be relocated then the landowner would be fully compensated at a fair market value. The potential for relocation will be determined during the right-of-way acquisition process.

### L029-277

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06, FB-Response-GENERAL-04.

The Authority will fairly compensate land owners for loss or disruptions to their

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-277

operations during the right-of-way acquisition process, including the relocation of existing dairy wastewater ponds and the regulatory costs of permitting relocated wastewater storage ponds. The Authority will work with individual land owners and operators to permit new wastewater lands that may be required.

### L029-278

Refer to Standard Response FB-Response-AG-06, FB-Response-GENERAL-01, FB-Response-GENERAL-04, FB-Response-SO-01.

The EIR/EIS and supporting documentation represent a good faith effort on the part of the Authority and FRA to disclose the impacts of the project. This includes a significant impact on agriculture and dairies along the future right-of-way. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate. The Authority will work with individual land owners and operators to permit new wastewater lands that may be required.

### L029-279

The Final EIR/EIS includes this correction to Appendix 3.14-B.

### L029-280

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

The statement refers to the fact that the Revised DEIR/Supplemental DEIS examines alternative routes, HMF sites, and station sites. It is intended to inform the reader that a preferred alternative had not yet been chosen. The Draft EIR/EIS and the Revised DEIR/Supplemental DEIS included maps illustrating the boundaries of the alternative alignments, station sites, and HMF sites (see Appendix 3.1-A). The maps identify each of the adjoining parcels along the entire length of the alternatives by its Assessor's Parcel Number.

Calculations are provided for each alignment alternative. The calculations were developed using Geographic Information System technology and considered the entire footprint of the HST alignment alternatives. This footprint is a slight overestimation

### L029-280

of the final design for the HST. The Authority is using this footprint because it represents a worst-case scenario.

### L029-281

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06, FB-Response-GENERAL-01.

These numbers are estimates. They are the result of GIS mapping output, which provides specific numbers even when making approximations. Being estimates does not make them inaccurate. They are a good faith effort at disclosure of potential impacts.

The Authority cannot "make a decision on the final alignment" without first complying with CEQA and NEPA. As discussed in FB-Response-GENERAL-01, the project is a design-build project and final design is not available at the time the EIR/EIS has been prepared. The Authority has provided an estimate of the project's effects to the best of its ability given the available level of design.

The analysis conducted in Appendix C of the Community Impact Analysis estimated the permanent loss of agricultural production on the regional economy. It was not meant to quantify temporary losses due to temporary displacements of agricultural operations. Please note that the land acquisition process begins before construction. It is during this phase that the Authority's right of way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. During this phase, wells and other agricultural infrastructure may need to be modified or newly built so as to minimize impacts from the construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts to farm operations.

### L029-282

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06.

The analysis conducted in Appendix C of the Community Impact Assessment (Authority and FRA 2012h) estimated the effects of the permanent loss of agricultural production on the regional economy. It was not meant to determine the temporary losses due to

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-282

temporary displacements of agricultural operations. Impacts from the loss of wastewater are discussed in Appendix 3.14-B, Effects on Confined Animal Agriculture, of Volume 2 of the Final EIR/EIS. Please note that the land acquisition process would begin before project construction. During that phase, the Authority's right-of-way agents would work with individual landowners to mitigate the impacts from both construction and operation of the HST project. Also during this phase, wells and other agricultural infrastructure would be modified to minimize impacts from the construction and operation of the HST project. Before the destruction of the affected infrastructure and before the start of construction, the farm owners would have time to restore the infrastructure. The restoration of infrastructure would minimize impacts on farm infrastructure.

### L029-283

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06.

The land acquisition phase would begin before project construction. During this phase, the Authority's right-of-way agents would work with individual landowners to mitigate impacts from both construction and operation of the HST project. Also during this phase, wells and other agricultural infrastructure would be modified to minimize impacts from the construction and operation of the HST project. Before the destruction of the affected infrastructure and before the start of construction, the farm owners would have time to restore the infrastructure. The restoration of infrastructure would minimize impacts on farm infrastructure.

### L029-284

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06.

The analysis conducted in Appendix C of the Community Impact Assessment (Authority and FRA 2012h) estimated the effects of the permanent loss of agricultural production on the regional economy. The economic viability of each individual farm will be addressed during the land acquisition process.

### L029-285

Appendix 3.14-B has been revised in the Final EIR/EIS.

### L029-285

The EIR/EIS does evaluate site-specific impacts. The extensive information provided in the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS (including Section 3.14 and Appendix 3.14-B) concerning impacts to dairies along the alternative alignments illustrates the extent to which the Authority and FRA have attempted in good faith to disclose the HST project's impacts in light of what is reasonable feasible. The information presented in the EIR/EIS provides a hard look at the project's environmental impacts, and a sufficient degree of analysis to provide decision makers and the public information to enable a decision that takes into account the environmental consequences of the project, including impacts to dairies.

### L029-286

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-06.

The GIS data layer that was used to identify lands permitted for wastewater application was purchased from Kings County and is the most accurate available data. Lands that are allowed to accept dairy waste under grandfathered permits that Kings County is unaware of were not included in the analysis. During the right-of-way acquisition process the land owner may bring to the attention of the Authority the loss of these lands. The Authority is proposing to work with all businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields, even if they do not appear in the Kings County data layer. The Authority will work with individual land owners and operators to permit new wastewater lands that may be required.

### L029-287

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01, FB-Response-AG-06, FB-Response-GENERAL-08.

Please see Appendix 3.14-B for a revision to the feedlot located at 9846 Lansing Ave. The commenter offers a distinction without substantive difference. As a confined animal facility, the permitting for a feedlot would be similar to that of a dairy.

The EIR/EIS and supporting documentation represent a good faith effort on the part of the Authority and FRA to disclose the impacts of the project. This includes a significant

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Continued

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**L029-287**

impact on agriculture and dairies along the future right-of-way.

The EIR/EIS does evaluate site-specific impacts. The extensive information provided in the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS (including Section 3.14 and Appendix 3.14-B) concerning impacts to dairies along the alternative alignments illustrates the extent to which the Authority and FRA have attempted in good faith to disclose the HST project's impacts. The information in the EIR/EIS provides a sufficient degree of analysis to provide decisionmakers and the public information about the project so that decision can be made with the project's environmental consequences in mind.

As discussed in Standard Responses SO-01 and AG-06, compensation will be provided to property owners consistent with state and federal law. The compensation will be provided on an individual basis, depending upon the losses suffered by the property owner.

The Authority and FRA have consulted with Kings County extensively during the preparation of the EIR/EIS. There has been no "refusal to coordinate this project with Kings County." Chapter 7, Public and Agency Involvement, illustrates the extent to which the Authority and FRA have undertaken outreach to public agencies and the community. The County opposes the project; that does not mean it has not been consulted during project planning.

**L029-288**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy. The severance of a dairy from any of its currently utilized wastewater lands would be dealt with in the right-of-way process. The Authority's right-of-way agents would work with individual landowners to mitigate impacts from both construction and operation of the HST project. Before the destruction of the affected infrastructure and before the start of construction, the farm owners would have time to restore the infrastructure. This restoration of infrastructure would minimize impacts on

**L029-288**

farm infrastructure. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual landowners and operators to permit new wastewater lands that may be required.

**L029-289**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy. The severance of a dairy from any of its currently utilized wastewater lands would be dealt with in the right-of-way process. The Authority's right-of-way agents would work with individual land owners to mitigate impacts from both construction and operation of the HST project. Before the destruction of the affected infrastructure and before the start of construction, the farm owners would have time to restore the infrastructure. This restoration of infrastructure would minimize impacts on farm infrastructure. The Authority is proposing to work with all businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual landowners and operators to permit new wastewater lands that may be required.

**L029-290**

Please refer to Appendix 3.14-B, Effects on Confined Animal Agriculture, in Volume 2 of the Final EIR/EIS for a revision to the previously described dairy at 6502 13th Avenue, which is now being described as a feedlot.

**L029-291**

Refer to Standard Response FB-Response-5, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06.

The impact acreages to the dairy located at 12270 7th Avenue have been revised in Appendix 3.14-B of the Final EIR/EIS. The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy. The Authority does

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-291**

recognize that they will impact the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right of way process. It is unlikely that the potentially severed 380 acres of wastewater land would be removed from agricultural production; therefore the severance of these lands from the dairy would not be looked at as a loss of agricultural land. The Authority's right of way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts to farm operations. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new waste water lands that may be required.

**L029-292**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy. The Authority does recognize that they will impact the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right of way process. It is unlikely that the potentially severed acres of wastewater land would be removed from agricultural production; therefore the severance of these lands from the dairy would not be looked at as a loss of agricultural land. The Authority's right of way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure before construction begins so as to minimize impacts on farm operations. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new waste water lands that may be required.

The Authority will consider and may provide compensation when acquisition of a confined animal site would either require relocation of the facility or amendment of its

**L029-292**

existing regulatory permits (see Section 3.14.6). The Authority will fairly compensate land owners for loss or disruptions to their operations during the right-of-way acquisition process.

**L029-293**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy. The Authority does recognize that they will affect the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right-of-way process. It is unlikely that the potentially severed acres of wastewater land would be removed from agricultural production; therefore, the severance of these lands from the dairy would not be looked at as a loss of agricultural land. The Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts on farm operations. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new waste water lands that may be required.

**L029-294**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy. The Authority does recognize that they will impact the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right of way process. It is unlikely that the potentially severed 40 acres of wastewater land would be removed from agricultural production; therefore the severance of these lands from the dairy would not be looked at as a loss of agricultural land. The Authority's right of way agent will work with individual

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-294

land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts on farm operations. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new waste water lands that may be required.

### L029-295

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06, FB-Response-GENERAL-01.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy, and the severance of these 380 acres of wastewater land would not necessarily convert these agricultural lands to non-agricultural use. The Authority does recognize that they will impact the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right of way process. It is unlikely that the potentially severed 380 acres of wastewater land would be removed from agricultural production; therefore the severance of these lands from the dairy would not be looked at as a loss of agricultural land. The Authority's right of way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts on farm operations. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new waste water lands that may be required.

### L029-296

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy, and the severance of these 1,330 acres of wastewater land by

### L029-296

the BNSF Alternative and 960 acres of wastewater lands by the Hanford West Alternatives would not necessarily convert these agricultural lands to non-agricultural use. The Authority does recognize that they will affect the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right-of-way process. It is unlikely that the potentially severed 1,330 to 960 acres of wastewater land would be removed from agricultural production; therefore the severance of these lands from the dairy would not be looked at as a loss of agricultural land.

The Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts on farm operations. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new wastewater lands that may be required.

### L029-297

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy, and the severance of these 170 acres of wastewater land would not necessarily convert these agricultural lands to non-agricultural use. The Authority does recognize that they will impact the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right-of-way process. It is unlikely that the potentially severed 170 acres of wastewater land would be removed from agricultural production; therefore the severance of these lands from the dairy would not be looked at as a loss of agricultural land. The Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts on farm operations. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-297

these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new waste water lands that may be required.

### L029-298

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-06.

The analysis did not take into account which permitted wastewater lands were receiving waste from which dairy, and the severance of these 170 acres of wastewater land would not necessarily convert these agricultural lands to non-agricultural use. The Authority does recognize that they will affect the dairy in a detrimental way, but the severance of a dairy from any of its currently utilized wastewater lands is to be dealt with in the right-of-way process. It is unlikely that the potentially severed 170 acres of wastewater land would be removed from agricultural production; therefore the severance of these lands from the dairy would not be looked at as a loss of agricultural land. The Authority's right-of-way agent will work with individual land owners to mitigate impacts from both construction and operation of the HST. Before land acquisition occurs and HST construction begins, the farm owner would have time to build or modify the farm's infrastructure so as to minimize impacts on farm infrastructure. The Authority is proposing to work with businesses that would lose their wastewater land to help them relocate these wastewater lands to nearby fields. The Authority will work with individual land owners and operators to permit new waste water lands that may be required.

### L029-299

All wastewater lands identified by Kings County were analyzed to see the impacts to these lands from the HST footprint. The impacts on each one of these parcels is discussed in Appendix 3.14-B Table 3, Affected Wastewater Land by Alternative. The feedlot area at 7394 Nevada Ave is listed as a feedlot at the intersection of Nevada Avenue and 8<sup>th</sup> Avenue in Appendix 3.14-B.

### L029-300

A list of the specific parcels impacted by the HST right-of-way is not included in the Final EIR/EIS. However, Appendix 3.1-A, Parcels within the HST Footprint, in Volume 2 of the

### L029-300

Final EIR/EIS provides detailed maps of the parcels impacted by the project footprint.

### L029-301

A list of the specific parcels temporarily impacted by the HST right-of-way is not included in the Final EIR/EIS. However, Appendix 3.1-A, Parcels within the HST Footprint, in Volume 2 of the Final EIR/EIS provides detailed maps of the parcels impacted by the project footprint.

### L029-302

Refer to Standard Response FB-Response-SO-01, FB-Response-SO-03.

### L029-303

Refer to Standard Response FB-Response-GENERAL-02.

EIR/EIS Section 3.12 has a discussion of the San Joaquin Valley Blueprint. It is supportive of HST within the BNSF corridor. As discussed in Standard Response FB-02, the design requirements of a grade-separated, 220-mile-per-hour maximum speed HST preclude locating the alignments within the BNSF right-of-way.

### L029-304

Refer to Standard Response FB-Response-GENERAL-02.

Chapter 2 of the EIR/EIS clearly illustrates that the HST alignment does not stay within the BNSF corridor (see Figure 2-22 illustrating the existing radii network, and Figures 2-27 through 2-30 illustrating the alternative alignments and facilities being proposed as part of the HST Project). The EIR/EIS does not characterize the alternative alignments as being fully within the BNSF corridor.

### L029-305

The expectations are those of the State and the San Joaquin Valley's "metropolitan planning organizations" or MPOs. SB 375, or the Sustainable Communities and Climate Protection Act of 2008, enhances California's ability to reach its AB 32 greenhouse gas reduction goals by promoting good planning with the goal of more sustainable

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-305

communities. This is a statewide policy meant to help reduce greenhouse gas emissions by reducing vehicle miles traveled. For the Fresno to Bakersfield Section, the pertinent MPOs are the Fresno COG, Kings County Association of Governments, Tulare County Association of Governments, and Kern COG. These agencies will adopt a sustainable communities strategy as an element of their "regional transportation plan" (RTP). The RTP establishes funding priorities and financing availability for transportation improvements within each county. The sustainable communities strategy will enable the RTP to meet the region's greenhouse gas reduction targets under SB 375.

### L029-306

No such limitations are inferred nor will any such limitations be imposed. SB 375 simply requires that when planning transportation infrastructure, regional transportation planning organizations must include provisions that will result in a reduction of greenhouse gas emissions from autos and light trucks. This may include, for example, providing additional bicycle lanes to encourage bicycling for short errand trips, funding transit to provide more frequent service, or otherwise providing additional alternative modes of transportation that will enable people to drive fewer miles if they choose. SB 375 in no way limits the use of automobiles nor does it restrict one's ability to travel by automobile if they so choose.

### L029-307

The Authority disagrees that the transfer of property from land owners would not be a social effect. Losing one's property, especially a farm, would have social effects as well as economic ones. No change has been made to the EIR/EIS.

### L029-308

This statement is meant to inform the reader that not all farms in the area are run by families and that the farm economy includes management and service firms as well.

### L029-309

The land owner's statement is a socioeconomic item, but also an agricultural item as it is dealing with agricultural lands.

### L029-310

This is common knowledge. It is not a conclusion, but is rather a statement of fact. Contract harvesters, irrigation companies, farm management companies, and many similar types of firms exist throughout the San Joaquin Valley and provide important services to farm owners.

### L029-311

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-04, FB-Response-AG-06.

The Authority will work with individual land owners and operators to permit new wastewater lands to make up for the loss of those from the HST footprint. Compensation for lost business revenue from the HST will be dealt on a case-by-case basis.

### L029-312

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-01.

The Authority recognizes that farmlands used for temporary construction activities will experience impacts from the storage of construction equipment and other construction-related activities. One of the project design features is to ensure that once the land is no longer needed for construction activities, the Authority will restore the land to as close to pre-construction condition as possible. This would include the costs associated with replanting lost crops and revenues lost during the construction period.

### L029-313

The statement is not at all deceptive. The statement is not saying the Corcoran Alternative is the same as the BNSF Alternative. The first sentence of the paragraph reads that the Corcoran Elevated Alternative is directly adjacent to the BNSF Alternative, which indicates that it is not the same, but next to it. The statement about the number of acres of Important Farmland used for temporary construction is consistent with the rest of the section in comparing the alternative to the corresponding portion of the BNSF Alternative.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-314**

The 1,519 acres of farmland identified in Table 3.14-8 refers to the entire BNSF Alternative. The Corcoran Elevated Alternative would affect a total of 319 acres. The Corcoran Elevated Alternative is significantly shorter than the entire BNSF Alternative and is compared to its comparative portion of the BNSF Alternative throughout the document. In this case the Corcoran Elevated Alternative affects the same amount of farmland as the comparable portion of the BNSF Alternative.

**L029-315**

The 1,519 acres of farmland identified in Table 3.14-8 refers to the entire BNSF Alternative. The Corcoran Bypass Alternative would affect a total of 351 acres. The Corcoran Bypass Alternative is significantly shorter than the entire BNSF Alternative and is compared to its comparative portion of the BNSF Alternative throughout the document. In this case the comparable portion of the BNSF Alternative would affect 319 acres of farmland, which would account for the 32-acre difference between the Corcoran Bypass and the BNSF Alternative.

**L029-316**

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

The discussion of the Corcoran Bypass Alternative has been presented in a way similar to other sections in the Revised DEIR/Supplemental DEIS to reduce confusion to the reader. It is neither inaccurate nor deceptive. The Final EIR/EIS will provide the Authority and FRA with sufficient information to make an informed judgment regarding the selection of the preferred alternative.

**L029-317**

This sentence has been clarified in the Final EIR/EIS. Please see Section 3.14.5 in the Final EIR/EIS.

**L029-318**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-21.

No. The term "15% design" is an engineering term of art that refers to the level of

**L029-318**

engineering applied on HST project elements for the EIR. The 15% design generates detailed information, like the horizontal and vertical location of track, cross sections of the infrastructure with measurements, precise station footprints with site configuration, and temporary construction staging sites and facilities. The 15% design also yields a "project footprint" overlaid on parcel maps, which shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity. This 15% design translated into a project description in the EIR with 100% of the information that is required under CEQA Guidelines Section 1512447 (See *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, at pp. 27-36 [upholding EIR conceptual project description as inadequate when based on preliminary design]).

A higher level of design is not necessary because 15% design provides enough information for a conservative environmental analysis. A higher level of design provides refinement, but does not yield more information needed for adequate CEQA review. For example, if a lead agency knows the location, size, and basic design of a building, it has enough information for environmental review. The details about whether the water system will use PVC or copper pipe, or whether windows will be vinyl or wood, are not necessary for assessing the impacts of building construction. Further, it is common practice with larger transportation infrastructure projects to prepare environmental analysis before completion of final design.

**L029-319**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01.

According to the FMMP, grazing land is not classified as *Important Farmland*. Important Farmland includes prime, farmland of statewide importance, unique farmland, and farmland of local importance. The loss of grazing land would not be considered a significant impact based on NEPA and CEQA criteria. However, the Authority understands that grazing land is very important in the Central Valley; therefore, the Revised DEIR/Supplemental DEIS reports the total number of grazing acres displaced to fully inform the public as to the project's impacts.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-320

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-04.

The assumption that the HST will reduce the impacts of projected agricultural conversion in the Central Valley was based on the work of the San Joaquin Valley Blueprint. The Blueprint, adopted regionally in 2009, is a coordinated effort by the Council of Governments in the San Joaquin Valley to identify smart growth policies and encourage local land use planning that will result in more compact and efficient growth patterns.

### L029-321

The location of the Corcoran Bypass is clearly shown in Figure 2-28 of the Revised DEIR/Supplemental DEIS as being outside of Fresno County.

This sentence referenced by the commenter has been revised in the Final EIR/EIS for clarification. Please see Section 3.14.5 of the Final EIR/EIS.

### L029-322

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

Impacts to specific canals and the movement of water are discussed in Section 3.8, Hydrology and Water Quality.

### L029-323

Refer to Standard Response FB-Response-AG-05.

The Agricultural Working Group (AWG) was established in July 2011 to assist the Authority with an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include representatives from universities, governmental agencies, county agricultural commissions, and agribusiness. A series of white papers was produced by this group and they were presented to the High-Speed Rail Authority Board. The information contained in the white paper on "Induced Wind Impacts" is included in the Final EIR/EIS in FB-Response-AG-05,

### L029-323

Pesticide Spraying/Dust/Pollination. The final white papers are currently provided on the Authority's website.

### L029-324

The reason for continued research by the Authority on the effects of the HST project is to improve the Authority's understanding of the differences between the actual versus projected effects. This research will allow the Authority to improve the analysis of effects in future sections and the operation of all sections.

### L029-325

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01.

The commenter misconstrues this statement. This statement is meant to inform the reader about the importance of the agricultural land, not just to the local community, but to the state and county as a whole. How and why this farmland is so productive is not the purpose of this statement, only to inform the reader of the importance. Both the U.S. Department of Agriculture and the California Department of Food and Agriculture rank the importance of California's agricultural counties based on the economic value of the crops they produce. Crop value is commonly used as an indicator of productivity in the public realm.

Note that the identification of agricultural land by the Farmland Mapping and Monitoring Project (FMMP) incorporates many of the environmental factors cited by the commenter. Therefore, the identification of Important Agricultural lands and the discussions of same in the EIR/EIS include consideration of productivity as well. This is also reflected in the findings of the Land Evaluation and Site Assessment (prepared in compliance with the FPPA) in Appendix 3.14-A.

### L029-326

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-AG-02.

The negligible intensity is a result of the ability of the large farm parcels to be split, but

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-326

still remain economically viable to be farmed, whether it be from the current owner or an adjacent farmer. Small parcels are intentionally not discussed in this paragraph because their impacts are not the same as those of a large parcel. In several cases these smaller parcels would not remain economically viable to farm and are therefore counted as a permanent take of the HST. This is described in Section 3.14.3, Methods for Evaluating Impacts.

### L029-327

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06.

If it is determined that the site cannot be returned to agricultural productivity, the Authority will consider other productive options for the land. The Authority is committed to minimizing loss of agricultural land and will do what it can to minimize these impacts.

### L029-328

Refer to Standard Response FB-Response-AG-05.

This bullet is a summary of the impact discussed in Impact #11 – Effects on aerial spraying. The text discussing the impact highlights the new structures that would be introduced as a result of the HST and that these new structures could interfere with aerial spraying. The discussion also states that aircraft are currently flying in these types of conditions throughout the valley and that the structures of the HST are similar to those currently encountered by pilots. No revision to the bullet is required as the discussion in Impact #11 – Effects on aerial spraying to resolve the safety issues.

### L029-329

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01.

The Authority does recognize that the loss of farmland cannot be fully mitigated, and as such it has been classified as a significant and unavoidable impact. See Impact AG #4 for information on the permanent conversion of agricultural land, and see Mitigation Measure AG #1 in Section 3.14.7 for measures to permanently preserve farmland in the

### L029-329

affected areas. Mitigation Measure AG #1 commits the Authority, working through the existing California Farmland Conservancy Program, to fund the acquisition of permanent conservation easements on agricultural acreage at a 1:1 ratio relative to converted land.

### L029-330

Refer to Standard Response FB-Response-AG-04, FB-Response-AG-05, FB-Response-AG-06.

The Agricultural Working Group (AWG) was established in July 2011 to assist the Authority with an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include representatives of universities, governmental agencies, county agricultural commissions and agri-business. A series of white papers were produced by this group and were presented to the High-Speed Rail Authority Board. The white papers cover the topics of bees and pollination, induced winds, dairy impacts, movement of agricultural equipment, pesticide use, and irrigation.

The information contained in the white papers produced by the Working Group is included in the Final EIR/EIS in FB-Response-AG-04, Severance – Farm Impacts; FB-Response-AG-05, Pesticide Spraying/Dust/Pollination; and FB-Response-AG-06, Confined Animal Facilities. The Final White Papers are currently provided on the Authority's website.

### L029-331

The analysis conducted was to understand the impacts to agricultural lands, not individual farms. The Farmland Mapping and Monitoring Program (FMMP) data are based on a 10-acre grid and do not provide finer detail. As a result, the FMMP is accurate to a 10-acre level. This does not mean that those resources are not counted, but rather that their agricultural status is assumed by the FMMP from surrounding land uses. Farms of less than 10 acres were accounted for in the agricultural lands affected by the HST if the FMMP identified the lands as Important Farmland.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-332**

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

Appendix G of the CEQA Guidelines is a sample checklist. By its own terms: "The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance."

A Williamson Act contract restricts land to agricultural use for the term of the contract. Conflict with a Williamson Act contract by itself does not determine whether the project will have an impact on agricultural lands. Particularly if the project will cancel that contract (e.g., it would not conflict with the contract because the contract has been cancelled). The Authority and FRA have chosen to add the phrase "result in conversion of Important Farmland to nonagricultural use" to clarify that it is not simply a conflict that is important, but rather the result of the project (i.e., its conversion of previously contracted land). This does not narrow the extent of the impact.

**L029-333**

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

A list of the specific parcels affected by the HST right-of-way was not included in the Revised DEIR/Supplemental DEIS. The Revised DEIR/Supplemental DEIS summarizes the information in Section 3.14. Appendix 3.1-A Parcels within the HST footprint in Volume 2 of the Revised DEIR/Supplemental DEIS contains detailed maps of the parcels that will be affected by the project footprint. The footprint is clearly delineated on each map and the parcels are identified by their Assessor's Parcel Numbers.

**L029-334**

Refer to Standard Response FB-Response-GENERAL-03.

The Agricultural Land Conversion Study Conducted by Kings County states that "Areas of the Valley are already converting productive farm lands to urban uses at a rate that is similar to or exceeds that of the Los Angeles County in the mid-twentieth century. For example, the largest agriculture-producing county in the Valley, Fresno County, recently experienced a greater rate of agricultural conversion than did Los Angeles County in 1960.

**L029-334**

Los Angeles County was the leading agriculture-producing county in the US from 1901 to 1949. The Great Valley Center predicted that from 2000 to 2040, Fresno County will experience a growth rate of 164 percent which translated into 234,000 acres of converted productive farmland (1998)."

These changes in Fresno County can also be expected to occur across the San Joaquin Valley as "The factors contributing to rapid urban consumption of land would appear difficult to control, with the potential for damage to the prosperity of the Valley and the state a likely outcome of unmitigated conversion of agricultural land. Clearly, given the growth pressures in the Valley, careful planning must occur in order to preserve these valuable resources, while accommodating reasonable growth." These statements show the current pressures on agriculture in the San Joaquin Valley and why such a large amount of Important Farmland is expected to be converted to non-agricultural uses.

Kings County does have policies that are meant to limit the conversion of agricultural lands. But there is a large amount of land (more than 45,000 acres according to the Agricultural Land Conversion Study) that is currently within the sphere of influence of either a city or census designated place. That means that these areas are designated as future development areas where the county's agricultural preservation policies have little weight. It is expected that a majority of the development to occur will occur within these areas; however, a large amount of this land is currently in agricultural production.

The San Joaquin Valley Blueprint was adopted in 2009. It was the result of a regional planning process involving the Valley's councils of government and counties, of which Kings County is one of the members. The Blueprint used existing general plans of the cities and counties in the San Joaquin Valley to project the potential for future conversion of farmland to other uses, which was titled Scenario A. Several other scenarios were presented, including the ultimately Preferred scenario B+, which incorporates high-speed rail. Analysis of this scenario showed that it would help to preserve approximately 118,000 acres of agricultural land from conversion in the San Joaquin Valley (Memo from Barbara Steck to the San Joaquin Valley Regional Policy Council, dated March 20, 2009). While high-speed rail is not the only determining factor in the conversion of agricultural lands and development patterns, it could (as stated

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-334

Section 3.14.5.1 Overview) help reduce the amount of farmland converted, by being a part of the preferred scenario which focuses on providing more transportation infrastructure that crosses county boundaries.

### L029-335

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

The less-than-significant determination was based on the temporary nature of the impact. As discussed in the Project Design Features, the Authority is committed to returning these lands to as close to their pre-construction condition as possible. This means that the Authority will compensate farmers for any losses they will incur as a result of their land being temporarily used for construction staging areas. Once the land is no longer required for construction activities, the Authority will return the land to its condition prior to construction. Under common practice, the lease or other agreement between the Authority and affected landowner for temporary use of property typically sets out the method by which the Authority and landowner will agree on the return of the land to its pre-construction condition.

Land use for temporary construction was included in the project footprint in Appendix 3.1-A. The acreage totals were then calculated in the same manner as those for the permanent project takings.

### L029-336

Refer to Standard Response FB-Response-AG-04, FB-Response-GENERAL-01.

The level of detail is sufficient to allow an informed choice, consistent with CEQA and NEPA. See Standard Response FB-01 regarding CEQA's provision that the level of detail in an EIR is commensurate with the project's level of detail.

### L029-337

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-04.

There is no contradiction in the analysis and conclusions in chapter 3.14. The

### L029-337

commenter appears to be conflating the impact on agricultural lands that come in the form of the high-speed train project permanently converting agricultural land to a non-agricultural use (Impact AG # 4), causing the conversion of agricultural land to a non-agricultural use from parcel severance (Impact AG # 5), or other indirect causes of agricultural land conversion to non-agricultural use (e.g., Impact AG # 10, # 11) with impacts on agricultural infrastructure that the EIR/EIS concludes will not cause the permanent conversion of agricultural lands to non-agricultural use (Impact AG # 2, # 8.) The EIR/EIS identifies that there may be conflicts with agricultural infrastructure, and explains that such conflicts will be resolved through the right of way acquisition process, as discussed in Standard Responses SO-01 and AG-04. The ROW acquisition process will result in a negotiated agreement whereby disruption of agricultural infrastructure will be avoided or the owner financially compensated.

The EIR/EIS discloses that agricultural land conversion due to the project is a significant adverse impact and identifies mitigation in the form of agricultural conservation easements.

The citation to *Napa Citizens* is inapposite. At issue in that case was whether water supply to an industrial park could be guaranteed by a prospective agreement with another agency to provide the water. Here, the Authority is directly participating in ensuring that the acquisition of conservation easements will occur. The Authority has entered into an agreement with the existing California Farmland Conservancy Program, which has a successful record of acquiring conservation easements, to administer the program. A map identifying properties on which the Program has funded easements can be viewed at the Program's website: <http://www.conservation.ca.gov/dlrp/cfcp/stories/Pages/index.aspx>. The Authority and the Program will prepare guidelines for the award of funding for easements that prioritize the areas affected by the project.

The Authority has already provided substantial funding for the acquisition of conservation easements. Keep in mind that these are easements, not full acquisitions of title. Conservation easements allow farmers to continue to farm, while providing both a one-time payment and certain property tax benefits on the restricted land. These benefits to the participating land owner can be an important incentive to participate in

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Continued

**L029-337**

the program.

**L029-338**

Refer to Standard Response FB-Response-AG-06, FB-Response-N&V-01, FB-Response-N&V-03.

A detailed noise analysis of the existing conditions and impacts of noise was conducted; please see Section 3.4 of the Revised DEIR/Supplemental DEIS. Noise impacts on dairies and animal facilities are further discussed in Appendix 3.14-A.

The Authority formed an agricultural working group to assist the Authority on agricultural issues. The working group is composed of representatives of universities, government agencies, and agri-business. The group completed a white paper on dairy impacts in 2012 (this paper is on the Authority's website). The conclusion in the white paper establishes that while current research suggests minimal impact beyond 100 feet, this is not conclusive, and consideration should be given to studies of cattle responses to the HST for conditions where cattle operations are within 350 feet (90db).

The construction noise impact analysis was based on evaluating the noise expected to be generated by typical construction equipment and construction methods in comparison to existing noise levels. As mentioned above, the existing noise levels were determined throughout the corridor by direct field noise measurements.

Local and city noise ordinances were acknowledged and presented in Appendix A, Local Noise Regulations, of the Noise and Vibration Technical Report (Authority and FRA 2012). However, as this is a federally funded project, the Authority and FRA are required to follow the assessment guidelines set forth by the FRA and FTA, which provide uniform guidance on rail and transit projects. As a state agency, the Authority is not subject to local noise ordinances. However, during construction, the Authority and its design/build contractor will consider local noise sensitivities consistent with local ordinances and employ best management practices (BMPs) to minimize excessive noise impacts during construction.

**L029-339**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-04.

The Authority and FRA do not agree that mitigation measure AG-MM #1 is illusory and unenforceable. The Authority has entered into an agreement with the existing California Farmland Conservancy Program (CFCP) to implement AG-MM # 1 by acquiring conservation easements on agricultural lands. The CFCP has a successful record of acquiring conservation easements on agricultural lands throughout the Central Valley, including in Fresno, Kings, Tulare, and Kern counties. A map identifying properties on which the Program has funded easements can be viewed at the Program's website: <http://www.conservation.ca.gov/dlrp/cfcp/stories/Pages/index.aspx>. The Authority and the CFCP have developed selection criteria for the easement acquisitions that reflect AG-MM # 1 and the CFCP is expected to issue a Request for Grant Applications in late spring or summer 2014 to seek property owners interested in placing an agricultural land conservation easement on their property. or the Program to prioritize the areas affected by the project for funding.

The Authority has already provided substantial funding for the acquisition of agricultural conservation easements. Keep in mind that these are easements, not full acquisitions of fee title to the land. Conservation easements allow farmers to continue to farm, while providing both a one-time payment and certain property tax benefits on the restricted land. These benefits to the participating land owner can be an important incentive to participate in the Program. Even though the EIR/EIS cannot identify precisely which parcels will be placed under easement, because the parcels will be based on willing landowner participation, the established agreement with the CFCP, existing funding, and CFCP's track record demonstrate that this mitigation measures is not illusory.

**L029-340**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

As discussed in Section 3.13.3.2 of the Revised DEIR/Supplemental DEIS, while the project is not required to be consistent with local plans, the land use analysis did include a review of the goals and policies of the local land use plans, as well as other plans, to describe the local land use planning context.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-341**

Refer to Standard Response FB-Response-GENERAL-08.

The 2035 Kings County General Plan is discussed and referenced in Appendix 3.13-A. Section 3.13.2.3 of the Revised DEIR/Supplemental DEIS contains a section on the adopted 2035 Kings County General Plan and its relevant policies. The policies included in Section 3.13 and Appendix 3.13-A are described in order to provide a context for the project.

### **L029-342**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-03.

Projections prepared by the California Department of Finance (May 2012 [<http://www.dof.ca.gov/research/demographic/reports/projections/interim/view.php>]) show Kings County continuing to grow at 7% every 5 years until 2050. While a few other counties may grow at a faster rate, this projection is one of the highest in the state. The average state growth over the same period is projected at 4%. Circulation Policy C1.2.4 is described in Table 3.13A-1.

### **L029-343**

High-speed rail would bring significant benefits to California, both in the near term and in the long run. It would benefit individuals and the state as a whole. Benefits would be statewide and would encompass both economic and environmental concerns. California's population is growing rapidly and unless new transportation solutions are identified traffic and congestion will only worsen and airport delays will continue to increase. The proposed 220-mph HST System would provide lower passenger costs than travel by air for the same city-to-city markets. High-speed rail would increase mobility while reducing air pollution, decreasing dependence on fossil fuels, and protecting the environment by reducing greenhouse gas (GHG) emissions. High-speed rail would also promote sustainable development. By moving people more quickly and at lower cost than today, the HST System would boost California's productivity and enhance the economy. In November 2008, California voters passed Proposition 1A, which provides \$9 billion toward the implementation of HST service in California. See

### **L029-343**

the Statewide Program EIR/EIS for more information about the rationale for building the proposed HST System (Authority and FRA 2005). See also the discussion under Section 1.2.4, Statewide and Regional Need for the HST System, in the Fresno to Bakersfield Section EIR/EIS.

The commenter confuses the characteristics of commuter rail and rail intended for inter-city or intra-regional service with the proposed inter-regional HST System. Vehicle miles traveled (VMT) is projected to change because the availability of an alternative mode of travel that is significantly faster and safer than automobile travel will replace a substantial number of inter-regional trips that are currently made by automobile. Existing HST systems in Europe and Asia are designed to compete with airlines for inter-regional travel business. Airplane travel is not undertaken primarily for "luxury, nostalgic corporate travel and novelty destination trips," so there is no reason to assume that HST trips would be any more likely to be taken for those reasons.

### **L029-344**

The comment describes a policy of the Kings County General Plan, but makes no specific comment otherwise and no further response is required.

### **L029-345**

As mentioned in Section 3.13.5.3 of the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands.

However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-345

conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the potential station site. The Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land. Therefore, the land use effect of the Kings/Tulare Regional Station–East would have substantial intensity under NEPA, and the impact would be significant under CEQA.

### L029-346

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

Implementation of Ag-MM #1 states that the California Farmland Conservancy Program will work with local, regional, or statewide entities whose purpose includes the acquisition and stewardship of agricultural conservation easements. The Program, which is administered from Sacramento, will not be biased towards one area or another.

See FB-Response-AG-02: Severance – General Response including Roadway Impacts, for a discussion of how the Authority has sought to minimize impacts due to parcel severance and their approach to mitigating these impacts.

### L029-347

The California Department of Conservation and the Authority will make every effort to obtain agricultural conservation easements on Important Farmland in the counties affected by the Fresno to Bakersfield Section.

### L029-348

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

### L029-348

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority’s vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-348

Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses that the Kings/Tulare Regional Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford's western Planning Area Boundary, and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The "Urban Fringe" Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities.

### L029-348

Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

### L029-349

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

As described in Section 3.13.5.3, the Kings County–Hanford HMF Site would be located on a new right-of-way on agricultural lands and would conflict with current plans and policies adopted to protect agricultural lands and open space. The Williamson Act, lands under the Williamson Act, and impacts to Williamson Act lands are discussed in Sections 3.14.2.2, 3.14.4, and 3.14.5.3.

### L029-350

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Per the analysis in Appendix 3.13A-1, roads and freight railways often stimulate residential, commercial, and industrial development because they can provide convenient access to the land they pass through. This is not the case with the HST. There would be no access to the system except at stations; therefore, the HST alignment through Kings County is not in conflict with LU Goal C1. The Authority recognizes that the Kings/Tulare Regional Station could place pressure on adjacent agricultural lands for development of transportation-related commercial uses. There are preexisting commercial uses on the southern side of the Kings/Tulare Regional Station—East site including a service station at the intersection of East Lacey Boulevard and 8th Avenue. All land uses bordering the Kings/Tulare Regional Station—West are in agricultural or residential uses, with an educational institution within the 0.5-mile station study area.

Therefore, both station locations are somewhat consistent with LU Goal C1 because there are preexisting residential, commercial, institutional, and industrial land uses close to the sites. As stated above, the Authority has committed to measures to minimize conversion of agricultural land around the station and welcomes suggestions from the County on additional measures. The Authority and the Federal Railroad Administration

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-350

(FRA) have made funding available to support HST station area planning to support the smart growth principles of the Kings County General Plan. A maximum of \$700,000 in federal funding and \$200,000 in state funding is available to an individual jurisdiction for its station area planning process, depending upon city/station size. This planning process enables the Authority and local jurisdictions to work together to ensure that the station, surrounding area, and local transportation networks are planned to work together to maximize the economic, mobility, environmental, and other benefits of the HST stations.

Local governments will focus on land use development policy in the area around the station and local/regional transportation, while the Authority is committed to utilizing its resources, both financial and otherwise, to assist the implementation of the station area development and transportation plans created by this process. The Authority and the FRA prioritized the initial station area planning funding agreements for the following jurisdictions: Merced, Fresno, Bakersfield, Kings/Tulare region, Palmdale, San Jose, and Gilroy. Stations were selected, in part, due to their linkage with local and regional transit, airport, and commuter rail systems, and their future roles in the initial rail operations. The "Application Package for Station Area Planning Funds" was approved in February 2011 and distributed to the seven local jurisdictions in March of 2011.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station—East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements

### L029-350

from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station—East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station—East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station—East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority's vision for the Kings/Tulare Regional Station—East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station—East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station—West

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-350

Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford's western Planning Area Boundary, and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The "Urban Fringe" Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

### L029-351

The Authority has committed to measures to minimize conversion of agricultural land around the station and welcomes suggestions from the County on additional measures.

### L029-351

The Authority and the Federal Railroad Administration (FRA) have made funding available to support HST station area planning to support the smart growth principles of the Kings County General Plan. A maximum of \$700,000 in federal funding and \$200,000 in state funding is available to an individual jurisdiction for its station area planning process, depending upon city/station size. This planning process enables the Authority and local jurisdictions to work together to ensure that the station, surrounding area, and local transportation networks are planned to work together to maximize the economic, mobility, environmental, and other benefits of the HST stations. The comment does not address an environmental issue.

### L029-352

Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The comment is correct in noting that the Kings/Tulare Regional Station–East Alternative station site is not located in an area designated as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5, the Kings/Tulare Regional Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County's City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-352

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station—East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station—East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station—East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even

### L029-352

given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station—East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority's vision for the Kings/Tulare Regional Station—East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station—East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station—West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station—East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station—West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station—West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station—West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station—West Alternative consists of unincorporated land adjacent to the City of Hanford's western Planning Area Boundary, and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The "Urban Fringe" Land Use Category is intended to represent residential, commercial, and

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-352

industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

### L029-353

Refer to Standard Response FB-Response-LU-03.

Sections 3.13.2.4, 3.13.4.3, and 3.13.5.3 discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The comment is correct in noting that the Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5.3, the Kings/Tulare Regional Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the LAFCo of Kings County's City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development

### L029-353

within these spheres to be annexed to the nearest municipal-service-providing entity.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area, as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas

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with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority’s vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

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Urban Fringe, in an area designated as a Primary sphere of influence. The “Urban Fringe” Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

Refer to Standard Response FB-Response-LU-03: Significance of Land Use Impacts for a discussion of the significance of land use impacts around the Kings/Tulare Regional Station.

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Refer to Standard Response FB-Response-LU-03.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station–East Alternative and the Kings/Tulare Regional Station–West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area, as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the EIR/EIS, the Kings/Tulare Regional Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by

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As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station–East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority’s vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the EIR/EIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses that the Kings/Tulare Regional Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a

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transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford’s Western Planning Area Boundary, and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The “Urban Fringe” Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the EIR/EIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

Sections 3.13.2.4, 3.13.4.3, and 3.13.5.3 discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Stations, as shown in the Kings County 2035 General Plan. The comment is correct in noting that the Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3., and 3.13.5, the Kings/Tulare Regional

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Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and that is also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County's City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

Refer to FB-Response-LU-03: Significance of Land Use Impacts for a discussion of the significance of land use impacts around the Kings/Tulare Regional Station.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

The Authority has committed to measures to minimize conversion of agricultural land around the station and welcomes suggestions from the County on additional measures. The Authority and the Federal Railroad Administration (FRA) have made funding available to support HST station area planning to support the smart growth principles of the Kings County General Plan. A maximum of \$700,000 in federal funding and \$200,000 in state funding is available to an individual jurisdiction for its station area planning process, depending upon the city/station size. This planning process enables the Authority and local jurisdictions to work together to ensure that the station, surrounding area, and local transportation networks are planned to work together to maximize the economic, mobility, environmental, and other benefits of the HST stations.

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Local governments will focus on land use development policy in the area around the station and local/regional transportation, while the Authority is committed to utilizing its resources, both financial and otherwise, to assist the implementation of the station area development and transportation plans created by this process. The Authority and the FRA prioritized the initial station area planning funding agreements for the following jurisdictions: Merced, Fresno, Bakersfield, Kings/Tulare region, Palmdale, San Jose, and Gilroy. Stations were selected, in part, due to their linkage with local and regional transit, airport, and commuter rail systems, and their future roles in the initial rail operations. The "Application Package for Station Area Planning Funds" was approved in February 2011 and distributed to the seven local jurisdictions in March of 2011.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area, as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the EIR/EIS, the Kings/Tulare Regional Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The EIR/EIS notes that the

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Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority’s vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the EIR/EIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses that the Kings/Tulare Regional Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern

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As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford’s western Planning Area Boundary, and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The “Urban Fringe” Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the EIR/EIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-06.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

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Regarding growth rates in Kings County, projections prepared by the California Department of Finance (May 2012

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[<http://www.dof.ca.gov/research/demographic/reports/projections/interim/view.php>]) show Kings County continuing to grow at 7% every 5 years until 2050. While a few other counties may grow at a faster rate, this projection is one of the highest in the state. The average state growth over the same period is projected at 4%. Circulation Policy C1.2.4 is described in Table 3.13 A-1.

Regarding Kings County adjacency to SR 99, Kings County would experience some benefit from reduced vehicle miles traveled from vehicle trips to HST destinations originating within the county. Ridership estimates for the HST were based on travel demand for trips between 100 and 600 miles.

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Sections 3.2 Traffic, 3.3 Air Quality, and 3.4 Noise of the RDEIR/SDEIS include an analysis of traffic, air quality, and noise impacts in the vicinity of the Kings/Tulare Regional Station.

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Section 3.2, Traffic, Section 3.3, Air Quality, and Section 3.4, Noise, of the Revised DEIR/Supplemental DEIS include an analysis of traffic, air quality, and noise impacts in the vicinity of the Kings/Tulare Regional Station.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

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

Because the HST project is a state project, consistency with local plans and policies is not required by law. Nonetheless, in order to comply with the principles set out in Proposition 1A, the HST project has been designed to minimize conflicts and to be

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compatible with future and planned use, to the extent possible. Accordingly, the analysis includes a review of the goals and policies of the local land use plans, as well as other plans. However, because as a State and federal project, the HST is not required to comply with local and regional plans, potential conflicts are not treated as environmental impacts.

See Section 3.14.5.3 and FB-Response-GENERAL-04: Impacts to Agricultural Lands and the Agricultural Economy for a discussion of impacts to agriculture.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-04.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

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unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station–East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station–East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority’s vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation, and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised

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DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford’s western Planning Area Boundary and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The “Urban Fringe” Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

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Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5, the Kings/Tulare Regional Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County's City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.13.2.4, Consistency with Local and Regional Plans; Section 3.13.4.3, HST Station Area; and Section 3.13.5.3, High-Speed Train Alternatives, of the EIR/EIS discuss the sphere of influence designations for both Kings/Tulare Regional Station alternatives, as shown in the Kings County 2035 General Plan (Kings County Community Development Agency [1993] [1997] 2010). The comment is correct in noting

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that the Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary Sphere of Influence (SOI). As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5.3, the Kings/Tulare Regional Station–East Alternative station site is in Kings County in an area designated in the Kings County General Plan as Urban Fringe and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity before development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

Section 3.13.5.3, High-Speed Train Alternatives, of the EIR/EIS includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield Section, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area, as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the EIR/EIS, the Kings/Tulare Regional Station–East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking; encouraging transit to the station from Downtown Hanford, Visalia, and Tulare; and purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would

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attract at least transportation-oriented commercial development. Although current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station–East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. Also, current plans and policies of the City of Hanford call for development to the west of the city, but not to the east. These plans and policies partially reflect the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The EIR/EIS notes that the Kings/Tulare Regional Station–East Alternative would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, High-Speed Train Alternatives, in Section 3.18, Regional Growth of the EIR/EIS, developing the Kings/Tulare Regional Station–East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This extension of infrastructure would allow for more development to occur around the station and along the path of the infrastructure expansion. Development around the stations may be desirable to businesses and residences because it would create a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority’s vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the EIR/EIS acknowledges the potential for undesired growth to occur.

Section 3.13.5.3, High-Speed Train Alternatives, notes that the Kings/Tulare Regional

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Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West Alternative. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to State Route (SR) 198 than to the area of the Kings/Tulare Regional Station–West Alternative. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West Alternative would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, High-Speed Train Alternatives, in Section 3.18, Regional Growth, of the EIR/EIS, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford’s western Planning Area Boundary and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary SOI. The “Urban Fringe” land use category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Final EIR/EIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

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Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station—East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station—East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station—East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from

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Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station—East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority's vision for the Kings/Tulare Regional Station—East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station—East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation, and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station—West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station—East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station—West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station—West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station—West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station—West Alternative consists of unincorporated land adjacent to the City of Hanford's western Planning Area Boundary and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The "Urban

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Fringe" Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station—West Alternative is high.

Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The Kings/Tulare Regional Station—East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5, the Kings/Tulare Regional Station—East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station—West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County's City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings

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County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station—East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station—East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station—East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East

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Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station–East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority’s vision for the Kings/Tulare Regional Station–East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation, and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station–West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station–East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station–West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

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As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford’s western Planning Area Boundary and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The “Urban Fringe” Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5, the Kings/Tulare Regional Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as

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Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County's City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

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Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station—East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station—East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional

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Station—East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station—East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority's vision for the Kings/Tulare Regional Station—East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station—East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation, and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station—West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station—East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station—West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station—West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on

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agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford's western Planning Area Boundary and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The "Urban Fringe" Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5, the Kings/Tulare Regional Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to

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development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County's City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would "establish a more logical and defined boundary for likely and future annexation proposals and development" (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

### L029-368

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-01.

As discussed in Section 3.6.5.3, the permanent project footprint in some places would be located where current utility lines exist (i.e., a potential "utility conflict"). At some locations, current utility infrastructure will be upgraded and/or extended to serve the HST System. Utilities within the permanent project footprint would be either relocated outside the restricted access areas of the HST right-of-way, or they would be modified (i.e., encased in a pipe sturdy enough to withstand the weight of HST System elements) to avoid the conflict. These changes and relocations would need to occur for water delivery, wastewater distribution systems, and domestic and agricultural groundwater wells. Temporary utility and infrastructure interruption related to agricultural uses are discussed in Section 3.14.5.3.

Refer to Standard Response FB-Response-GENERAL-01 for a discussion of the level of detail in the mitigation measures and Standard Response FB-Response-GENERAL-08 for a discussion of the project's relationship to local planning policies.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-369

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03, FB-Response-GENERAL-04.

Impacts on agricultural lands are discussed in 3.14.5.3.

### L029-370

The California Department of Conservation and the Authority will make all efforts to mitigate impacts on agricultural lands within the counties affected by the Fresno to Bakersfield Section. Maintaining an agricultural conservation easement in perpetuity ensures the preservation of the land for agricultural purposes, which supposedly is a major objective of Kings County. Because this approach to conservation is "not an agricultural conservation tool of choice" by the county does not make it inconsistent with the plan objective.

### L029-371

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-SO-01.

The Central Valley of California is one of the most productive agricultural areas in the world. As described in Section 3.14 of the Revised DEIR/Supplemental DEIS, the project would have a direct effect on agricultural production through conversion of agricultural land and agricultural operations in Fresno, Kings, Tulare, and Kern counties, and a resultant indirect effect on the agricultural economy. Depending on the alternative, up to 3,400 acres of farmland, including up to 1,734 acres of prime farmland, would be converted to a transportation-related use as a result of the project. This would result in the permanent loss of these agricultural lands. However, the amount of land that would be removed from agricultural production in these counties is a very small percentage of the total agricultural land in these counties (see Table 3.14-2). Fresno County has about 2.2 million acres of agricultural land, including approximately 693,000 acres of prime farmland. Kings County has about 826,000 acres of farmland, including about 138,100 acres of prime farmland. Tulare County has about 1.3 million acres of farmland, including about 375,100 acres of prime farmland. Kern County has about 2.7 million acres of farmland, including about 626,200 acres of prime farmland. Nonetheless, the overall impact of the project on agricultural land in the San Joaquin Valley is expected to be significant (see Tables 3.14-10 and 3.14-11).

### L029-371

In order to preserve the maximum amount of prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland and to mitigate potential impacts, the Authority would work with local, regional, and Department of Conservation representatives to identify suitable land in the region and willing landowners to establish permanent agricultural conservation easements on an acre-for-acre basis, ensuring permanent protection and long-term stewardship for working agricultural lands (see Section 3.14.7, Mitigation Measure Ag-MM#1). The Authority has entered into a contract with the Department of Conservation's California Farmland Conservancy Program (CFCP) for comprehensive assistance in this endeavor (Authority and Department of Conservation 2013). The Authority would fund the purchase of such easements through the CFCP.

In total, these four counties accounted for about \$11.9 billion of the total \$37.5 billion (or about 32%) of the agricultural revenue generated in the state in 2010 (CDFA 2011). The project would have an effect on agricultural production through its conversion of agricultural land and effects on infrastructure (including access roads). It is expected that some of this production would relocate elsewhere within the San Joaquin Valley. Relocation would depend upon a number of variables, including the desires of the displaced farm owners, and cannot be accurately predicted. In some cases, production could not be easily replaced, given the limited availability of suitable replacement lands or difficulties related to permitting necessary to continue production at a new site. Affected dairies, in particular, would require new permits from state (i.e., Regional Water Quality Control Board [RWQCB] water quality permit) and local (i.e., conditional use permit [CUP]) agencies before a new site could be approved. Transferring production to other permitted dairies may occur to some extent, but would be limited to the permitted capacity of those dairies (typically either capacity for waste disposal under the RWQCB permit or total cows under a local CUP). Whether such permits could be obtained in a timely manner, or at all, is uncertain. Some relocated agricultural production would take time to re-establish full production levels. In addition, any reduced agricultural production would have an additional multiplier effect on the region's economy and could affect businesses involved in agricultural services, food processing, and the transportation of goods (see Section 3.12). In order to address this concern, the Revised DEIR/Supplemental DEIS includes a new commitment (see Section 3.14.6, Project

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-371

Design Features) to assist confined animal facility owners in obtaining new or amended permits for the continued operation or relocation of the facility. For information on relocation assistance, see Section 3.12 of the Revised DEIR/Supplemental DEIS (Socioeconomics, Communities, and Environmental Justice) and FB-Response-SO-01.

The intent of Mitigation Measure Ag-MM#1 is to ensure permanent protection and long-term stewardship for working agricultural lands (see Section 3.14.7, Mitigation Measure Ag-MM#1). Enrollment in the County's Farmland Security Zone (FSZ) Program will not ensure permanent protection of agricultural lands, as FSZ contracts may be terminated through non-renewal or cancellation, and therefore would not meet the intent of the mitigation.

### L029-372

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station—East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station—East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and

### L029-372

policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station—East Alternative would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station—East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority's vision for the Kings/Tulare Regional Station—East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station—East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation, and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses that the Kings/Tulare Regional Station—West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station—East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station—West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-372**

station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford’s western Planning Area Boundary and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The “Urban Fringe” Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, discuss the sphere of influence designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The comment is correct in noting that the Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3., and 3.13.5., the Kings/Tulare Regional Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for

**L029-372**

long-term urban growth in the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County’s City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would “establish a more logical and defined boundary for likely and future annexation proposals and development” (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

In order to preserve the maximum amount of prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland and to mitigate potential impacts, the Authority would work with local, regional, and Department of Conservation representatives to identify suitable land in the region and willing landowners to establish permanent agricultural conservation easements on an acre-for-acre basis, ensuring permanent protection and long-term stewardship for working agricultural lands (see Section 3.14.7, Mitigation Measure Ag-MM#1). The Authority has reached an agreement with the Department of Conservation’s California Farmland Conservancy Program (CFCP) for comprehensive assistance in this endeavor (Authority and Department of Conservation 2013). The Authority would fund the purchase of such easements through the CFCP.

**L029-373**

As stated in Section 3.13-4.3, although the land to the east of SR 43 is located outside of the city limits of Hanford, it is within the City of Hanford General Plan’s planning area. Lands to the west and south of the station site within this planning area are designated by the City of Hanford with a variety of Urban Reserve designations, including UR/Service Commercial (UR/SC), UR/Neighborhood Commercial (UR/NC), UR/Planned Commercial (UR/PC), UR/Office (UR/O), UR/Public Facility (UR/PF), UR/Very Low

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Continued

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**L029-373**

Density (UR/VLD), UR/Low Density (UR/LD), and UR/Medium Density (UR/MD). Other land uses in the area include Planned Highway Development (PHD), Service Commercial (SC), and Open Space (OS). The Urban Reserve designation is a prefix that is applied to land within the City of Hanford's Planning Area Boundary that is either not anticipated to develop within the planning horizon, or will require the resolution of significant infrastructure constraints in the area before any development may occur.

**L029-374**

No environmental issues are raised and no response is required.

**L029-375**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-LU-03.

Section 3.13.5.3 includes an analysis of the land use impacts of all the HST stations in the Fresno to Bakersfield segment, including the Kings/Tulare Regional Station—East Alternative and the Kings/Tulare Regional Station—West Alternative. The Authority chose to study a station in the Hanford area in keeping with the commitment made in the Statewide Program EIR/EIS to investigate alternatives that serve a potential station in the Visalia-Tulare-Hanford area as outlined in the Visalia-Tulare-Hanford Station Feasibility Study (Authority 2007).

As discussed in the Revised DEIR/Supplemental DEIS, the Kings/Tulare Regional Station—East Alternative would convert about 22 acres of agricultural land in unincorporated Kings County into a transportation use. The Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the station by restricting onsite parking and encouraging transit to the station from downtown Hanford, Visalia, and Tulare, and by purchasing agricultural conservation easements from willing sellers of adjacent agricultural lands. However, it is likely that the location of the station at this site would attract at least transportation-oriented commercial development. While current zoning allows for industrial uses of some of the land adjoining the Kings/Tulare Regional Station—East Alternative, most of the area continues to be zoned for agriculture and is in agricultural use. In addition, current plans and policies of the City of Hanford call for development to the west of the city and not to the east. This is partially due to the lack of sewer conveyance facilities on the eastern edge

**L029-375**

of Hanford and the expense of extending this infrastructure out to the proposed station site. The Revised DEIR/Supplemental DEIS notes that the Kings/Tulare Regional Station—East would change the pattern and intensity of the use of the land, would be incompatible with adjacent land uses, and is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, developing the Kings/Tulare Regional Station—East Alternative could remove a barrier to growth through the extension of infrastructure to the station. This would allow for more development to occur around the station and along the path of the infrastructure expansion. Developing around the stations may be desirable to businesses and residences by creating a direct transportation link to areas with more business and employment opportunities. That is, people could travel from Hanford to meetings or jobs in Bakersfield or Fresno more easily and quickly. Even given the Urban Reserve and agricultural land use designations surrounding the Kings/Tulare Regional Station—East Alternative area, the potential for the Authority to purchase agricultural conservation easements around the station (easements must be purchased from willing sellers), and the Authority's vision for the Kings/Tulare Regional Station—East Alternative to act as a transit hub, the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station—East Alternative is high. Due to this high potential, the Authority could work with local government, the California Department of Conservation, and non-governmental agencies to purchase agricultural conservation easements around the station to keep the land in agricultural production to discourage direct or indirect growth around this station. However, the Revised DEIR/Supplemental DEIS does acknowledge the potential for undesired growth to occur.

Section 3.13.5.3 discusses the fact that the Kings/Tulare Regional Station—West Alternative would convert about 44 acres of agricultural, residential, and industrial land uses to a transportation use. Like the Kings/Tulare Regional Station—East Alternative, the Authority would work with the City of Hanford and Kings County to discourage growth in the vicinity of the Kings/Tulare Regional Station—West. However, it is likely that at least transportation-oriented commercial development would take place in the vicinity of the station, which would be incompatible with current land uses. Although the City of Hanford is directing growth on its western edge, future commercial development is

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-375

envisioned closer to SR 198 than the Kings/Tulare Regional Station–West. Plans and policies for land use in the vicinity of the station site continue to be largely focused on agricultural uses. The Kings/Tulare Regional Station–West would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of the station is likely to result in some unplanned changes in the use of existing adjacent land.

As discussed in Section 3.18.5.3, the Kings/Tulare Regional Station–West Alternative consists of unincorporated land adjacent to the City of Hanford’s western Planning Area Boundary and within the Armona Community Planning Area of Kings County. The station site would be located in an area categorized in the Kings County General Plan as Urban Fringe, in an area designated as a Primary sphere of influence. The “Urban Fringe” Land Use Category is intended to represent residential, commercial, and industrial land uses immediately adjacent to Hanford. The station site land use designation within Kings County is Limited Agriculture, as is all adjacent land to the west, north, and east. Developing a station could remove a barrier to growth through the extension of infrastructure to the stations. This would allow for more development to occur around the stations and along the path of the infrastructure expansion. Developing around the stations may be desirable to business and residences by creating a direct transportation link to areas with more business and employment opportunities. Therefore, the Revised DEIR/Supplemental DEIS acknowledges that the potential for indirect effects on land use in the area surrounding the Kings/Tulare Regional Station–West Alternative is high.

Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, discuss the sphere of influence (SOI) designations for both Kings/Tulare Regional Station alternatives as shown in the Kings County 2035 General Plan. The Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary SOI. As noted in Sections 3.13.2.4, 3.13.4.3, and 3.13.5, the Kings/Tulare Regional Station–East Alternative station site is located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in

### L029-375

the General Plan, and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity prior to development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the Local Agency Formation Commission (LAFCo) of Kings County’s City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would “establish a more logical and defined boundary for likely and future annexation proposals and development” (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

### L029-376

Refer to Standard Response FB-Response-GENERAL-13.

The Final EIR/EIS has included a discussion about the potential for the initially constructed tracks between north of Fresno and north of Bakersfield to be utilized for a period of time by Amtrak. The comment suggests that Amtrak use of these tracks would result in more impacts to air quality. Additional information developed in response to comments indicates that Amtrak use of the initially constructed tracks will not lead to additional significant environmental impacts. See Standard Response 13 and Appendix 2-F. While Amtrak use would involve a conventional train engine rather than an electrified multiple unit, the engines will be Tier IV engines and have a far less emissions than the engines in current locomotives.

### L029-377

Refer to Standard Response FB-Response-GENERAL-12.

The HST project includes no plans to discontinue Amtrak service to the Corcoran station or any other station or platform along the Fresno to Bakersfield Section corridor. If the BNSF Alternative is selected in the Corcoran area, the relocation of the facility would be

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-377**

completed prior to demolition of the existing structure and no disruption to Amtrak service would occur.

**L029-378**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02.

The Fresno to Bakersfield Section EIR/EIS provides project-specific detail in an area that was previously covered in more general terms in the 2005 Statewide Program EIR/EIS (Authority and FRA 2005). For example, the growth analysis uses information initially developed in 2007, but applies refinements to the analytical approach and adds updated information specific to Fresno, Kings, Tulare, and Kern counties—the four counties traversed by the Fresno to Bakersfield Section of the HST System. The population, employment, and land consumption estimates were then reviewed to characterize the potential secondary impacts (see Section 3.18.3, Methods for Evaluating Impacts). This review included the effects of a Kings/Tulare Regional Station at a site either east of Hanford (East Alternative) or west of Hanford (West Alternative) (see Section 3.13, Station Planning, Land Use, and Development, of the EIR/EIS).

**L029-379**

Refer to Standard Response FB-Response-GENERAL-03.

The Kings/Tulare Regional Station (whether considering the East Alternative or the West Alternative) is not consistent with the general plans of either Kings County or the City of Hanford; nor is the Kings/Tulare Regional Station discussed in the San Joaquin Valley Blueprint. The site of the West alternative is in line with urbanization trends in the Hanford area; the site of the East Alternative, by contrast, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher-density development in the city's downtown. The Kings/Tulare Regional Station alternative would be located outside of Hanford and would provide an economic incentive for new development outside of the city center. Although the project would provide for access to downtown from the station and would include a program to support agricultural preservation through conservation easements, it is likely that this station would result in agricultural conversion. The

**L029-379**

growth-inducing effects of the Kings/Tulare Regional Station alternatives are analyzed and described in Section 3.18, Regional Growth.

**L029-380**

Refer to Standard Response FB-Response-LU-03.

The Kings/Tulare Regional Station (whether considering the East Alternative or the West Alternative) is not consistent with the general plans of either Kings County or the City of Hanford; nor is the Kings/Tulare Regional Station discussed in the San Joaquin Valley Blueprint. The site of the West Alternative is in line with urbanization trends in the Hanford area; the site of the East Alternative, by contrast, is surrounded by agricultural land. However, there is no intent on the project's part to propose the annexation of either site to the City of Hanford. As is usual for annexations, it would be the city's prerogative to make an application to the Local Agency Formation Commission.

Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher-density development in the city's downtown. The Kings/Tulare Regional Station alternatives would be located outside of Hanford and would provide an economic incentive for new development outside of the city center. Although the project would provide for access to downtown from the station and would include a program to support agricultural preservation through conservation easements, it is likely that the station would result in agricultural conversion. The growth-inducing effects of the Kings/Tulare Regional Station alternatives are further analyzed and described in Section 3.18, Regional Growth.

**L029-381**

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-14.

The statement that the commenter cites is a general description of the availability of land planned for future development in city and county general plans to accommodate the additional growth that would be induced by the HST project. The environmental consequences for the Kings/Tulare Regional Station alternatives are discussed more specifically in both Section 3.13, Station Planning, Land Use, and Development, and Section 3.18, Regional Growth.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-382**

Refer to Standard Response FB-Response-LU-03.

The Revised DEIR/Supplemental DEIS discloses that the Kings/Tulare Regional Station (whether considering the East Alternative or the West Alternative) is not consistent with the general plans of either Kings County or the City of Hanford; nor is the Kings/Tulare Regional Station discussed in the San Joaquin Valley Blueprint. The site of the West Alternative is in line with urbanization trends in the Hanford/Armona area; the site of the East Alternative, by contrast, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, particularly if station parking is limited and shuttles are run from downtown Hanford, but would not result in higher-density development in the city's downtown. As discussed in Section 3.13, Station Planning, Land Use, and Development, the Kings/Tulare Regional Station sites would change the pattern and intensity of the use of the land and would be incompatible with adjacent land uses. The presence of a station at either site would be likely to result in unplanned changes in the use of existing adjacent land.

### **L029-383**

Refer to Standard Response FB-Response-GENERAL-02.

Please see Volume I Chapter 5, Project Costs and Operations, of the EIR/EIS for details on the station costs. No decision has been made to eliminate the Kings/Tulare Regional Station. As a possible station, it is a reasonably foreseeable part of the project and therefore must be analyzed in the EIR/EIS.

### **L029-384**

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-19, FB-Response-GENERAL-12, FB-Response-GENERAL-13.

Population is anticipated to increase substantially in the Central Valley without the HST System. The growth inducement analysis in Section 3.18, Regional Growth, of the EIR/EIS shows that in Fresno, Kings, Tulare, and Kern counties, the HST alternatives are projected to induce about 2% to 3% more total population and create about 3% more total jobs by 2035 than would occur under the No Project Alternative (refer to

### **L029-384**

Table 3.18-18 in the EIR/EIS). The HST project would help provide employment opportunities in an area of high unemployment and would encourage more compact growth around the proposed stations at greater intensities than currently exist.

The commenter conflates VMT (vehicle miles traveled) with average daily trips. VMT is a measure of overall travel within a region. Average daily trips is a measure of the number of vehicle trips along a given road. The transportation analysis in Chapter 3.2, Transportation, correctly states that the HST project would provide an alternative mode of travel for long-distance trips and would therefore displace VMT within the region related to long-distance trips. The impact of the Kings/Tulare Regional Station on local traffic is discussed in Chapter 3.2 as Impact TR #13 – Impacts on the Local Roadway Network due to Station Activity and is summarized in Table 3.2-22.

### **L029-385**

Refer to Standard Response FB-Response-LU-03.

The project does not propose to modify the City's general plan, municipal service plan, or the sphere of influence established by the Kings County Local Agency Formation Commission. Any changes to those planning documents would be, as they are today, the prerogative of the City to modify. Although the San Joaquin Valley Blueprint identifies future growth areas within the Hanford/Armona area (and the EIR/EIS discloses that the project is outside those areas), it does not establish "urban growth boundaries," which are strict limits on the extent of future urban growth.

The Kings/Tulare Regional Station—East Alternative is north of State Route (SR) 198 and east of SR 43. Its direct impacts are discussed throughout the EIR/EIS. Its growth-inducing impacts are discussed in Section 3.18, Regional Growth.

### **L029-386**

Refer to Standard Response FB-Response-GENERAL-03.

The commenter misinterprets the EIR/EIS. Population projections clearly indicate that the Central Valley—and the San Joaquin Valley in particular—will have substantial growth in the coming decades. The HST project would serve the future long-distance

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-386**

travel needs of the San Francisco Bay Area, the Los Angeles Basin, and the growing population of the San Joaquin Valley. The commenter cites no supporting evidence for rejection of the assertion that "existing and future populations in the San Joaquin Valley will have great need for travel to and from major urban centers and be able to afford non-subsidized higher cost ticket prices." However, ridership projections prepared for the HST System by Cambridge Systematics, Inc. (which specializes in such studies) and cited in the Revised DEIR/Supplemental DEIS indicate that there will be demand for the convenient, fast travel mode provided by the HST project in the major urban areas of the San Joaquin Valley. Service to these areas is, in fact, an objective of the project.

**L029-387**

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-06.

The HST project would redirect development growth to central cities, in conjunction with the Senate Bill (SB) 375 (state legislation requiring regional targets for reduction of greenhouse gas [GHG] emissions) regional efforts and future plans of the cities of Fresno and Bakersfield and would reduce the pressure for the future conversion of farmlands by encouraging new investments around the stations in Fresno and Bakersfield rather than in peripheral areas.

The Final EIR/EIS presents a range of forecasts based on the relatively higher HST ticket prices assumed in the 2012 Business Plan (83% of airfare) and a lower fare assumption (50% of airfare) that generates more riders. The number of riders using the stations creates a market for additional retail and residential development in these areas.

**L029-388**

The commenter confuses the general statement that the HST would not induce unplanned growth with the more specific analysis of growth-inducement undertaken for the Kings/Tulare Regional Station in Section 3.18, Regional Growth, of the EIR/EIS. As discussed therein, the Kings/Tulare Regional Station alternative at either location would provide an economic incentive for new development outside the city center. Although the project would provide for access to downtown from the station and includes a program to support agricultural preservation through conservation easements, it is likely

**L029-388**

that this station would result in agricultural conversion.

It is anticipated that the demand for domestic water supply would increase and that agricultural demand would decrease as a result of the project. The project would result in a net decrease in water demand. With regard to water demand related to induced growth, future per capita water demand will decrease as a result of the implementation of state laws requiring additional conservation on the part of water providers and water-efficient landscaping in new developments. Chapter 3.8, Hydrology and Water Resources, includes a more detailed discussion of this topic.

**L029-389**

Refer to Standard Response FB-Response-GENERAL-14.

The Kings/Tulare Regional Station alternative at either location would provide an economic incentive for new development outside the city center. Although the project would provide for access to downtown from the station and includes a program to support agricultural preservation through conservation easements, it is likely that this station would result in agricultural conversion. The impacts of the Kings/Tulare Regional Station are discussed in Section 3.13, Station Planning, Land Use, and Development, and in Section 3.18, Regional Growth.

**L029-390**

Refer to Standard Response FB-Response-GENERAL-03.

As disclosed in Section 3.13, Station Planning, Land Use, and Development, the Kings/Tulare Regional Station (whether considering the East Alternative or the West Alternative) is not consistent with the general plans of either Kings County or the City of Hanford; nor is the Kings/Tulare Regional Station discussed in the San Joaquin Valley Blueprint. The site of the West Alternative is in line with urbanization trends in the Hanford area; the site of the East Alternative, by contrast, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher-density development in the city's downtown. Either of the site alternatives for the Kings/Tulare Regional Station would provide an economic incentive for new development outside the city center. Although

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-390

the project would provide for access to downtown from the station and includes a program to support agricultural preservation through conservation easements, it is likely that this station would result in agricultural conversion. Although the EIR/EIS includes mitigation for agricultural losses, it also acknowledges that the mitigation will not fully mitigate this impact and that the impact is significant and unavoidable.

### L029-391

Refer to Standard Response FB-Response-GENERAL-02.

The HST project will be a "design-build" project. That is, the project design would be completed by the contractor chosen to build the project. The Authority and FRA have prepared a project-specific EIR/EIS to analyze the potential environmental consequences of a refined set of alternative corridor alignments and stations along the Fresno to Bakersfield Section based on the available level of design. This project EIR/EIS contains significantly more detail than was available in the Tier 1 Program EIR/EIS (Authority and FRA 2005). The term "15% design" is an engineering term of art that refers to the level of engineering prepared on HST project elements for the EIR/EIS. The 15% design generates detailed information, like the horizontal and vertical locations of the track, cross sections of the infrastructure with measurements, precise station footprints with site configurations, and temporary construction staging sites and facilities. The 15% design also yields a "project footprint" overlaid on parcel maps, which shows the outside envelope of all disturbance, including both permanent infrastructure and temporary construction activity. This 15% design translated into a project description in the EIR with 100% of the information that is required under CEQA Guidelines Section 15147.

The existing conditions, local land use regulations, and sphere of influence are discussed in Section 3.13, Station Design, Land Use, and Development, and Section 3.18, Regional Growth. Absent more detailed plans for the future station, any higher level of analysis would be largely speculative. As a result, it is not necessary for informed decision-making.

### L029-392

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-14, FB-Response-LU-01.

The discussion in the EIR/EIS correctly characterizes the land use plans and regulations applicable to the locations of the alternative stations (see Sections 3.13.2.3, 3.13.4.3, and 3.13.5.3). The Revised DEIR/Supplemental DEIS clearly states that the alternatives are not consistent with the current plans of either the City or the County for these sites. This statement provides the Authority with sufficient information to make an informed decision on the project. In any case, as a state agency, the Authority is not subject to local land use plans and regulations.

The statement regarding travel to Fresno or Bakersfield is not incorrect or misleading. Although the HST System is not primarily intended for inter-city use, it will not be designed to preclude such trips. Obviously, the cost structure of HST trips would not be conducive to high levels of inter-city travel. However, the HST could provide a convenient mode of travel when, for instance, conditions are too foggy for safe automobile travel or the traveler wishes to conduct business during the trip.

### L029-393

Refer to Standard Response FB-Response-GENERAL-14, FB-Response-LU-01.

The comment apparently is referring to the Kings/Tulare Regional Station–West Alternative. As described in Section 3.13.4.3, the potential station location is not within the Hanford city limits (the comment is incorrect in stating that a portion of site is within the City limits), but is within the Hanford Planning Area as it is delineated in the 2002 City of Hanford General Plan. The comments concerning the application of City regulations after further annexations west of the existing city limits does not reflect existing conditions and does not change the information provided in the EIR/EIS related to County plans and regulations. The HST project will indirectly change the real estate market by providing an economic driver for revitalization and new investment in areas near the stations. As a result, the Kings/Tulare Regional Station–West Alternative would provide an economic incentive for new development outside of Hanford's city center, as stated in the Revised DEIR/Supplemental DEIS.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-394**

Refer to Standard Response FB-Response-PU&E-03, FB-Response-PU&E-01.

The project team has been and will continue to actively coordinate with utility providers during all the design phases of the project to identify, describe, and evaluate the HST project's potential impact on the existing electric and gas infrastructure. As appropriate and commensurate to the early stage of engineering design, modifications have been made to the Revised DEIR/Supplemental DEIS to reflect the comments provided (see Section 3.6.2, Laws, Regulations, and Orders). Where the project would require modification of any electric substation or electric transmission, power, or distribution line, such modifications would be conducted in compliance with the California Public Utilities Commission's General Order 131-D. The Authority will assist utility providers in applying for a permit from the CPUC under CPUC General Order 131-D, including the need for any additional environmental review necessary for transmission line relocation or extension, or other new or modified facilities, and any localized increase in electrical loads identified as part of the more detailed design.

**L029-395**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-03.

Section 3.18, Regional Growth, of the Revised DEIR/Supplemental DEIS discloses that the Kings/Tulare Regional Station, regardless of whether the East Alternative or the West Alternative is selected, would be growth-inducing. As a state agency, the Authority is not subject to city or county land use plans and regulations. Therefore, additional discussion of consistency with such plans and regulations serves no purpose. Further, the prospective stations have not been designed, and their specific characteristics are subject to speculation. A more detailed analysis is unreasonable because it would be largely based on speculation. The Final EIR/EIS provides sufficient information to decision-makers to allow an informed choice.

**L029-396**

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-14.

As disclosed in Section 3.13, Station Design, Land Use, and Planning, of the Revised

**L029-396**

DEIR/Supplemental DEIS, the Kings/Tulare Regional Station (whether considering the East Alternative or the West Alternative) is not consistent with the general plans of either Kings County or the City of Hanford; nor is the Kings/Tulare Regional Station discussed in the San Joaquin Valley Blueprint. The site of the West Alternative is in line with urbanization trends in the Hanford area; the site of the East Alternative, by contrast, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher-density development in the city's downtown. Instead, this station would provide an economic incentive for new development outside the city center. Although the project would provide for access to downtown from the station and includes a program to support agricultural preservation through conservation easements, it is likely that this station would result in agricultural conversion. The discussion in Section 3.13 is neither vague nor misleading.

**L029-397**

The commenter misconstrues the statement on page 3.18-37 of the Revised DEIR/Supplemental DEIS. It simply says that "Pursuant to SB 375 SCS planning in each county will likely rely upon HST development to help reach its greenhouse gas emissions reduction targets of 5% by 2020 and 10% by 2035." No claim is being made that the HST System is necessary to achieving that target. The Sustainable Communities Strategy required under SB 375 is currently being prepared and will not be adopted until the fall of 2013. The County's claim that it will not rely on the HST System is premature in that the SCS is months away from adoption. Also, SB 375 makes no provision for surrounding counties to rely on Kings County's achievement of the target "to help compensate for their higher emissions." In fact, none of the San Joaquin Valley Metropolitan Planning Organizations have adopted their SCS, and all expect to do so no sooner than fall of 2013. Again, the County's claim is without factual basis.

The commenter confuses vehicle miles traveled (VMT), a measure of total mileage driven over a period within the region, with average daily trips, a measure of project-related traffic on a road. The HST project is expected to reduce regional VMT over time as it comes into full operation. However, station operations will increase local average daily trips. No change to the EIR/EIS is necessary.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-398**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-12, FB-Response-GENERAL-13.

### **L029-399**

Refer to Standard Response FB-Response-PU&E-03.

Southern California Edison's proposed Mascot Electrical Substation project was approved by the CPUC in the 2nd quarter of 2011. While the analysis of project-level effects in Section 3.6 Public Utilities and Energy evaluates anticipated effects to existing public utility facilities and services, the proposed Mascot substation was not implemented at the time of the DEIR/EIS analysis. Based on a review by HST planning engineers, the proposed Mascot substation would not be directly affected; however, the route of power lines connected to the proposed facility may need to be altered.

The project team has and will continue to actively coordinate with utility providers during all the design phases of the project to identify, describe, and evaluate the HST's potential impact on existing electrical infrastructure. Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with the California Public Utilities Commission's General Order 131-D.

### **L029-400**

Jurisdictions charge project applicants for staff time to process permits. Similar to any project applicant, the Authority would be responsible for the cost of obtaining permits to construct and operate its project, and the City of Fresno would not be granted any special privileges.

### **L029-401**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-GENERAL-01.

The Authority recognizes that the loss of farmland cannot be fully mitigated, and as such has classified this impact as a significant and unavoidable impact. Refer to Impact

### **L029-401**

AG#4, Permanent Conversion of Agricultural Land to Nonagricultural Use, in Section 3.14, Agricultural Lands, of the Final EIR/EIS for information on the permanent conversion of agricultural land and refer to Mitigation Measure AG#1 in Section 3.14.7, Mitigation Measures, for measures to preserve the total amount of Prime Farmland.

### **L029-402**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-01.

When placing land under an Agricultural Easement, the agency that will be holding the easement does not actually purchase the property. The original landowner is still the owner of the parcel, and the agency that purchases the easement is responsible for maintaining the easement. Having an agricultural easement may be very beneficial for many landowners who wish to continue with agricultural production because the easement may provide income, property, and estate tax benefits. Even if the current property owner sells the property, the easement will remain on the property, ensuring that the land remains in agricultural production.

### **L029-403**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-AG-07.

### **L029-404**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-AG-07.

### **L029-405**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-AG-07.

### **L029-406**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04, FB-Response-AG-01, FB-Response-AG-07.

The procedural requirements for the National Environmental Policy Act (NEPA) and the

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-406

California Environmental Quality Act (CEQA) were followed during the environmental review of the Fresno to Bakersfield Section of the HST System.

As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005), the Authority and FRA selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

The Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR) Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS. Refer to Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS for a discussion of the alternatives analysis process.

### L029-407

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02.

The procedural requirements for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) were followed during the environmental review for the Fresno to Bakersfield Section of the HST System.

As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005), the Authority and FRA selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

The Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project, as required under Title 14 California Code of Regulations (CCR) Section 15126.6 and Title 40 Code of Federal Regulations (CFR)

### L029-407

Section 1502.15(a). This range of alternatives was analyzed in the EIR/EIS. Refer to Section 2.3.1, HST Project-Level Alternatives Development Process, of the Final EIR/EIS for additional information.

### L029-408

It was not feasible to follow the BNSF Railway corridor through the city of Hanford. The BNSF Railway corridor in the Hanford area has several curves that are too severe for an HST alignment, and constructing the HST project through Hanford would have resulted in a substantial impact to residential and commercial properties in the city. For those reasons, the Preferred Alternative for the Fresno to Bakersfield Section was selected to bypass Hanford in the Statewide Program EIR/EIS for the California High-Speed Train System (Authority and FRA 2005).

### L029-409

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-08, FB-Response-LU-03.

Neither the Kings/Tulare Regional Station–East Alternative nor the Kings/Tulare Regional Station–West Alternative is consistent with the general plans of either Kings County or the City of Hanford (Kings County 2010; City of Hanford 2002). Also, neither alternative is discussed in the San Joaquin Valley Blueprint (San Joaquin Valley Regional Policy Council 2010).

Section 3.13.2.4, Consistency with Local and Regional Plans; Section 3.13.4.3, HST Station Area; and Section 3.13.5.3, High-Speed Train Alternatives, of the Final EIR/EIS discuss the sphere of influence designations for both Kings/Tulare Regional Station alternatives, as shown in the Kings County 2035 General Plan (Kings County Community Development Agency [1993] [1997] 2010). The comment is correct in noting that the Kings/Tulare Regional Station–East Alternative station site is not located in an area designed as a Primary Sphere of Influence (SOI). As noted in Sections 3.13.2.4, 3.13.4.3., and 3.13.5.3, the Kings/Tulare Regional Station–East Alternative station site is in Kings County in an area designated in the Kings County General Plan as Urban Fringe and also designated as a Secondary SOI for the city of Hanford. Secondary SOI boundaries coincide with areas planned for long-term urban growth in the General Plan,

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-409

and the Land Use Element of the General Plan expects land within these spheres to be annexed to the nearest municipal-service-providing entity before development.

The Kings/Tulare Regional Station–West Alternative would be located in Kings County in an area designated in the Kings County General Plan as Urban Fringe, in an area also designated as a Primary SOI. The site area was added to the Primary SOI as Expansion Area 1 in the City and Community District Sphere of Influence Update, which stated that extending the SOI to 13th Avenue would “establish a more logical and defined boundary for likely and future annexation proposals and development” (LAFCo of Kings 2007). Primary SOI boundaries coincide with areas planned for urban growth, and Kings County intends for new development within these spheres to be annexed to the nearest municipal-service-providing entity.

### L029-410

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-08.

Due to the engineering and operational needs of the HST System, the HST alignment in the Central Valley cannot feasibly be built solely within the existing transportation corridors. The existing corridors are not sufficiently straight and their curve radii are not long enough to support high-speed operations along their full lengths. Safety considerations also dictate the need to separate the HST System from roads and conventional rail (refer to Section 2.4.2.1, Alignment Requirements, of the Final EIR/EIS). As a result, the HST project cannot be constructed down the center of State Route (SR) 99, as suggested by some commenters. Further, to make greater use of existing corridors, additional right-of-way would be needed to provide sufficient width and curve radii for high-speed operations. This additional right-of-way would necessitate the acquisition and removal of substantially greater numbers of homes and businesses than are proposed under the current alternatives to expand and straighten these corridors, with greatly increased impacts on existing communities where the alignments pass through urban areas.

In compliance with the objective of using existing corridors where feasible, the Authority and the FRA, in making decisions regarding HST alignments and station locations, have gone to great lengths to maximize the feasible use of existing transportation corridors

### L029-410

and to minimize impacts on both agricultural lands and communities. Accordingly, the Authority and FRA have eliminated potential “new corridor” alignment alternatives to the west and east of SR 99 from further consideration and have identified downtown station locations for study in Fresno and Bakersfield. These downtown locations would help to minimize impacts on agriculture while promoting urban infill development.

Section 3.13.2.3, Regional and Local, of the Final EIR/EIS discusses the consistency of the project with applicable Regional Transportation Plans (RTPs). The HST project is an undertaking of the Authority and FRA, in their capacities as state and federal agencies. As such, the project is not required to be consistent with local plans.

As described in Section 1.5, Tiering of Program EIR/EIS Documents, of the Final EIR/EIS, in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005), the Authority and FRA selected the BNSF Railway (BNSF) route as the Preferred Alternative for the HST System between Fresno and Bakersfield. Therefore, the project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF corridor.

The Authority conducted an analysis of the alternative alignments that follow SR 99/the Union Pacific Railroad (UPRR) and the Interstate 5 (I-5) corridor and determined that these alternatives were not practicable. Therefore, they were not carried forward in the EIR/EIS. Kings County has not provided any new information that would change these conclusions. Neither the California Environmental Quality Act (CEQA) nor the National Environmental Policy Act (NEPA) requires an environmental document to analyze alternatives that are not practicable to implement.

### L029-411

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

Section 3.13.2.3, Regional and Local, of the Final EIR/EIS analyzes the project’s consistency with land use plans, policies, and regulations. The Final EIR/EIS states that the HST project would not be consistent with agricultural land uses.

To preserve the maximum amount of Prime Farmland, Farmland of Statewide

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-411**

Importance, Farmland of Local Importance, and Unique Farmland and to mitigate potential impacts, the Authority would work with local, regional, and Department of Conservation representatives to identify suitable land in the region and landowners willing to establish permanent agricultural conservation easements on an acre-for-acre basis to ensure permanent protection and long-term stewardship of working agricultural lands (see Mitigation Measure Ag-MM#1 in Section 3.14.7, Mitigation Measures, of the Final EIR/EIS). The Authority has entered into an agreement with the Department of Conservation's California Farmland Conservancy Program (CFCP) for comprehensive assistance in this endeavor (Authority and Department of Conservation 2013). The Authority would fund the purchase of such easements through the CFCP.

**L029-412**

Refer to Standard Response FB-Response-GENERAL-08.

Land use conflicts are discussed in Section 3.13.5.3, High-Speed Train Alternatives, of the Final EIR/EIS. Refer to Standard Response FB-Response-GENERAL-08 for a discussion of consistency with local land uses and land use policies.

The Authority is committed to working with agencies with land use plans and policies that would be affected by the HST project. This discussion with agencies is ongoing and will continue in the future, as the project progresses. Section 3.13.2.3, Regional and Local, of the Final EIR/EIS states that cities and counties in the study area control the location and intensity of development through implementation of their local plans.

**L029-413**

Refer to Standard Response FB-Response-GENERAL-08.

The Authority is committed to working with agencies with land use plans and policies that would be affected by the HST project. This discussion with agencies is ongoing and will continue in the future, as the project progresses.

**L029-414**

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-01, FB-

**L029-414**

Response-GENERAL-04.

**L029-415**

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

Impact SO#15, Economic Effects on Agriculture, in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS summarizes the economic effects of the project on agriculture. For a detailed analysis of the effects of the HST project on agricultural production, refer to Appendix C, Impacts to Agricultural Production, of the Community Impact Assessment Technical Report. The analysis in this appendix provides these results by county and by project alternative in terms of the number of acres of agricultural production lost, the resulting loss of annual revenue in both dollar and percent terms for each type of agricultural product, and the employment loss.

**L029-416**

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

The Authority and FRA have made a good-faith effort to provide an informational document to inform public agency decision-makers and the public generally of the significant environmental effects of the proposed project, to identify possible ways to minimize the significant effects, and to describe reasonable alternatives.

**L029-417**

Refer to Standard Response FB-Response-SO-01, FB-Response-AG-03.

**L029-418**

Soils from nearby farms are not proposed to be used to construct the HST project; similarly, soils currently used for agricultural production are not proposed for use to construct the HST project. Fill material is estimated to come from both within and outside of the San Joaquin Valley Air Basin. Details about the amount of estimated fill required can be found in Appendices A and G of the Air Quality Technical Report for the Fresno to Bakersfield Section (Authority and FRA 2012f).

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-419**

Refer to Standard Response FB-Response-GENERAL-21, FB-Response-HWR-04, FB-Response-AG-04.

Individual wells that will be impacted by the HST project will be identified as negotiations with property owners located within the right-of-way proceed. The Authority will negotiate with the individual property owners regarding compensation for impacted wells. Information developed for the Final EIR/EIS suggests that wells can be feasibly replaced.

Construction of the HST project will require the replacement of existing water supply wells. The Authority will compensate landowners fairly during the right-of-way acquisition process for the destruction and replacement of wells. The Authority will work with individuals on a case-by-case basis to provide equal utility for the replacement wells. Hydraulic studies would be undertaken to determine the locations of new wells such that they minimize impacts to existing wells. All local rules and regulations will be followed in relocating wells. Refer to Section 3.6, Public Utilities and Energy, of the Final EIR/EIS for a discussion of utility conflicts.

**L029-420**

Refer to Standard Response FB-Response-AG-06.

**L029-421**

Refer to Standard Response FB-Response-AG-06, FB-Response-SO-01.

As discussed in Section 3.14.6, Project Design Features, of the Final EIR/EIS, the Authority has committed to assist owners of confined-animal facilities in obtaining new or amended permits. Impact AG#7 in Section 3.14, Agricultural Lands, notes that obtaining permits for large confined-animal operations is often a slow and expensive process, which makes the conversions of any land used for confined-animal agriculture, whether it is for the grazing of the animals or the disposal of their waste, costly and potentially economically harmful to the farmer. The Authority has committed to maintain a "permit bureau" to help businesses (including confined-animal operations) overcome the regulatory disruptions caused by the project.

**L029-422**

Refer to Standard Response FB-Response-AG-05.

**L029-423**

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

The Regional Water Quality Control Board's Irrigated Lands Regulatory Program requires that growers obtain regulatory coverage for waste discharges from irrigated lands to prevent agricultural runoff from impairing surface waters. These regulatory requirements apply to all growers in the Central Valley, regardless of whether they are impacted by the HST project.

The air quality monitoring of the San Joaquin Valley Air Pollution Control District will not be affected or interrupted in any way by the HST project.

The HST project will not have any effect on California state labor codes regarding farm labor.

The Open Space Subvention Act provides for the partial replacement of local property tax revenue forgone as a result of participation in the California Land Conservation (Williamson) Act. However, revenue shortfalls during the Great Recession resulted in the reduction of payments beginning in fiscal year (FY) 2009, when payments were reduced to a total of \$1,000 statewide. No payments were made in FY 2010, FY 2011, or FY 2012. Therefore, the HST project will have no effect on the lack of payment from the Open Space Subvention Act.

The agricultural landowners in the Central Valley will continue to be subject to these regulatory requirements, monitoring requirements, and labor codes, whether or not they are affected by the HST project. Therefore, these requirements and codes are not addressed in relation to the baseline project conditions.

The Final EIR/EIS acknowledges that some agricultural businesses affected by the project will need to apply for new permits, and the Authority has committed to maintain a "permit bureau" to help overcome the regulatory disruptions caused by the project. The

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-423**

affected landowners will be compensated for the loss of agricultural production caused by any disruption.

**L029-424**

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

The intention of the HST design is to allow surface water supply canals to functionally operate as they do today. The Authority is working with local districts and municipalities to minimize service disruptions to water distribution systems. Culverts would be installed when a canal system is dry or if construction is needed during periods of water conveyance, water would be routed around active work areas by cofferdams, pipes, other or temporary conveyance systems.

**L029-425**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-04.

Impact SO#15 in Section 3.12, Socioeconomics, Communities, and Environmental Justice, of the Final EIR/EIS summarizes the economic effects of the project on agriculture. For a detailed analysis of the effects of the HST project on agricultural production, refer to Appendix C, Impacts to Agricultural Production, of the Community Impact Assessment Technical Report (Authority and FRA 2012h). The analysis in this appendix provides results by county and project alternative in terms of the number of acres of agricultural production lost, the resulting loss of annual revenue in both dollar and percent terms for each type of agricultural product, and the employment loss.

**L029-426**

Refer to Standard Response FB-Response-AG-01, FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04, FB-Response-GENERAL-04.

**L029-427**

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

The Final EIR/EIS provides an analysis of the significant impacts and presents

**L029-427**

mitigation measures for those significant impacts in accordance with the requirements of Section 15126 of the California Environmental Quality Act (CEQA) Guidelines. The EIR/EIS clearly and concisely describes the nature and magnitude of project impacts, provides mitigation measures for significant impacts, and describes the significance of the impacts after mitigation.

**L029-428**

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

**L029-429**

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

**L029-430**

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

In accordance with Section 15097 of the California Environmental Quality Act (CEQA) Guidelines, the Authority will adopt a program for monitoring the measures it has imposed to mitigate or avoid significant environmental effects. For each mitigation measure in the EIR/EIS, this Mitigation Monitoring and Enforcement Plan will identify the implementing party and the monitoring/reporting party, the mitigation timing, and the implementation mechanism or tool. As indicated in Section 15097 of the CEQA Guidelines, the Mitigation Monitoring and Enforcement Plan will be adopted after certification of the EIR and adoption of findings for the project.

**L029-431**

Appendix 3.1-A, Parcels within HST Footprint, of the Final EIR/EIS shows the areas that are planned for use for "offsite" improvements and construction staging areas. The Authority has identified lands for compensatory mitigation in consultation with the U.S. Army Corps of Engineers and will initiate mitigation on these lands after the Record of Decision for the EIR/EIS is issued.

**L029-432**

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

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-433

Refer to Standard Response FB-Response-AG-04, FB-Response-AG-05, FB-Response-AG-06.

The EIR/EIS has been prepared in accordance with CEQA and NEPA. The Authority has not employed any "special privilege approach" to its CEQA and NEPA compliance.

The Agricultural Working Group was established in July 2011 to assist the CHSRA as an independent advisory group that could address the issues being raised by the agricultural community. The representatives of this group are specialists and experts in their specific fields of agriculture. They include representatives of universities, governmental agencies, county agricultural commissions and agri-business. A series of white papers was produced by this group on the topics identified in the comment and were presented to the High-Speed Rail Authority Board in July 2012. The information contained in the white papers was considered during preparation of the Final EIR/EIS and is reflected in Standard Responses FB-Response-AG-04, Severance – Farm Impacts; FB-Response-AG-05, Pesticide Spraying/Dust/Pollination; and FB-Response-AG-06, Confined Animal Facilities. The white papers are available on the Authority's website.

### L029-434

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-GENERAL-02.

The study area varies by resource area analyzed but in all cases includes the entire HST project footprint, including stations. The potential growth inducing effect of the Hanford area stations is disclosed in Section 3.18, Regional Growth. As stated in Section 3.14 of the Revised DEIR/Supplemental DEIS, the Authority would prioritize purchasing agricultural easements around the selected Kings/Tulare Regional Station alternative (under the California Farmland Conservancy Program) to reduce conversion of agricultural lands around the station if possible. In regards to the Fresno and Bakersfield station alternatives; all alternatives are in an urban environment and are not projected to result in any agricultural conversion.

### L029-435

Please see the Final EIR/EIS for a correction to the source used for maps displaying the county crop cover in Section 3.14. The figures reflect the most up-to-date information available from the California Department of Water Resources. The source year has been corrected as follows: Kern County 2006; Fresno County 2009; Tulare County 2007; and Kings County 2003.

The figures showing the distribution of crop cover were included in the Revised DEIR/Supplemental DEIS so that readers could see the amount of farmland in the areas that the HST travels through. Updating the maps to more current information will not alter any of the findings.

### L029-436

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-07.

Using the California Department of Conservation data layers for Williamson Act and FSZ contract lands, a small portion of the Kings/Tulare Regional Station East area is listed as being in a Williamson Act contract in non-renewal. Using the same data layer, parcels within the Kings/Tulare Regional Station West area were listed as being in a Williamson Act Contract in non-renewal. These affected lands were discussed in Section 3.14.4.2. As stated in Section 3.13 of the Revised DEIR/Supplemental DEIS, the Authority would prioritize purchasing agricultural conservation easements around the Kings/Tulare Regional Station alternatives through the California Farmland Conservancy Program to prevent conversion of agricultural lands around the station, if possible (this cannot be assured because the purchases would be from willing sellers only).

The information provided by the commenter does not change the analysis or conclusions in the EIR/EIS. The EIR/EIS in Section 3.18 discloses that the East Hanford site would be subject to new growth pressures and that its development would be growth-inducing. The EIR/EIS discloses that the West Hanford site is more likely to develop under existing land use plans, as posited by the commenter.

### L029-437

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

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-437

The figures were generated using the most current data available at the time. If changes have occurred since these figures were produced, they would most likely show either the conversion of agricultural lands to non-agricultural uses, which would decrease impacts, or agricultural lands leaving the Williamson Act Program, which would also decrease impacts. These differences are not substantial. This trend of loss of agricultural lands is discussed in Section 3.14.4 and adequately characterizes what is going on in this area for purposes of making an informed decision on the project.

### L029-438

The Authority understands the importance of maintaining agricultural buffers around cities to prevent in-growth development and reduce the conversion of agriculture. This is why the Authority will prioritize the purchase of conservation easements around the Kings/Tulare Station alternatives through the California Farmland Conservancy Program to reduce the conversion of agricultural lands, if possible (since the Program involves willing sellers, acquisition of any specific site cannot be guaranteed at this time).

The term urban fringe is used to be consistent with Section 3.13, Station Planning and Land Use. Please see the Final EIR/EIS for a revision to the statement that the Kings/Tulare Regional Station is in the City of Hanford's Primary Sphere of Influence. This is not a substantial change to the characterization of the area surrounding the station as being primarily agricultural in nature, and therefore does not change the basic analysis or conclusions.

### L029-439

The comment concerning use of the word "lands" vs. "land" is purely semantic. "Lands" was not intended to convey the number of parcels and, in common usage, is generally taken to refer to an area of land. The California Department of Conservation layers for Williamson Act and FSZ contract lands show several of the parcels as being under contract.

Please see the Final EIR/EIS for a revised statement about the station only being located in unincorporated Kings County and being in the Primary Sphere of Influence of Hanford. This revision does not substantially change or affect the basic characterization of the area surrounding the West Hanford site as in transition to urbanization.

### L029-440

Refer to Standard Response FB-Response-AG-06, FB-Response-GENERAL-01, FB-Response-SO-01.

The Authority does understand that dairies could be adversely affected by the HST. To better understand the impacts to individual dairies, a detailed dairy-by-dairy analysis was conducted showing the impacts to each dairy that may be affected by the HST. These findings were reported in Appendix 3.14-B of the Revised DEIR/Supplemental DEIS.

The Authority, as a design feature of the HST project, is proposing to assist dairies that are losing their wastewater land to help them obtain new land permitted to account for land lost by constructing the HST alignment. The Authority will also assist land owners to adjust permits that are affected by the HST. Actual impacts cannot be known until right-of-way agents begin the process of land acquisition. Because acquisition cannot begin until the EIR/EIS is certified, the preferred alignment approved by the Authority, and the Record of Decision is issued by FRA, it is not reasonable for the commenter to assert that the Authority must demonstrate a level of detail that can only be achieved by non-compliance with CEQA and NEPA.

If, during the acquisition process, it becomes evident that productivity will be lost due to the lack of a permit that is affected by the HST, the Authority will compensate the dairy farmer for the lost productivity.

### L029-441

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-06.

HST fares are expected to be tied to typical airplane fares and the cost of the fares will discourage relocation and a daily commute to and from the Bay Area and the Los Angeles Basin. Therefore, no statewide impacts on housing prices, affordability, or sprawl are expected.

### L029-442

Refer to Standard Response FB-Response-GENERAL-13.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-442

The comment suggests that the EIR/EIS must evaluate impacts of only the Merced to Fresno and Fresno to Bakersfield sections of the HST system ever being funded. Neither NEPA nor CEQA include a rule requiring a lead agency to define its project based on available funding. Nevertheless, to address this comment and others like it, the Final EIR/EIS has included a discussion of the potential for conventional passenger trains to use the initially constructed tracks between north of Fresno and north of Bakersfield for a portion of Amtrak passenger service on an interim basis. This information indicates that there would be no new or substantially more severe impacts than already disclosed for the full project in the Fresno to Bakersfield section. If only the currently funded portion of the project is ever built, and no electrified passenger train service commences, many project benefits associated with electrification would be reduced. See also Appendix 2-F.

### L029-443

The commenter isolates a single step in the development of the HST System and claims its independent benefits are unlikely to justify the expense. As discussed in the Revised 2012 Business Plan (Authority 2012a), the California High-Speed Rail (HSR) Program will depend on a mix of public and private investment, the latter becoming available after the fundamental economics of the program are demonstrated.

A phased approach to system development is the prudent course to build a foundation that allows for greater efficiency in the use of private investment once the initial segments of the system are in place.

This approach also recognizes current budgetary and funding realities. Among other things, the phased approach will help ensure the system's success by introducing Californians to HSR service and building ridership over time. At the same time, improvements can be made to regional systems that connect with HSR, resulting in the conventional and high-speed systems complementing each other.

The goals of Proposition 1A were used to develop the phasing strategy for the Statewide HSR System and were guided by the following key principles:

### L029-443

- Divide the statewide high-speed rail program into a series of smaller, discrete projects that can stand alone, will provide viable revenue service, can be matched to available funding, and can be delivered through appropriate business models.
- Advance sections as soon as feasible to realize early benefits, especially employment, and to minimize the impact of inflation.
- Leverage existing rail systems and infrastructure, including connecting rail and bus services.
- Forge a long-term partnership with the federal government for program delivery.
- Develop partnerships with other transportation operators to identify efficiencies through leveraging state, regional, local, and capital program investments and maximizing connectivity between systems.
- Seek earliest-feasible and best-value private-sector participation and financing with appropriate risk transfer and cost containment.
- Mitigate against the risk of funding delays by providing decision points for state policy-makers to determine how and when the next steps should proceed while leaving a fully operational system and generating economic benefits at each step.

The Authority applied these principles, taking into account key factors such as cost, funding scenarios, and ridership and revenue projections, to develop an implementation strategy with the following key steps:

**Step 1—Early Investments, Statewide Benefits.** The first construction of dedicated high-speed infrastructure for the Initial Operating Section (IOS) begins in the Central Valley. As with all of the steps, this initial section is being developed to deliver early benefits by leveraging other systems—enabling them to operate on the new high-speed tracks, which can be done without impacts on design or the integrity of the new infrastructure. Improved passenger rail service would begin on completion of the first IOS segment by connecting the San Joaquins, Altamont Corridor Express (ACE), Sacramento Regional Transit, and the Capitol Corridor (and potentially Caltrain). Through a new, strategic approach, there is also the opportunity for new or improved travel between Bakersfield and Sacramento, Oakland, San Jose, and San Francisco. This expanded Northern California Unified Service could begin operation as early as 2018, with the potential to provide transportation and economic benefits well before fully operational high-speed rail service is initiated.

As part of this first step, complementary investments and improvements will be made to

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-443

both accelerate benefits and distribute them more widely across the state. These investments will be made using the \$950 million in Proposition 1A connectivity funding, available Proposition 1A high-speed rail funds, future federal funds, and other sources, and will include the following:

- Investment in the bookends: In Northern California, the long-awaited electrification of the Caltrain corridor will begin under a collaborative program between Bay Area agencies and the Authority. Also, consistent with the Southern California Memorandum of Understanding (MOU), investments will be made in key rail corridors in the southern part of the state, such as upgrading the Metrolink corridor from Los Angeles to Palmdale.
- The Northern California Unified Service described above will be initiated.
- As the next step in the IOS, work to close the rail gap between Bakersfield and Palmdale through the Tehachapi Mountains will begin. Environmental clearance is possible in early 2014, and plans are being developed to move quickly to implement the improvements to close this critical gap and create the first statewide rail link between the Bay Area and the Los Angeles Basin.

**Step 2—Initial High-Speed Rail Operations.** Introduction of the state's (and the nation's) first fully operational high-speed rail service will begin. This service can be operated by a private entity without subsidy, will have the potential to attract private investment to expand the system from Bay to Basin, and can be completed within a decade. The service will be blended with regional/local systems. The IOS is achieved through expansion of the first construction segment into an electrified operating high-speed rail line from Merced to Palmdale and the San Fernando Valley, accessing the populous Los Angeles Basin. Following on the work discussed above, the next priority in implementing the IOS will be closing the rail gap between Northern and Southern California by crossing the Tehachapi Mountains with new, dedicated high-speed rail infrastructure. Before completion of the IOS to the San Fernando Valley, this link will tie the north to the south at Palmdale, where Metrolink commuter rail service can then provide service and connections throughout Southern California.

Currently, the IOS is defined as extending from Merced to the San Fernando Valley, and high-speed revenue service would only start once the full IOS is built and operable. Should ridership and revenue forecasts and financial projections demonstrate that revenue service compliant with Proposition 1A could begin earlier, with a shorter IOS, appropriate reviews would occur to consider and implement earlier service, if

### L029-443

appropriate.

**Step 3—The Bay to Basin System.** The dedicated high-speed rail infrastructure of the IOS will be expanded north and west to San Jose, providing HSR service between the state's major population centers in the north and south and providing the platform for the transition to statewide blended operations. At this stage, passengers will be able to take a one-seat ride between the San Francisco Transbay Transit Center and greater Los Angeles (San Fernando Station) using blended infrastructure in the north between San Francisco and San Jose (assuming electrification of the Caltrain corridor by 2020, as proposed by Caltrain), using dedicated high-speed rail infrastructure between San Jose and the San Fernando Station, and, in the south, connecting via Metrolink between the San Fernando Valley Station and Union Station in Los Angeles and on to other points throughout Southern California.

**Step 4—The Phase 1 System.** For the blended approach, the dedicated high-speed rail infrastructure of the Bay to Basin system will be extended from the San Fernando Valley to Los Angeles Union Station, linking to a significantly upgraded passenger rail corridor developed to maximize service between Los Angeles and Anaheim while also addressing community concerns about new infrastructure impacts in a congested urban corridor that includes a number of established communities that abut the existing right-of-way. Under a Full Build scenario, dedicated high-speed rail infrastructure would be extended from San Jose to San Francisco's Transbay Transit Center and from Los Angeles to Anaheim.

**Step 5—The Phase 2 System.** Phase 2 will extend the high-speed rail system to Sacramento and San Diego, representing completion of the 800-mile statewide system. Travelers will be able to travel between all of the state's major population centers on high-speed rail. Phase 2 areas will see improvements in rail service well in advance of the expansion of the high-speed rail system through the combination of early investments and blended operations, as described in this Revised Plan.

### L029-444

The commenter isolates a single step in the development of the HST System and claims its independent benefits are unlikely to justify the expense. As discussed in the Revised 2012 Business Plan (Authority 2012a), the California High-Speed Rail (HSR) Program will depend on a mix of public and private investment, the latter becoming available after the fundamental economics of the program are demonstrated.

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-444

A phased approach to system development is the prudent course to build a foundation that allows for greater efficiency in the use of private investment once the initial segments of the system are in place.

This approach also recognizes current budgetary and funding realities. Among other things, the phased approach will help ensure the system's success by introducing Californians to HSR service and building ridership over time. At the same time, improvements can be made to regional systems that connect with the HSR System, resulting in the conventional and high-speed systems complementing each other.

The goals of Proposition 1A were used to develop the phasing strategy for the Statewide HSR System and were guided by the following key principles:

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- Leverage existing rail systems and infrastructure, including connecting rail and bus services.
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- Mitigate against the risk of funding delays by providing decision points for state policy-makers to determine how and when the next steps should proceed while leaving a fully operational system and generating economic benefits at each step.

The Authority applied these principles, taking into account key factors such as cost, funding scenarios, and ridership and revenue projections, to develop an implementation strategy with the following key steps:

### L029-444

**Step 1—Early Investments, Statewide Benefits.** The first construction of dedicated high-speed infrastructure for the Initial Operating Section (IOS) begins in the Central Valley. As with all of the steps, this initial section is being developed to deliver early benefits by leveraging other systems—enabling them to operate on the new high-speed tracks, which can be done without impacts on design or the integrity of the new infrastructure. Improved passenger rail service would begin on completion of the first IOS segment by connecting the San Joaquins, Altamont Corridor Express (ACE), Sacramento Regional Transit, and the Capitol Corridor (and potentially Caltrain). Through a new, strategic approach, there is also the opportunity for new or improved travel between Bakersfield and Sacramento, Oakland, San Jose, and San Francisco. This expanded Northern California Unified Service could begin operation as early as 2018, with the potential to provide transportation and economic benefits well before fully operational high-speed rail service is initiated.

As part of this first step, complementary investments and improvements will be made to both accelerate benefits and distribute them more widely across the state. These investments will be made using the \$950 million in Proposition 1A connectivity funding, available Proposition 1A high-speed rail funds, future federal funds, and other sources, and will include the following:

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**Step 2—Initial High-Speed Rail Operations.** Introduction of the state's (and the nation's) first fully operational high-speed rail service will begin. This service can be operated by a private entity without subsidy, will have the potential to attract private

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-444

investment to expand the system from Bay to Basin, and can be completed within a decade. The service will be blended with regional/local systems. The IOS is achieved through expansion of the first construction segment into an electrified operating high-speed rail line from Merced to Palmdale and the San Fernando Valley, accessing the populous Los Angeles Basin. Following on the work discussed above, the next priority in implementing the IOS will be closing the rail gap between Northern and Southern California by crossing the Tehachapi Mountains with new, dedicated high-speed rail infrastructure. Before completion of the IOS to the San Fernando Valley, this link will tie the north to the south at Palmdale, where Metrolink commuter rail service can then provide service and connections throughout Southern California.

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**Step 3—The Bay to Basin System.** The dedicated high-speed rail infrastructure of the IOS will be expanded north and west to San Jose, providing HSR service between the state's major population centers in the north and south and providing the platform for the transition to statewide blended operations. At this stage, passengers will be able to take a one-seat ride between the San Francisco Transbay Transit Center and greater Los Angeles (San Fernando Station) using blended infrastructure in the north between San Francisco and San Jose (assuming electrification of the Caltrain corridor by 2020, as proposed by Caltrain), using dedicated high-speed rail infrastructure between San Jose and the San Fernando Station, and, in the south, connecting via Metrolink between the San Fernando Valley Station and Union Station in Los Angeles and on to other points throughout Southern California.

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### L029-444

Angeles to Anaheim.

**Step 5—The Phase 2 System.** Phase 2 will extend the high-speed rail system to Sacramento and San Diego, representing completion of the 800-mile statewide system. Travelers will be able to travel between all of the state's major population centers on high-speed rail. Phase 2 areas will see improvements in rail service well in advance of the expansion of the high-speed rail system through the combination of early investments and blended operations, as described in this Revised Plan.

### L029-445

Refer to Standard Response FB-Response-AG-02, FB-Response-GENERAL-01, FB-Response-GENERAL-04, FB-Response-S&S-01.

Mitigation Measure TR MM#1 also addresses the need to maintain access to individual properties during and after construction. The Revised DEIR/Supplemental DEIS illustrates the alternative alignments and the land that will be directly affected as a result of right-of-way requirements for the project. It is expected that remaining portions of the parcels can and will be used to maintain access to each property. This will be further reviewed during the final design and right-of-way acquisition process that will follow approval of the EIR/EIS, the preferred alternative and issuance of the Record of Decision. Right-of-way discussions that will allow site-specific issues to be addressed will begin with individual property owners at that time.

If the project will disrupt farming operations by impacts noted in this comment, such as water supply and distribution or equipment access, these factors would be taken into account during right-of-way acquisition. If unresolvable to allow viable continuation of the existing farm operations, it may require the purchase of additional portions or all of the parcel, as noted in Mitigation Measure TR MM#1.

### L029-446

Please see Chapter 5 of the EIR/EIS for the summary of the procedures for estimating the project cost. More detail on the development of the costs is provided in the *Fresno to Bakersfield Section Preliminary Right-of-Way Requirements Report* (Authority 2013d)

## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

### L029-446

and the *Fresno to Bakersfield Capital Cost Estimating Report* (Authority 2012b) for additional information on the development of project costs. The Cost Estimating Report is posted on the Authority's website.

### L029-447

As described in Chapter 7 of the 2012 Revised Business Plan (Authority 2012a), the project plan calls for four types of capital funding: grants, and other forms of federal support; state funds, including proceeds from general obligation bonds and potentially cap and trade funds; other local funds; and private funds. The financial plan assumes that state, federal, and local support will be grants and other forms of support that are not required to be repaid by the project and do not result in finance charges or capitalized interest costs for the Authority. The State Treasurer will issue general obligation bonds to fund the State of California's capital contribution and the U.S. Treasury will issue debt instruments to fund the ARRA grants for the project. These forms of borrowing support the cash-flow requirements of the state and federal governments, but neither results in a project repayment obligation and related finance charges and interest obligations to the project.

Private funds would be provided in exchange for the right to future cash flows. The cost of private-sector capital is considered in the weighted average cost of capital (discount rate) that the private sector will charge as a return for its activities, as discussed in Chapter 7 of the 2012 Revised Business Plan. Any related interest costs would be private-sector costs.

### L029-448

As discussed in the Revised 2012 Business Plan (Authority 2012a), the California High-Speed Train (HST) Program will depend on a mix of public and private investment, the latter becoming available after the fundamental economics of the program are demonstrated. A phased approach to system development is the prudent course to build a foundation that allows for greater efficiency in the use of private investment once the initial segments of the system are in place.

This approach also recognizes current budgetary and funding realities. Among other things, the phased approach will help ensure the system's success by introducing

### L029-448

Californians to HST service and building ridership over time. At the same time, improvements can be made to regional systems that connect with HST, resulting in the conventional and high-speed systems complementing each other.

The goals of Proposition 1A were used to develop the phasing strategy for the statewide HST system and were guided by the following key principles:

- Divide the statewide HST program into a series of smaller, discrete projects that can stand alone, will provide viable revenue service, can be matched to available funding, and can be delivered through appropriate business models.
- Advance sections as soon as feasible to realize early benefits, especially employment, and to minimize inflation impact.
- Leverage existing rail systems and infrastructure, including connecting rail and bus services.
- Forge a long-term partnership with the federal government for program delivery.
- Develop partnerships with other transportation operators to identify efficiencies through leveraging state, regional, local, and capital program investments and maximizing connectivity between systems.
- Seek earliest feasible and best-value private-sector participation and financing with appropriate risk transfer and cost containment.
- Mitigate against the risk of funding delays by providing decision points for state policy-makers to determine how and when the next steps should proceed while leaving a fully operational system and generating economic benefits at each step.

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### L029-448

connecting the San Joaquins, ACE, Sacramento Regional Transit, and the Capitol Corridor (and potentially Caltrain). Through a new, strategic approach, there is also the opportunity for new or improved travel between Bakersfield and Sacramento, Oakland, San Jose, and San Francisco. This expanded Northern California Unified Service could begin operation as early as 2018, with the potential to provide transportation and economic benefits well before fully operational HST service is initiated.

As part of this first step, complementary investments and improvements will be made to both accelerate benefits and distribute them more widely across the state. These investments will be made using the \$950 million in Proposition 1A connectivity funding, available Proposition 1A high-speed rail funds, future federal funds, and other sources, and will include the following:

- o Investment in the bookends: In Northern California, the long-awaited electrification of the Caltrain corridor will begin under a collaborative program between Bay Area agencies and the Authority. In addition, consistent with the Southern California MOU, investments will be made in key rail corridors in the southern part of the state, such as upgrading the Metrolink corridor from Los Angeles to Palmdale.
- o The Northern California Unified Service described above will be initiated.
- o As the next step in the IOS, work to close the rail gap between Bakersfield and Palmdale through the Tehachapi Mountains will begin. Environmental clearance is possible in early 2014, and plans are being developed to move quickly to implement the improvements to close this critical gap and create the first statewide rail link between the Bay Area and the Los Angeles Basin.

Step 2—Initial High-Speed Train Operations. Introduction of the state's (and the nation's) first fully operational high-speed train service will begin. This service can be operated by a private entity without subsidy, will have the potential to attract private investment to expand the system from Bay to Basin, and can be completed within a decade. The service will be blended with regional/local systems. The IOS is achieved through expansion of the first construction segment into an electrified operating high-speed rail line from Merced to Palmdale and the San Fernando Valley, accessing the populous Los Angeles Basin. Following on the work discussed above, the next priority in implementing the IOS will be closing the rail gap between Northern and Southern

### L029-448

California by crossing the Tehachapi Mountains with new, dedicated high-speed train infrastructure. Before completion of the IOS to the San Fernando Valley, this link will tie the north to the south at Palmdale, where Metrolink commuter rail service can then provide service and connections throughout Southern California.

Currently, the IOS is defined as extending from Merced to the San Fernando Valley, and high-speed revenue service would only start once the full IOS is built and operable. Should ridership and revenue forecasts and financial projections demonstrate that revenue service compliant with Proposition 1A could begin earlier, with a shorter IOS, appropriate reviews would occur to consider and implement earlier service, if appropriate.

Step 3—The Bay to Basin System. The dedicated high-speed rail infrastructure of the IOS will be expanded north and west to San Jose, providing HST service between the state's major population centers in the north and south and providing the platform for the transition to statewide blended operations. At this stage, passengers will be able to take a one-seat ride between greater Los Angeles (San Fernando Station) and the San Francisco Transbay Transit Center using blended infrastructure in the north between San Francisco and San Jose (assuming electrification of the Caltrain corridor by 2020, as proposed by Caltrain), using dedicated high-speed rail infrastructure between San Jose and the San Fernando Station, and, in the south, connecting via Metrolink between the San Fernando Valley Station and the Los Angeles Union Station and on to other points throughout Southern California.

Step 4—The Phase 1 System. For the blended approach, the dedicated high-speed train infrastructure of the Bay to Basin system will be extended from the San Fernando Valley to Los Angeles Union Station, linking to a significantly upgraded passenger rail corridor developed to maximize service between Los Angeles and Anaheim while also addressing community concerns about new infrastructure impacts in a congested urban corridor that includes a number of established communities that abut the existing right-of-way. Under a Full Build scenario, dedicated high-speed train infrastructure would be extended from San Jose to San Francisco's Transbay Transit Center and from Los Angeles to Anaheim.

Step 5—The Phase 2 System. Phase 2 will extend the high-speed rail system to

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### L029-448

Sacramento and San Diego, representing completion of the 800-mile statewide system. Travelers will be able to travel between all of the state's major population centers on high-speed rail. Phase 2 areas will see improvements in rail service well in advance of the expansion of the high-speed rail system through the combination of early investments and blended operations, as described in this Revised Plan.

### L029-449

During construction of the track and operating systems, the Authority would acquire trains to use on the test rack.

### L029-450

As stated in Chapter 5 of the EIR/EIS, acquisition of trainsets is considered a systemwide cost and is not included as part of the cost of individual HST study alternatives.

### L029-451

These costs are included as part of mitigation costs for the project, consistent with FRA guidelines for estimating capital costs. The 3% figure represents given potential project impacts and typical mitigation costs in the region.

### L029-452

"Typical" as used in this sentence means the average costs of land and facilities and labor costs in the San Joaquin Valley.

### L029-453

The methodology used for generating capital cost estimates was developed consistent with FRA guidelines for estimating capital costs. The methodology includes what are referred to as Program Implementation costs, which represent the costs of engineering, project and construction management, contract administration, permits and fees, training/start-up/ testing, and any force account work. These add-on costs were calculated as a percentage of construction costs only (applied individually and not cumulatively and excluding vehicle procurement and right-of-way costs). The

### L029-453

management and administration cost associated with right-of-way and rolling stock were included with the respective items listed below and described in Section 5.2. of the EIR/EIS.

- Program management: 3.0%
- Final design: 6.0%
- Construction management: 4.0%
- Agency costs: 0.5%
- Total: 13.5%

Following the FRA guidelines for estimating capital costs and available cost data from the FTA, environmental mitigation costs were also estimated at 3% of the capital cost. In addition, allocated contingencies were assumed to be between 10% and 25% of estimated construction and right-of-way acquisition costs, and unallocated contingency (project reserves intended to cover unknown risks) were estimated at 5% of construction and right-of-way acquisition costs.

### L029-454

The Revised 2012 Business Plan also does not change the "full system" for the HST System in the Central Valley as defined and analyzed in the Fresno to Bakersfield Section Project EIR/EIS. The Fresno to Bakersfield Section, which is part of the spine of the HST System, will be constructed in the near term to the ultimate design of two dual-mainline tracks with four tracks at stations and will meet all performance objectives identified in Chapter 2, Alternatives. However, the Revised 2012 Business Plan lays out a new phasing strategy for initiating service and integrating service with intercity commuter rail services as an initial step for HST operations. The Fresno to Bakersfield Section EIR/EIS assumes that HST service will be operational for Phase 1, which will connect San Francisco with Los Angeles via the Central Valley by 2020, and Phase 2, which will extend service to Sacramento and San Diego beginning in 2027. The full system analysis for the EIR/EIS is based on a future year of 2035. The Revised 2012 Business Plan indicates that the IOS first construction will be completed in 2018, with initial service starting in 2022. The Phase 1 build-out will be operational in 2028, and the full system operation (Phase 2) will occur well beyond the 2035 full system operations envisioned in the Fresno to Bakersfield Section EIR/EIS.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-454**

The revised phasing assumptions for the Fresno to Bakersfield Section would not alter the construction impacts outlined in the EIR/EIS. However, the operational impacts of the HST System would be expected to be lower under the Revised 2012 Business Plan in 2020 and 2027 and for the full system build-out in 2035 than the levels presented in this EIR/EIS. Impacts would be lower than those identified in this EIR/EIS because fewer trains are expected to be operational before 2035 under the Revised 2012 Business Plan than assumed in the EIR/EIS. With fewer trains operating, the expected ridership under the Revised 2012 Business Plan would be lower and impacts, such as traffic and noise, associated with the train operations in 2035 would generally be less than the impacts presented in this EIR/EIS. Similarly, the benefits accruing to the project (e.g., reduced vehicle miles traveled (VMT), reduced greenhouse gas (GHG) emissions, reduced energy consumption) would be less than the benefits presented in this EIR/EIS (see Appendix 1-A). As with the impacts, the benefits would continue to build and accrue over time and would eventually reach the levels discussed in this EIR/EIS for the full system. A specific time frame has not been set for the implementation of Phase 2; that time frame will depend on funding availability and direction from the Board of Directors of the California High-Speed Rail Authority.

**L029-455**

The first section of the California HST System requires a section of over 100 miles of high-speed track to test the high-speed trains. The Central Valley is the best location for this initial phase. However, even if the HST project were not to be fully funded, American Recovery and Reinvestment Act (ARRA) funding must be used toward a project that has operational benefits or can demonstrate "independent utility," as that term is defined in FRA's High-Speed Intercity Passenger Rail (HSIPR) Interim Program Guidance (74 FR 29900, 29905 [June 23, 2009]). The Central Valley sections could accommodate non-electrified passenger trains (e.g., Amtrak San Joaquin service) from the north and existing stations in Merced and Madera via a crossover trackway with the BNSF railroad (at Avenue 17 near Madera) to Bakersfield in the south, even if no other portion of the HST System is constructed.

Independent utility under ARRA could be achieved by allowing non-electrified passenger trains to use these sections. The HST track would be vastly superior to existing

**L029-455**

passenger train track in the same corridor, thus allowing much faster and smoother service than currently exists. Such interim service is undefined at present, but could range from the existing Amtrak San Joaquin service (although improved because of the improved track) to modern diesel multiple-unit trains capable of speeds and comfort significantly better than the existing Amtrak San Joaquin service. The Fresno to Bakersfield Section could also have utility as a test track for the eventual expansion of the HST System. High-speed testing is crucial to the safe and efficient operation of the system. The relatively straight alignment would allow for the testing of track, signaling systems, and trainsets at operational speeds.

Improved non-electrified passenger service using the Central Valley sections is not part of the project (i.e., a high-speed electrified train project) for environmental review purposes. If such service were to be proposed, environmental review would be conducted by those agencies that would institute and operate such service. As an indirect practical matter, however, potential environmental impacts of construction that would permit such service were fully analyzed in the Revised DEIR/Supplemental DEIS because any such service would run on HSR track, the construction impacts of which were fully analyzed.

**L029-456**

Refer to Standard Response FB-Response-GENERAL-13.

The National Railroad Passenger Corporation (also known as Amtrak) is a partially publicly funded service operated and managed as a for-profit corporation. In California, Amtrak operates several state-supported, intercity passenger rail routes, including the *San Joaquin*, which operates between the San Francisco Bay Area and Sacramento through the San Joaquin Valley to Bakersfield. Although the Authority works closely with Amtrak, it has no management, oversight, or funding responsibility for the corporation under state law.

**L029-457**

The first section of the California HST System requires a section of over 100 miles of high-speed track to test the high-speed trains. The Central Valley is the best location for this initial phase. However, even if the HST project were not to be fully funded, American

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### L029-457

Recovery and Reinvestment Act (ARRA) funding must be used toward a project that has operational benefits or can demonstrate "independent utility, as that term is defined in FRA's High-Speed Intercity Passenger Rail (HSIPR) Interim Program Guidance (74 FR 29900, 29905 [June 23, 2009]). The Central Valley sections could accommodate non-electrified passenger trains (e.g., Amtrak San Joaquin service) from the north and existing stations in Merced and Madera via a crossover trackway with the BNSF railroad (at Avenue 17 near Madera) to Bakersfield in the south, even if no other portion of the HST System is constructed.

Independent utility under ARRA could be achieved by allowing non-electrified passenger trains to use these sections. The HST track would be vastly superior to existing passenger train track in the same corridor, thus allowing much faster and smoother service than currently exists. Such interim service is undefined at present, but could range from the existing Amtrak San Joaquin service (although improved because of the improved track) to modern diesel multiple-unit trains capable of speeds and comfort significantly better than the existing Amtrak San Joaquin service. The Fresno to Bakersfield Section could also have utility as a test track for the eventual expansion of the HST System. High-speed testing is crucial to the safe and efficient operation of the system. The relatively straight alignment would allow for the testing of track, signaling systems, and trainsets at operational speeds.

Improved non-electrified passenger service using the Central Valley sections is not part of the project (i.e., a high-speed electrified train project) for environmental review purposes. If such service were to be proposed, environmental review would be conducted by those agencies that would institute and operate such service. As an indirect practical matter, however, the potential environmental impacts of construction that would permit such service were fully analyzed in the Revised DEIR/Supplemental DEIS because any such service would run on HSR track, the construction impacts of which were fully analyzed.

### L029-458

Refer to Standard Response FB-Response-GENERAL-13.

### L029-459

Refer to Standard Response FB-Response-GENERAL-13.

The Authority is aware of the passage of Assembly Bill (AB) 1779 and its provisions allowing for the establishment of a San Joaquin Corridor Joint Powers Authority (JPA). Should a new JPA be established, the Authority will work with the new agency to coordinate existing and future rail service in the San Joaquin Valley.

The first section of the California HST System requires a section of over 100 miles of high-speed track to test the high-speed trains. The Central Valley is the best location for this initial phase. However, even if the HST project were not to be fully funded, American Recovery and Reinvestment Act (ARRA) funding must be used toward a project that has operational benefits or can demonstrate "independent utility," as that term is defined in FRA's High-Speed Intercity Passenger Rail (HSIPR) Interim Program Guidance (74 FR 29900, 29905 [June 23, 2009]). The Central Valley sections could accommodate non-electrified passenger trains (e.g., Amtrak San Joaquin service) from the north and existing stations in Merced and Madera via a crossover trackway with the BNSF railroad (at Avenue 17 near Madera) to Bakersfield in the south, even if no other portion of the HST System is constructed.

Independent utility under ARRA could be achieved by allowing non-electrified passenger trains to use these sections. The HST track would be vastly superior to existing passenger train track in the same corridor, thus allowing much faster and smoother service than currently exists. Such interim service is undefined at present, but could range from the existing Amtrak San Joaquin service (although improved because of the improved track) to modern diesel multiple-unit trains capable of speeds and comfort significantly better than the existing Amtrak San Joaquin service. The Fresno to Bakersfield Section could also have utility as a test track for the eventual expansion of the HST System. High-speed testing is crucial to the safe and efficient operation of the system. The relatively straight alignment would allow for the testing of track, signaling systems, and trainsets at operational speeds.

Improved non-electrified passenger service using the Central Valley sections is not part of the project (i.e., a high-speed electrified train project) for environmental review purposes. If such service were to be proposed, environmental review would be

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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### **L029-459**

conducted by those agencies, such as a new San Joaquin JPA, that would institute and operate such service. As an indirect practical matter, however, potential environmental impacts of construction that would permit such service were fully analyzed in the Revised DEIR/Supplemental DEIS because any such service would run on HSR track, the construction impacts of which were fully analyzed.

### **L029-460**

Refer to Standard Response FB-Response-GENERAL-03.

The EIR/EIS recognizes that the Kings/Tulare Regional Station (either West or East alternatives) are not consistent with the general plans of either Kings County or the City of Hanford, nor are they discussed in the San Joaquin Valley Blueprint. The West alternative site is in line with urbanization trends in the Hanford area; the East alternative, on the other hand, is surrounded by agricultural land. Development of this station would reinforce the importance of Hanford as a transportation hub, but would not result in higher-density development in the city's downtown.

As described in Section 3.13, Station Planning, Land Use and Development, the Kings/Tulare Regional Station alternatives would cause a substantial change in intensity of land use that is incompatible with adjacent land uses. Even with the implementation of Mitigation Measure AG-MM#1 to preserve the total amount of farmland, the impact remains significant.

### **L029-461**

The Federal Railroad Administration and Department of Transportation issued a notice of intent to prepare an environmental impact statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census data had not been published, and therefore, the 2000 Census data were used for the socioeconomics analysis in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, as well as local data sources and interviews with local experts familiar with recent demographic trends. The methodologies for identifying and analyzing affected populations as well as all data

### **L029-461**

sources used are detailed in Appendix A of the Community Impact Assessment Technical Report.

### **L029-462**

The Federal Railroad Administration (FRA) and Department of Transportation (DOT) issued a notice of intent to prepare an environmental impact statement for the California High-Speed Train Project for the Fresno to Bakersfield Section on October 1, 2009. This date established the year of the affected environment. At that time, the 2010 Census data had not been published and therefore, the 2000 Census data were used for the socioeconomics analysis in addition to more recent data from the American Community Survey, the California Department of Finance, the California Employment Development Division, the California State Board of Equalization, as well as local data sources. The methodologies for identifying and analyzing affected populations as well as all data sources used are detailed in Appendix A of the Community Impact Assessment Technical Report.

### **L029-463**

Refer to Standard Response FB-Response-HWR-04, FB-Response-PU&E-03.

Discussions on locating the Kings/Tulare Regional Station-East and West alternatives within the county-defined primary or secondary sphere of influence are discussed in Section 3.13.2.4, Consistency with Local and Regional Plans. The impacts from locating the stations in these areas are discussed in Section 3.13.5, Impact LU#5 – Potential for Future Increase Density and TOD Development at HST Stations. Impacts on the utilities from the location of the Kings/Tulare Regional Station alternatives are described in Section 3.6.5, Impact PU&E – Potential Conflicts with Water Facilities, where it states that the Authority would seek to connect either of these stations to the Hanford water system as part of this project.

A detailed analysis on the water demands of the stations was conducted in Appendix 3.6-B, Water Usage Analysis Technical Memorandum. The analysis concluded that based on current estimated water usage at the sites proposed for the Kings/Tulare Regional Station, water usage would decrease from approximately 81 to 148 acre feet per year to 55 acre feet per year with the development of these stations.

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Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) -  
Continued

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**L029-464**

The comment is correct that the Community Impact Assessment Technical Report supporting the RDEIR/SDEIS did include as a reference the 2007 document "Community Service Districts: Municipal Service Reviews and Spheres of Influence Update" but did not include a reference to the 2007 Municipal Service Reviews of the Kings County Local Agency Formation Commission. However, the analysis in Chapter 3.13 on Station Area Planning and Land Use references the Kings County Local Agency Formation Commission 2007 document "City and Community District Sphere of Influence." This document includes information about the City of Hanford's primary and secondary sphere of influence and municipal services capacities for those areas. Many other documents from Kings County and also the City of Hanford were utilized relative to public facilities and services for the Kings Tulare Regional station. The Kings County Local Agency Formation Commission 2007 Municipal Service Review has been considered in preparation of the Final EIR/EIS, however, this documentation does not indicate a need to change the analysis of impacts or mitigation.

**L029-465**

Station capital costs are included as item 20, Stations, Terminals, Intermodal, in Table 5.2-1 of the EIR/EIS. Station operational costs are included in Table 5.3-2 of the EIR/EIS.

**L029-466**

Refer to Standard Response FB-Response-PU&E-01, FB-Response-PU&E-03.

Information about the South Hanford Fire Station can be found in Section 3.12.6.4, Affected Environment, of the EIR/EIS. The facility would not be displaced, but a portion of the property would be acquired for a road overpass. Impact SO #1 describes the potential for construction to affect important community facilities and explains that emergency vehicle access for police and fire protection services would be maintained at all times.

The project team has been and will continue to actively coordinate with utility providers during all the design phases of the project to identify, describe, and evaluate the HST's potential impact on existing electrical and gas infrastructure. As appropriate and

**L029-466**

commensurate to the early stage of engineering design, modifications have been made to the Revised DEIR/Supplemental DEIS to reflect the comments provided (refer to Section 3.6.2 Laws, Regulations, and Orders). Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with the California Public Utilities Commission's General Order 131-D.

**L029-467**

Refer to Standard Response FB-Response-GENERAL-02.

Information regarding the elimination of the Hanford-Visalia station alternatives can be found in the Preliminary Alternatives Analysis (AA) and two Supplemental AA reports on the Authority's website. An additional resource is the Visalia-Tulare-Hanford Station Feasibility Study released in 2007, which identified several alternative alignments. Most of the Hanford-Visalia area station alternatives were dropped from further review because they would not meet the project's purpose and need, would result in undesirable community impacts, or had a low potential to serve as a multi-modal station. A Kings/Tulare Regional Station alternative located east of Hanford and north of State Route (SR) 198 was carried forward in the Draft EIR/EIS. In response to comments received on the Draft EIR/EIS; the Authority included the Kings/Tulare Regional Station-West Alternative in the Revised DEIR/Supplemental DEIS.

An EIR/EIS is required to analyze the potential impacts of the full range of reasonable alternatives (14 California Code of Regulations [CCR] 15126.6; 40 Code of Federal Regulations [CFR] 1502.14[a]). Under CEQA, the alternatives are to include a No Project Alternative and a range of potentially feasible alternatives that would (1) meet most of the project's basic objectives and (2) avoid or substantially lessen one or more of the project's significant adverse effects (14 CCR 15126.6[c]). In determining the alternatives to be examined in the EIR, the lead agency must describe its reasons for excluding other potential alternatives. Under the "rule of reason," an EIR is required to study a sufficient range of alternatives to permit a reasoned choice (14 CCR 15126.6[f]). There is no requirement to study all possible alternatives.

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-468**

Refer to Standard Response FB-Response-GENERAL-03, FB-Response-GENERAL-14.

The statement quoted in the comment is intended to be a general statement of effects on regional growth. Section 3.18, Regional Growth, of the EIR/EIS provides a more specific analysis. It analyzes the growth-inducing effects of the HST project, including discussions of the Kings/Tulare Regional Station alternatives, and discloses that all of these alternatives would be located outside of Hanford, would provide an economic incentive for new development outside the city center, and therefore would be growth inducing. Although the project would provide for access to downtown from the station and includes a program to support agricultural preservation through conservation easements, it is likely that this station would result in agricultural conversion.

**L029-469**

Section 3.13.5.3 of the Revised DEIR/Supplemental DEIS states that the Hanford West Bypass 1 and Bypass 2 alternatives would convert more residential, industrial, and agricultural land to transportation uses than the BNSF Alternative. Furthermore, it is stated that the impact would have substantial intensity under NEPA and be significant under CEQA.

Regarding the two different station locations (Kings/Tulare Regional Station–East Alternative and Kings/Tulare Regional Station–West Alternative), Section 3.13.5 of the Revised DEIR/Supplemental DEIS discusses the difference in existing land uses and changes that could occur in each location from implementation of either of the stations.

**L029-470**

Refer to Standard Response FB-Response-GENERAL-14.

The growth-inducing effects of the station areas are analyzed separately in Section 3.18, Regional Growth, under the heading "HST Stations and Heavy Maintenance Facility," starting on page 3.18-27 of the Revised DEIR/Supplemental DEIS.

**L029-471**

Section 3.18, Regional Growth, analyzes and discloses the growth-inducing effects of

**L029-471**

the HST project and includes discussions of the Kings/Tulare Regional Station alternatives. These alternatives would be located outside of Hanford and would provide an economic incentive for new development outside the city center. Although the project would provide for access to downtown from the station and includes a program to support agricultural preservation through conservation easements, it is likely that this station would result in agricultural conversion.

**L029-472**

Refer to Standard Response FB-Response-GENERAL-02.

Section 3.13, Station Planning, Land Use, and Development, and Section 3.18, Regional Growth, provide details about the existing conditions, environmental consequences, and the growth-inducing effects of the project, including for the Kings/Tulare Regional Station alternatives.

**L029-473**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-01.

**L029-474**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-SO-01.

**L029-475**

The Statewide Program EIR/EIS (Authority and FRA 2005) was a program EIR, as described in Section 15168 of the CEQA Guidelines. It is not a Master EIR, as defined in Section 15175 of the CEQA Guidelines, and Section 21157 of the California Public Resources Code does not apply.

**L029-476**

Refer to Standard Response FB-Response-GENERAL-02.

The HST alignment cannot be totally located within an existing transportation corridor because of the geometry imposed by high-speed operations. In other words, the existing transportation corridors contain curves that are too tight for full-speed operation of the

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-476**

HST System. Location within an existing transportation corridor is not the sole criterion for qualification as the LEDPA (as required by Section 404 of the Clean Water Act, not NEPA). The LEDPA, as approved by the U.S. Army Corps of Engineers, will be the preferred alternative selected for the HST route.

**L029-477**

Refer to Standard Response FB-Response-GENERAL-08 and FB-Response-GENERAL-16.

As shown in Chapter 7 of the Revised DEIR/Supplemental DEIS, the Authority has been in contact with the County regarding this project many times during the CEQA/NEPA process. All notices required under CEQA and NEPA have been sent to the County in a timely manner.

The Authority and FRA recognize the concerns of Kings County representatives and community members, and we wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, project-level information has been shared at public meetings, made available at the Kings County project office, and provided through mailings, e-mail communication, outreach materials, and on the Internet.

**L029-478**

The Authority and FRA have not actively worked around Kings County. This comment references public noticing and scoping for the Statewide Program EIR/EIS (Authority and FRA 2005). The Chairman of the Kings County Board of Supervisors and the Kings County Association of Governments were notified of scoping meetings for the Program EIR/EIS. A total of 10 public scoping meetings were held from the Bay Area to San Diego. These scoping meetings were held in regional locations that offered government agencies and jurisdictions as well as the public the ability to participate. A scoping meeting was held in Fresno, about 30 miles north of Hanford with a driving time of about 1 hour. The Chairman of the Kings County Board of Supervisors and the Kings County Association of Governments were sent a notice of the availability of the Statewide Program Draft EIR/EIS in February 2004. Public hearings on the Draft EIR/EIS were held in six communities in the state, including Fresno. The Chairman of

**L029-478**

the Kings County Board of Supervisors and the Kings County Association of Governments were also notified of the availability of the Statewide Program Final EIR/EIS.

**L029-479**

The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, project-level information has been shared at public meetings, made available at the Kings County project office, and provided through mailings, e-mail communication, outreach materials, and on the Internet.

**L029-480**

The Authority conducted extensive public outreach prior to the circulation of the Fresno to Bakersfield Section Draft EIS/EIR, which included 12 public meetings aimed at soliciting community feedback and informing impacted communities of the project status. The Authority recognizes the potential perception of exclusion to some of these meetings and the possible confusion over wording/titling of these meetings, and will tailor future meeting notices with greater clarity in an effort to be more inclusive.

**L029-481**

The Authority conducted extensive public outreach before the circulation of the Draft EIR/EIS; the outreach included 12 public meetings aimed at soliciting community feedback and informing impacted communities of the project status. The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, project-level information has been shared at public meetings, made available at the Kings County project office, and provided through mailings, e-mail communication, outreach materials, and on the Internet.

**L029-482**

The term *stakeholders* is a broad term that includes interested parties, residents,

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-482**

businesses, elected officials, or otherwise-impacted citizens. Issuance of public notices before stakeholder meetings is not required under CEQA or NEPA.

**L029-483**

Refer to Standard Response FB-Response-GENERAL-08, FB-Response-GENERAL-16.

The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, project-level information has been shared at public meetings, made available at the Kings County project office, and provided through mailings, e-mail communication, outreach materials, and on the Internet.

**L029-484**

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

**L029-485**

The Authority conducted extensive public outreach before the circulation of the Draft EIR/EIS. This outreach included 12 public meetings aimed at soliciting community feedback and informing impacted communities of the project status. The Authority and FRA recognize the concerns of Kings County representatives and community members and wish to maintain an open dialogue about the project. The Authority welcomes the opportunity to meet with landowners and stakeholders. Also, project-level information has been shared at public meetings, made available at the Kings County project office, and provided through mailings, e-mail communication, outreach materials, and on the Internet.

**L029-486**

The term *stakeholders* is a broad term that includes interested parties, residents, businesses, elected officials, or otherwise-impacted citizens.

**L029-487**

The Authority and its outreach consultants met with then-Kings County Supervisor Tony

**L029-487**

Oliviera on the date in question to discuss station and alignments in Kings County. Issuance of public notices before stakeholder meetings is not required under CEQA or NEPA.

**L029-488**

The Authority and its outreach consultants met with Kings County Supervisors Richard Fagundes and Richard Valle and Kings County Administrative Officer Larry Spikes on November 30, 2009, to provide a project update, answer questions, and listen to stakeholder feedback. The Authority and its outreach consultants attended the Kings County Supervisors study session, as requested, on March 9, 2010, to provide a project update, answer questions, and listen to stakeholder feedback. Issuance of public notices before stakeholder meetings is not required under CEQA or NEPA. In the case of the March 2010 meeting, any public notice was the responsibility of Kings County.

**L029-489**

The Authority's team of outreach consultants made a presentation, as requested, during the unscheduled appearances time allotment on the agenda. The presentation included a project update, along with a discussion of the alignment alternatives and potential impacts.

**L029-490**

The entry has been removed in the Final EIR/EIS.

**L029-491**

The Authority has noted the correction and amended the text in the Final EIR/EIS.

**L029-492**

The Kings County Public Forum was a public meeting held outside the EIR/EIS public comment period; the meeting was designed to solicit feedback in preparation for the release of the Draft EIR/EIS. The meeting was held at the Kings County Fairgrounds.

**L029-493**

Participants at the planning meeting for the Kings/Tulare Regional Station included Jeff

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## Response to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012) - Continued

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**L029-493**

Abercrombie from the Authority, officials from the City of Hanford, and county staff. Pursuant to NEPA and CEQA guidelines, Chapter 7 does not provide the meeting participants; it only includes the dates and names of the meetings.

**L029-494**

Technical working group meetings are meetings that are held to provide engineering updates to city and county staff. No formal group exists, but the name of the meeting remains a Technical Working Group in various regions. The title for the meeting is corrected to the Kings/Tulare Technical Working Group in the Final EIR/EIS. The purpose of the meeting was to present information on the Hanford West alignment.

**L029-495**

The Authority website has provided translated materials and has offered translation services at all public meetings. The Executive Summary and several types of educational materials regarding the Draft EIR/EIS and the Revised DEIR/Supplemental DEIS are available in Spanish. Also, notification letters for the Draft EIR/EIS were sent in English and Spanish to residents, property owners, meeting attendees, businesses, organizations, elected officials, cities, counties, and agencies.

**L029-496**

Corcoran Library was included in the list of public repositories; however, it was mistakenly listed as being in Kern County. The Authority has noted the correction and amended the text in the Final EIR/EIS.

**L029-497**

Corcoran Library was included in the list of public repositories; however, it was mistakenly listed as being in Kern County. The Authority has noted the correction and amended the text in the Final EIR/EIS.

**L029-498**

The Authority has noted the correction and amended the text in the Final EIR/EIS.

**L029-499**

The Summary in the Final EIR/EIS has been revised to include trains in the text box.

**L029-500**

There are no contradictions between the definition provided in the Fresno to Bakersfield EIR/EIS and the Statewide Program EIR/EIS (Authority and FRA 2005). A reference has been added to the text.

**L029-501**

These statements are not contradictory; they all refer to the ability to operate safely and reliably in the range of 200 to 220 miles per hour.

**L029-502**

The Rule of Particular Applicability is not included in the glossary because it is not used in the Fresno to Bakersfield Section EIR/EIS. Adding this rule to Section 3.11, Safety and Security, does not provide decision-makers and the public useful information for the evaluation of project-related impacts and mitigation.

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf

AUGUST 2, 2011

ATTN:

Joseph C. Szabo  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590



**COUNTY OF KINGS  
BOARD OF SUPERVISORS**

KINGS COUNTY GOVERNMENT CENTER  
1400 W. LACEY BOULEVARD, HANFORD, CA 93230  
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047  
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NORTH HANFORD, ISLAND DISTRICT & NORTH LEMOORE  
TONY BARBA - DISTRICT 4  
ARSONA, HANFORD & NEW HOME GARDEN  
RICHARD PAGOUDES - DISTRICT 5  
HANFORD & HOME GARDEN

August 2, 2011

Joseph C. Szabo, Administrator  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: California High Speed Rail Project (Fresno to Bakersfield Segment)

Dear Administrator Szabo,

We write to you from the Great Central Valley of California, the Bread Basket of the World. The subject of this correspondence is the proposed California High Speed Rail Project (the "Project"). The Project is an approximately 800 mile rail line which will extend from San Francisco in the North, to Los Angeles/Anaheim in the South and eventually to the southernmost part of the State, San Diego. The Project is funded, in part, by more than \$6 billion in American Recovery and Reinvestment Act of 2009<sup>1</sup> ("ARRA") money and in part by a \$9 billion bond measure passed by the people of California in 2008 and codified and referred to as the *Safe, Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century*.<sup>2</sup> The Project is managed by a nine-member Board of Directors of the High Speed Rail Authority (the "Authority") created and appointed pursuant to California Public Utilities Code (§185020), and an Executive Director, who is appointed by the Board and who serves at the pleasure of the Authority (Id. at §185024).

The purpose of this letter is to provide you with background regarding the proposed Project, and to implore your assistance and coordination to ensure your agent, the Authority, complies with the National Environmental Policy Act of 1969 ("NEPA"), California's Environmental Quality Act (CEQA), other laws, and ARRA funding conditions in carrying out the Project. To date, the Authority has refused to coordinate with the County of Kings, despite its persistent demands in working toward the common interests of serving the public good.

Kings County has the duty to care for the public health, safety and welfare of its constituents and to protect its prime agricultural land, related economy and productive industry. The Authority's unsound actions and failure to act in response to the County's requests to coordinate and take into account our policies is not in accord with NEPA. Every route alternative being advanced by the Authority goes through Kings County, and yet, the Authority refuses to consider our concerns and the conflicts this creates with our short and long term plans. At the very least, the Authority should be studying, analyzing and developing an alternative in the federal EIS that would resolve the conflicts with our position as required at 42 USC 4332(E) and the implementing regulations, but they are not. As a result, the Authority's actions threaten to permanently change the stability of our local economy and way of life, all in the interest of timely spending ARRA funds. The Authority's "do-now, ask-forgiveness-later" attitude with billion dollar decisions must be stopped.

<sup>1</sup> Public Law 111-5

<sup>2</sup> California Streets and Highways Code §2704-2704.21 referred to herein as "the Act"

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County of Kings  
Board of Supervisors

**RE: CALIFORNIA HIGH-SPEED RAIL PROJECT  
(Fresno to Bakersfield Section)**

**URGENT ATTENTION REQUESTED**

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We request directly of you, Mr. Administrator, that you step in and insist that the Authority coordinate this Project with our County so that the conflicts with our position can be thoroughly analyzed and resolved prior to the release of the draft environmental document. In the absence of this happening, the duty falls to you, as the lead agency responsible for the preparation of the environmental document, to coordinate directly with Kings County.

We also request, that you refuse to approve the draft EIS for public release until such time as the Authority takes into account our position and prepares an alternative that resolves the conflicts with our policies. We must then have the opportunity to review this alternative prior to public release so that we can ensure the Authority has properly stated our position whereby decision makers and the public can be apprised of our position and the impacts to our County when making their comments.

#### Background

The Kings County Board of Supervisors (the "County Board") supports high speed rail. In fact, on May 25, 2010, it adopted Resolution No. 10-033, which specifically documents its resolution to: 1) Support the continuing development of high speed rail on a statewide basis; 2) Support a unified approach for the Central Valley, should the rail be designated to traverse through it; 3) Support routes that use existing transportation corridors and rights-of-way; and 4) **oppose any and all alignments where transportation corridors do not exist at the present time** (Emphasis Added). The "existing transportation corridor" requirement is consistent with the will of the People, as specifically indicated in the Act.

The County Board has grave concerns regarding a pre-selected alignment from Fresno to Bakersfield, as indicated by Authority documents that presume a final project decision even before release of the Draft Environmental Impact Statement. In addition, although the alignment begins on an existing transportation corridor (State Highway 99), it quickly digresses from the corridor and plows through miles of prime agricultural land. The County Board has expressed its concerns directly to the Authority and stated clearly that this Project may have potentially significant and devastating economic impacts on the County, as well as, conflicts with local policies and plans related to land use, resource conservation, the environment, and health and safety.

The County Board has attempted in good faith to engage the Authority in a process of government-to-government "Coordination" as required under NEPA in order to resolve project conflicts with County plans, policies and resources. The County Board sought information from the Authority on project details and on how the Authority would resolve the County's concerns. On March 4, 2011, the County Board sent a letter to Authority CEO Roelof van Ark, expressing concern that the Authority, to date, had not engaged in meaningful, good faith coordination with the County<sup>3</sup>.

The Authority eventually accepted the County Board's "invitation" to meet and designated Jeff Abercrombie, the Central Valley Area Program Manager, to work with the

<sup>3</sup> See attached March 4, 2011 correspondence from Board to Authority  
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County Board to arrange a meeting<sup>4</sup>. On April 19, 2011, the County Board hosted a special meeting dedicated to the sole purpose of "Coordination"<sup>5</sup>. During the course of the multi-hour coordination meeting, the County Board detailed a list of potential impacts to be caused by the proposed Project, as described by a number of County department heads, local school district, and local water district, or their representatives, including the Sheriff, Fire Chief, Agricultural Commissioner, Public Works Director, Community Development Director, Kings County Water District Director and Kit Carson Elementary School District.

At the conclusion of the April 19, 2011 coordination meeting, the County Board requested a follow-up coordination meeting to allow Mr. Abercrombie the time to gather information necessary to respond to the numerous concerns raised. The Authority refused to cooperate and engage with the County Board in "Coordination" and instead indicated that coordination is not applicable to this Project. In spite of their refusal, they insist that they are conducting their environmental review in accord with NEPA and CEQA<sup>6</sup>.

#### The Authority is Refusing to Coordinate with Kings County

NEPA requires study of federal actions *before* they are taken and in coordination with local governments. Congress defined what it meant by coordination at 43 USC 1712 (c)(9) and the courts have affirmed this duty. The duty includes ensuring that the Authority, as your agent, gives consideration to local plans, resolves inconsistencies between Federal and non-Federal plans and provides meaningful involvement in the process. Specifically, NEPA states:

*"...that it is the continuing policy of the Federal Government, in cooperation with the State and local governments, and other concerned public and private organizations, to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."*

*"it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources..." to, among other aspirations, "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;..." (§101; Emphasis Added).*

*"[p]rior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be*

<sup>4</sup> See attached March 29, 2011 correspondence from Authority to Board

<sup>5</sup> See attached extensive Agenda and supporting documents

<sup>6</sup> See attached May 6, 2011 correspondence from Board to Authority

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*made available to the President, the Council on Environmental Quality, and to the public.... (§ 102; Emphasis Added).*

Implementation of the stated coordination duty will allow us to assist your agent, the Authority, in reconciling the Project with our local plans and policies which are designed and adopted in accord with State law to carry out our duty to protect the health, safety and welfare of our constituents.

The Council on Environmental Quality directs federal agencies to conduct joint planning processes, joint environmental research and studies, and joint public hearings with state and local agencies in order to enhance coordination and reduce duplication between NEPA and State and local requirements (See 40 CFR, Volume 32, Section 1506.2.)

The Authority's refusal to coordinate is puzzling because the law is clear and the State of California understands the coordination duty of agencies implementing the federal law of NEPA. The State succeeded in an action against the U.S. Forest Service for its refusal to coordinate four federal forest management plan revisions with the State. The Federal Court required the Forest Service begin the NEPA process over, this time in coordination with the State. The case ultimately concluded with a settlement agreement in 2010, however, this occurred after the Service was ordered to coordinate with the State (See *California Resources Agency v. US Department of Agriculture* (2009 WL 6006102) (N.D. California)).

The same provision of NEPA that requires federal agencies to coordinate with states also requires coordination with local governments. Although it is the Authority refusing to coordinate with Kings County, courts will recognize that ultimately the duty to carry this out belongs with the Federal Railroad Administration – your agency. It is for this purpose that we are notifying you of the violation and requesting immediate compliance either directly by you or through clear instruction to your agent.

We are aware that the Draft EIS could be released for public comment any day. We are sending you this request so that you have notice that the document has been prepared without coordination with Kings County. The Authority has treated our County as if we are a part of the public, rather than an elected body charged with the duty of protecting the health, safety and welfare of the public. The Authority's refusal to answer our questions and develop an alternative that resolves our concerns is in direct violation of NEPA. We request that you withhold release of the Draft EIS until this duty has been met.

This duty was directed to the attention of the Authority's then Chairman, Curt Pringle at its May 5, 2011 meeting by Kings County Farm Bureau Director, Diana Peck. Ms. Peck received deplorable treatment as evidenced by the excerpt of the recorded meeting<sup>7</sup>. This did not keep her from advising the Chairman that the Authority's 2009 Coordination Plan acknowledges "...there is a critical need to engage and coordinate with a number of public agencies in the planning, design, permitting, construction, and implementation of this landmark statewide rail system." That it "... seeks to include Federal, State, regional, and local government agencies..." it "...promotes an efficient, streamlined process, as well as, good project

<sup>7</sup> See attached May 5, 2011 excerpt of Curt Pringle Statement

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management through coordination, scheduling, and early resolution of issues..." and "...represents a good faith, common-sense effort to identify and involve interested agencies early on, the objective being to raise and resolve issues as early and quickly as possible..." (Pg.1)

She pointed out that coordination had not been carried out with regards to Kings County, even though Kings County would be directly impacted by the Project. She questioned whether Chairman Pringle was aware of Authority staff member Abercrombie's recent statement to the Kings County Board of Supervisors that the Authority is not required to comply with the coordination requirements in the federal law.<sup>8</sup> Mr. Pringle's response was unfitting for one chairing "the largest infrastructure project in the nation today." In short, he dismissed Ms. Peck and the County's concerns by stating that the Authority had done all it was going to do with regards to Kings County's and other local entity's positions.

Mr. Administrator, our position has not been meaningfully considered in this process, but rather blatantly ignored by the Authority. Our insistence that they fulfill their coordination duty under NEPA has been refused. The message is clear that the Authority has no regard for the direct impact this Project will have on the lives and livelihoods of the citizens of Kings County. They have an agenda to meet and will do so regardless of the devastating environmental and human consequences the Project will have on the communities in their way.

This top-down, agenda-driven-type of land use planning will not stand in Kings County. We have taken great care to thoughtfully plan for our future and the uses of our land. We insist that your Agent do the same for the portion of the HSR that may cross our County.

Mr. Abercrombie wrote to the Board of Supervisors on May 17, 2011<sup>9</sup> and indicated the Authority is preparing for the release of a draft EIR/EIS. Rather than provide a follow-up "Coordination" meeting date to work to resolve conflicts, he stated that his staff wanted to meet to "verify that we have covered the issues of concern in the environmental document" and stated, as though he had never met with the County Board before, "[i]f there are issues of particular interest that you wish to discuss, please advise...".

Taken aback, the County Board again wrote to Mr. Abercrombie<sup>10</sup>. The County Board formally requested an administrative copy of the draft EIR/EIS prior to its distribution to the public for comments in order to ensure that the numerous issues and concerns raised by Kings County in its attempt to coordinate will be adequately and lawfully addressed.

On June 7, 2011, Mr. Abercrombie attended a second coordination meeting scheduled by the County Board. The meeting lasted 3-4 hours, but little information was obtained by the

<sup>8</sup> Mr. Abercrombie's statement to Board of Supervisors on April 19, 2011: "...The Authority does not feel that the provisions you've cited in the Federal Land Policy Management Act or the ISTEA are directly applicable to this project, nor do we agree with your review and legal basis for the effort of coordination. We are conducting our environmental reviews according to NEPA and CEQA, CEQA being the most stringent process in the Nation with regards to what's required of infrastructure-type projects, but that said and what I've reiterated whenever I go to this type of meeting is, 'we are here to work with you, we are here to try and do our best to accommodate every issue that you raise, to work to getting it into the environmental document and into the environmental process to give you the information and the answers that you in the community are seeking.' So, over the course of the next several months, we do expect to be back here and I do expect to provide the answers that you are seeking. ..."

<sup>9</sup> See attached May 17, 2011 correspondence from Authority to Board

<sup>10</sup> See attached May 27, 2011 letter from Board to Authority

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Board. In fact, the Board was met with more questions than answers. In frustration, County Supervisor Fagundes exclaimed that "...a system so extravagant and so costly, you should have answers – not just one day to the next."

We later learned that Mr. Abercrombie was instructed one hour prior to our meeting by the HSR attorney to refuse to answer our questions. For Mr. Abercrombie to have been sent to meet with our County Board in order to comply with your duty to coordinate, and then be instructed to refuse to answer our questions and work to resolve the impacts a potential rail project will have on our citizens and County services is deplorable. Clearly, the refusal to coordinate and comply with the law has become the policy of the Authority, not the exception.

The Authority's staff has been requesting to meet individually with our staff where they have stated they will reveal some of the draft plans. However, they have refused to provide this same level of accountability to the elected body governing the County.

During the meeting, the County's Ag Commissioner articulately explained why it was necessary for all the County staff and Supervisors to have the opportunity to understand in detail the Authority's plans in order to properly advise the project manager on the impacts that may occur and which must be rigorously analyzed in the environmental study.

*"The San Joaquin Valley is a living being" ... "Farmland is a living, breathing entity. It's a renewable resource that provides food for this Country and to a certain extent, a lot of our foreign neighbors." ... and "this may be a 'traditional public works project', but in the State of California there are numerous regulations and laws with respect to agriculture." ... "So what I want to say about a coordinated meeting, Mr. Abercrombie, is public works doesn't know my job and I don't know theirs. I don't know the regulations that the Planning Department works under, but I know they have regulations and they don't know mine. We are individual specialists and to meet with us individually [behind closed doors out of the view of the public to present a 15% design draft to Public Works as requested by the Authority] is a divide and conquer approach to this. What was raised by our Public Works who knows about grade level and whatnot and knows the difference between Caltrans compaction and a railroad compaction rate brought to my mind, okay – where's the soil or what kind of material are you bringing in to do that grade separation? In my world where I work, I'm concerned about where the soil is coming from and what's in it and what affect it's going to have on the surrounding agriculture – not just in Kings County, but in the San Joaquin Valley collectively because as people move they bring with them the pests or diseases..."*

Nevertheless, Mr. Abercrombie consistently refused to address the concerns and questions of the various departments of Kings County, saying he could not release administrative draft details. Despite the many planning, public safety, circulation and other impact related questions posed to the Authority in the meeting, the only real answer received is that Mr. Abercrombie could not answer and all the answers would come in the environmental document. In fact, the County's counsel inquired:

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*"Mr. Abercrombie, are you indicating then that... each and every one of the questions that was raised in this forum and others is going to be identified in the document [draft EIR/EIS] and an answer or comment or response given? Is that what you are saying?"*

Mr. Abercrombie responded:

*"All those questions are to be answered in the environmental draft document and I'll take a gander – that is our mission to accomplish, right? [seeking a response from other Authority personnel, which responded in the affirmative]."*

Rather than re-cite the extensive list of issues and questions asked of Mr. Abercrombie by the County Board, compact discs containing the audio recordings from the April 19<sup>11</sup> and June 7, 2011<sup>12</sup> coordination meetings, as well as printed transcripts, are enclosed with this correspondence for your review.

However, the Authority clearly misses the purpose of coordination. It is not to disrupt their planning process but rather to improve the process and ensure all reasonable alternatives are taken into account so that the conflicts can be identified and resolved early in the process. It is unfortunate that the Authority is just now, at this late date, realizing they should have been aware of our local plans and policies. Still, they have only come to this realization because of our insistence that they follow the law. They should have taken our position into account at the beginning of their scoping process, not the end.

The Authority's CEO professes concern for agriculture with words, but not with actions. In a press release following a meeting with farmers and agricultural leadership at a regional conference held by the Madera County Farm Bureau in early 2011, Mr. van Ark indicated:

*"I'm committed to working with the agricultural community to develop win-win solutions. I will not remain in my office, rather I will be out here – in communities throughout the State and in the Valley, meeting with you, with agricultural groups and working together...."*<sup>13</sup>

This has not happened. Two separate demands to meet with the County's Board have been ignored. Instead, he sent a newly hired Jeff Abercrombie, self-professed Caltrans bridge builder who has little high speed rail project background and hired by the Authority in February 2011. The simplistic response to concerns over the destruction of agriculture-related economies in the Valley, such as that of Kings County's is that the Project will bring other jobs. Simply stating the Project will bring jobs and enhance the community's economic conditions does not justify the destruction of multi-generation industries, nor ensure employment to the displaced, nor explain to the County how its ag-dependent economy will be repaired and not further harmed. It does not explain how the two can co-exist in harmony.

In order to make good on such assurances, the Authority must critically analyze and thoroughly understand the industry. The County Board has attempted to educate the Authority

<sup>11</sup> See attached April 19, 2011 coordination meeting transcript and audio CD

<sup>12</sup> See attached June 7, 2011 coordination meeting transcript; audio recording is included on CD included with fn 11

<sup>13</sup> See attached February 25, 2011 California High Speed Rail Press Release

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regarding the industry and convey potential impacts and alternatives through coordination but such attempts have been wholly rejected by the Authority.

**The Authority has Failed to Consider the Highway 99 Alternative**

The County Board, U.S. Congressman Jim Costa, and California Senator Michael Rubio have urged the Authority to reconsider and not foreclose a valid alternative alignment that continues along Highway 99 from Fresno, California, to western Visalia, California (see fn<sup>14</sup>). Visalia has offered free land at its airport for a station at the junctures of Highway 99 and Highway 198, and is more aptly situated near population centers. Yet, the Authority has discarded this alternative alignment and fails to disclose their full reasoning behind the abandonment of a potentially viable alternative alignment. California Assemblyman David Valadao is concerned with the potential threat this project poses to Kings County and the destruction of prime agricultural land, which also threatens a safe and reliable food supply which "is vital to our national security."<sup>14</sup>

The Highway 99 alignment to western Visalia would resolve the conflicts with Kings County's long-term and short-term planning policies. This alignment is a "reasonable" route that is advocated not only by our County, but is welcomed by those directly impacted. It is an alternative that should be considered in the draft document soon to be released. At the very least, the Authority should be required to explain why it has dismissed this route.

NEPA provides specific direction as to how such a conflict should be handled in the environmental study. At 42 USC 4332(E), the Act mandates that the agency shall:

*"(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."*(emphasis added)

The Authority is obligated to carry forward in the Draft EIS an alternative that resolves the conflicts between their proposed Project and our plans and policies. The Council on Environmental Quality (CEQ) regulations provide specific direction on how to resolve such conflicts with local plans and policies when preparing an environmental study.

First, the agencies are directed to consider the local position early in the process:

*"Agencies shall integrate the NEPA process with other planning at the earliest possible time ... to head off potential conflicts"* (40 CFR 1501.2).

Second, the purpose of the environmental study is to fully inform decision makers as to the human and environmental impacts of the proposal so that such impacts can be properly considered when determining whether or not to approve the project. The public shall have full disclosure of the impacts, not simply the filtered disclosure provided by the Authority's limited alternatives.

<sup>14</sup> See attached August 16, 2010 letter from U.S. Congressman Jim Costa, June 7, 2011 letter from California Assemblyman David Valadao and July 20, 2011 letter from California Senator Michael Rubio

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*"It shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment."*(42 CFR 1502.1)

*"The statement shall be prepared early enough so that it can serve practically as an important contribution to the decision making process and will not be used to rationalize or justify decisions already made."* (42 CFR 1502.5)

*"This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment and the Environmental Consequences, it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public."* (42 CFR 1502.14)

Simply addressing our questions in the Draft EIS in the manner stated by Mr. Abercrombie does not fulfill the Authority's duty under NEPA. A side-by-side comparison of their preferred route selections with one that would resolve the conflicts with our County is necessary. If the Authority does not do this, it will have deprived decision makers, including your agency, and the public, of the opportunity to be fully apprised of the impact to Kings County.

Third, the CEQ regulations very specifically require the Authority to analyze the conflict with our position when addressing the environmental consequences of their Project proposal.

*"It shall include discussions of: (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State and local land use plans, policies and controls for the area concerned."* (42 CFR 1502.16)(emphasis added)

We are convinced, because of Mr. Abercrombie's refusal to discuss our concerns, that the Authority in no way understands the full breadth of the conflicts of their alignment alternatives through Kings County. We are certain this lack of understanding will inhibit fulfillment of the CEQ regulations.

Fourth, the Authority's burden goes beyond just discussion of the conflict. The agency must work to reconcile its proposed alternatives with our County plans and policies.

*"To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistencies of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law."* (42 CFR 1506.2) (emphasis added)

The Authority must develop an alternative that resolves our conflicts, and further describe how they will reconcile any inconsistencies between their preferred alignment and our position.

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The core purpose of NEPA is to provide decision makers and the public with credible and reasonable analysis in order to consider if and how a project should move forward. The Authority's action to eliminate a rigorous study of the Highway 99 route, which can be compared side-by-side with their preferred routes, deprives the public of the opportunity to be apprised of the County's position and comment on this option. It also signals that they are preparing a document to justify a pre-determined outcome. Their interest is not to ensure this Project is carried out in the manner best for the human environment. If this were the case, they would not hesitate to reveal to the public and decision makers how the two alignments compare.

**The Authority is Mandated by Law to Preserve Agriculture**

Agriculture is a way of life for Kings County and its economy depends on it. According to Kings County's 2010 Agricultural Crop Report, the gross value of all agricultural crops and products produced during 2010 in Kings County was \$1,717,971,000<sup>15</sup>. Kings County is ranked 1<sup>st</sup> among California counties in the production of cotton lint. It is 2<sup>nd</sup> among California counties in the production of cottonseed, and 3<sup>rd</sup> in the production of apricots, nectarines, and plums. It produces 9.1% of all milk and cream in the State, making it the State's 5<sup>th</sup> largest milk producing county. It ranks 11<sup>th</sup> among California counties in agricultural production (see pg. 13). Commodities from Kings County are exported to 43 countries of the World (see pg. 18). Kings County has a population of approximately 155,000 and consists of 1,391 square miles of total land. Kings County has 810,000 acres designated for agricultural use, 655,132 acres of which are harvested crop. Kings County remains one of the highest statutorily contractually protected agricultural land to total county-wide acreage ratios in the State, with 675,000 acres protected by agricultural preservation contracts (Kings County 2035 General Plan, Resource Conservation Element, Section B, Page RC-16). This contractual protection derives from a California statutory scheme known as the California Land Conservation Act of 1965 (quoted and discussed below) with the specific purpose of preserving this finite, irreplaceable land.

It is disturbing that the Authority appears to look the other way with respect to the State of California's mandate to preserve prime agricultural land, which states:

*"(a) It is the policy of the State to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefore, in agricultural preserves. (b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter. (c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public..., of land, and particularly prime agricultural land, within an agricultural preserve."<sup>16</sup>*

<sup>15</sup> See attached 2010 Kings County Agricultural Crop Report

<sup>16</sup> California Land Conservation Act of 1965 (aka "Williamson Act") Gov. Code Section 51200, et seq.; 51290; See also Farmland Security Zone provisions at sections 51296-51297.4.

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The California Department of Conservation, Division of Land Resource Protection, monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other land conservation programs, including farmland security zone contracts (Gov. Code section 51296-51297.4). Farmland security zone contracts are initially 20 year contracts that apply to land that is designated on the Important Farmland Series maps as predominantly one or more of the following: (a) Prime farmland; (b) Farmland of statewide significance; (c) Unique farmland; (d) Farmland of local importance. The public acquisition provisions of the Williamson Act (Govt. Code (GC) §51291 (b)) require an agency to notify the Director of the Department of Conservation of the possible acquisition of any land located in an agricultural preserve for a public improvement. Such notification must occur when a public agency **first considers** the land for a public improvement. (Emphasis added).

The Williamson Act further requires avoidance of contracted land where possible:

*"[n]o public agency or person shall locate a public improvement within an agricultural preserve unless both the following findings are made (§51292):*

- *The location is not primarily on a consideration of the lower cost of acquiring land in an agricultural preserve; and,*
- *If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement." [Emphasis added] [Government Code §51290(a)(b).]*

The rail alignment proposed through Kings County impacts at least 64 parcels of land under 10-year Williamson Act contracts and 34 parcels of land under the 20-year farmland security zone contract provisions of the Williamson Act. Destroying prime ag land simply because it is more economical, is not acceptable and fails to comply with both State and Federal mandates.

The National Agricultural Land Study of 1980-81 found that millions of acres of farmland were being converted in the United States each year. The 1981 Congressional report, *Compact Cities: Energy-Saving Strategies for the Eighties*, identified the need for Congress to implement programs and policies to protect farmland and combat urban sprawl and the waste of energy and resources that accompanies sprawling development.

The *Compact Cities* report indicated that much of the sprawl was the result of programs funded by the Federal Government. With this in mind, Congress passed the Agriculture and Food Act of 1981 (Public Law 97-98) containing the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549. The final rules and regulations were published in the Federal Register on June 17, 1994.

The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that—to the extent possible—Federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland.

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FPPA protection extends to prime farmland, unique farmland, and land of statewide or local importance, and even farmland not currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land. The *California Department of Conservation Important Farmland Mapping and Monitoring Program* identifies these farmland categories throughout the State of California.

To put this in Kings County perspective, the Authority's proposed single alternative HSR alignment through Kings County would traverse 34 parcels classified as prime farmland, 62 parcels classified as farmland of statewide importance, 24 parcels classified as unique farmland and 20 parcels classified as confined animal. These parcels of land total more than 8,000 acres. Yet, as of the drafting of this letter, the Authority snubs both the Williamson Act and the FPPA. We are informed it has not notified the California Department of Conservation that the proposed alignment may require the acquisition of these important, "protected" lands.

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. The HSR project will convert farmland to urban use as the Project is to be of permanent design intended to serve the transportation needs of large urban population centers.

All of the Authority's advanced alignments that run through Kings County will require the development of a "new" transportation corridor. With this new corridor will come increased urban sprawl into now extremely productive and valuable agricultural lands. The only alternative that would avoid this is for the HSR to stay on the Highway 99 alignment so that a new corridor will not be created. However, as explained earlier, the Authority has eliminated from consideration this reasonable alternative, the only alternative that is in compliance with the above stated federal and state laws and the will of the people who approved the *Safe, Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century*.

**The Authority Ignores the Critical Planning Efforts of Kings County**

As California continues to experience unprecedented population growth, the State Legislature has enacted progressive measures to ensure more efficient and well planned land use decisions occur at the local level. In 2000, the *Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000* (Gov. Code §§56000, et seq.) was established to ensure orderly and efficient local agency boundaries that discourage urban sprawl, preserve open-space and prime agricultural lands, and efficiently extend governmental services. In 2003, Assembly Bill 170 passed requiring all cities and counties in the San Joaquin Valley to include an air quality element in their general plans. In 2006, Assembly Bill 32 was adopted creating the *California Global Warming Solutions Act of 2006* (Health & Safety Code §§38500, et seq.), which set the greenhouse gas emissions reduction goal into law. In 2008, Senate Bill 375 was signed requiring the development of a "sustainable community's strategy" in each county represented by a metropolitan planning organization to demonstrate how the region will meet greenhouse gas reduction targets, integrate land use, housing and transportation planning.

As a rural, agricultural county with limited resources, Kings County fully embraced the California Legislature's progressive laws and the San Joaquin Valley Blueprint that sought to

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coordinate compact and efficient urban growth within the eight counties that make up the San Joaquin Valley. Kings County recognizes the need to be a part of better regional planning so as to enhance future growth accommodation and investment in regional transportation infrastructure. Following from this local buy-in to State and regional efforts, the Local Agency Formation Commission of Kings County updated all City and Community District sphere of influence growth boundaries and removed 11,000 acres from future growth consideration for agricultural protection. This action received the California Association of Local Agency Formation Commissions 2008 Project of the Year Award.

In addition, Kings County developed an award-winning 2035 Kings County General Plan that was adopted on January 26, 2010. The General Plan concentrates and directs compact urban growth into existing cities and special district served communities, while establishing progressive protection policies for the preservation of prime farmland and natural resources. This General Plan created cutting edge prioritized agricultural land mapping to identify farmland of highest priority to the County, and created smart growth oriented community plans for each of the County's district served unincorporated communities. As a result, Kings County received an "Award of Achievement" for Community Plans – Unincorporated Community, and an "Award of Merit" for Sustainable Development Policies from the San Joaquin Valley Policy Council. The Council is comprised of elected officials from the eight valley counties. It oversees the San Joaquin Valley Blueprint Project.

Despite all of Kings County's efforts to embrace forward thinking progressive land use planning consistent with the State of California's intent and needs for future generations, the California High Speed Rail Authority, staff, and consultants have acted to completely sidestep and avoid consideration of all of these local plans, policies and efforts. The Authority's avoidance of such local planning efforts is avoidance of the very framework of good local and regional planning efforts as mandated by the California Legislature. The Authority staff has emphatically stated that their Project need only coordinate with federal agencies that include U.S. EPA, Army Corps of Engineers, and Federal Railroad Administration. The Project, as conducted by the Authority, its staff, and consultants, continue to prepare detailed rail plans behind closed doors with no meaningful discussion or engagement with Kings County or any other local communities of interest that will be directly impacted.

Congress mandated your agency to coordinate with local governments when preparing an EIS to avoid this travesty. The Council on Environmental Quality provides guidance for this purpose. However, the Authority has refused to analyze and discuss with us ways to resolve the irreversible destruction of our irreplaceable resources. This approach to a federally funded project flies in the face of NEPA and compounds the local governments' difficulties in protecting the public health, safety and welfare of communities.

A preliminary alternative along State Highway 99 corridor was identified in the Programmatic EIR/EIS. It presented a possibly viable alternative for Kings County. However, despite Kings County's request to review the analysis which purportedly supported elimination of this alternative, the Authority has chosen not to disclose or share that information. Other rail systems in California such as in San Francisco and Long Beach, have utilized existing highway transportation corridors to leverage existing transportation right-of-way land resources. The chosen route for the Fresno-to- Bakersfield segment of the Project has been to avoid existing

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transportation corridors and focus resources on less costly prime agricultural land. This approach conflicts directly with the prioritized, award-winning, agricultural land preservation policies designed to prohibit urban encroachment and protect the County's highest producing agricultural lands.

Many Project related questions remain unanswered. The most obvious center on how the specifically detailed conflicts with County plans, policies and resources will be resolved. But these are compounded by undisclosed needs and impacts related to the extensive electrical energy infrastructure that will be needed to operate the Project. The needs, questions and impacts grow when you factor in a potential station on the eastern outskirts of the City of Hanford. Such improvement is not anticipated within Hanford's general plan land use or within the urban growth sphere of influence as established by LAFCO of Kings County. The planning adjustments, design, service infrastructure, funding, and timing of such station are mere afterthoughts. One can only wonder at a proposal to place an admittedly growth-inducing station in an area planned and defined for highest priority preservation of county agricultural land. And yet, the Authority's response to these concerns has simply been "await the release of the EIR/EIS". Critical billion-dollar decisions are being made without the necessary information and exchange that can be obtained through meaningful coordination.

#### The Law Requires the HSR Follow Existing Corridors

A Programmatic EIR was completed in 2005, and Record of Decision ("ROD") supporting the High Speed Rail alternative was issued on November 18, 2005. It specifically made two decisions: 1) to support a high speed system, and 2) to determine conceptual corridors. The ROD states the Program EIR/EIS "is making *initial* and *basic* decisions on the proposed HST system" (emphasis added), it involves conceptual planning, and "it does not assess future actions to implement an HST system at specific locations" because this will be done at a later date for project-level evaluations.

The *Safe, Reliable, High-Speed Passenger Bond Act For the 21<sup>st</sup> Century* mandates that the Project be designed and constructed to achieve the following:

- \*\*\**(g)* In order to reduce impacts on communities and the environment, the alignment for the high-speed train system shall follow existing transportation or utility corridors to the extent feasible and shall be financially viable, as determined by the authority.
- (h)* Stations shall be located in areas with good access to local mass transit or other modes of transportation.
- (i)* The high-speed train system shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment.
- (j)* Preserving wildlife corridors and mitigating impacts to wildlife movement, where feasible as determined by the authority, in order to limit the extent to which the system may present an additional barrier to wildlife's natural movement." (See §2704.09; *Emphasis Added*).

The alternate proposed through Kings County directly defies the mandate to follow existing transportation corridors and to locate stations near population centers and minimize

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urban sprawl. Although the Authority indicates it had meetings with various government personnel in both the City of Hanford and at the County level over the years, they were more along the lines of drop-ins to various department heads with no specific information. The prevailing belief in the Kings/Tulare area of the Valley was that the City of Visalia in Tulare County was intensely lobbying to have the alignment follow Highway 99 so that a station could be situated at the airport at the edge of the City along Highway 99. In fact, the Visalia-Tulare-Hanford Station Feasibility Study Final Report (August 1, 2007) prepared by the California High Speed Rail Authority identified the first potential station location to correspond to the Highway 99 corridor and that seven of the initial alternative alignments could serve a station located there. A station located at Highway 198 near Hanford was for secondary consideration. The Authority determined to eliminate Highway 99 alignments as they would be "more complex to build, due to the proximity to both the UPRR corridor and Highway 99, a limited access highway with frequent interchanges and overcrossings." The Kings County alternative was identified as preferable due to there being mostly agricultural land and less interference with adjacent highway and rail infrastructure. To date, the Authority has not provided a full analysis of how this determination was made. Section 5.1.3 indicated that the W99 Alternative [which represented an alternative that included a station near Highway 99 and the City of Visalia airport which City of Visalia had intensely lobbied] along the UPRR/SR-99 corridor was considered a "greenfield" alternative, passing largely through farmland and passing just west of cities and communities along the Highway 99 corridor, yet was "eliminated" from further consideration. In addition, Section 4.1 of this report (Agencies/Groups Contacted) clearly indicates that Kings County was not a local government entity represented in assessing impacts including those to agriculture specifically, yet the chosen station alternative was to be located within the County's jurisdiction. Analysis identified the currently proposed Station site (identified as "198 West") as falling within the jurisdiction of the City of Hanford where the City has planned highway development and would require that developers prepare a detailed plan for City approval. This, however, has never been a formal position by the City of Hanford.

The Authority insists on pursuing an alignment that digresses from existing transportation corridors and population centers to destroy prime agricultural land, threaten the lifelong investment of farmers, and threaten national security by affecting the food supply produced in Kings County when they have a perfectly viable accepted and longed for alternative along Highway 99 (and related community centers) which they have avoided simply because it is too difficult, or conversely because it is easier to go through ag land.

#### The Authority has Pre-Determined the Outcome

The Authority has violated NEPA and CEQ by unlawfully pre-selecting a "single" alternative through Kings County before even completing the environmental review. Any environmental document the Authority releases will not be credible simply because it is going through the motion with a pre-determined outcome. It has done so by indicating that it must build the Merced to Bakersfield (the middle) segment first so that it can *test* the train to ensure it is *high speed*. This approach has been described as a possible train to nowhere. If the *test* fails to produce or money runs out, it will be just that. This middle-first approach also pre-determines the north and south routes, which must connect to the middle. All of this, without even completing the environmental review of *all* possible alternatives for the middle segment.

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What this tells the people of Kings County and the Central Valley is that they do not matter and are expendable in the interests of a multi-billion dollar project. Simply stated, the agricultural community of Kings County was thought to be the path of least resistance. They are an avenue to billions of dollars of ARRA money that must be spent or lost. This approach exposes the Authority to considerable litigation. It is not letting the multi-million dollar study determine the most feasible project with the least environmental harm. It is letting the tail wag the dog.

This conclusion is supported by a recent statement in the report of the California Legislative Analyst: "The California High-Speed Rail Authority (HSRA) recently approved plans to begin construction in fall 2012 on a portion of the system costing roughly \$5.5 billion through the Central Valley that spans from north of Fresno to north of Bakersfield." How can it begin construction if it has not even completed or issued EIR/EIS which is expected to be released some time in late July or early August?

Guidelines implementing NEPA prohibit the pre-commitment of resources to a project because it pre-determines outcomes and defies the law requiring a full study of the environmental impacts of a proposed project. In 40 CFR 1500, Section 1502.2, it reads:

- (f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision.
- (g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

The County's Community Development Agency Director was contacted on June 15, 2011, by Baker Commodities' consultant, Gary Gussing, to begin discussion on how the County will work with them to relocate Baker Commodities' facility to accommodate the proposed HSR alignment through Kings County. Baker Commodities is one of three rendering facilities in the Central Valley that receive and process cow carcasses generated as part of the extensive dairy, cattle and meat packing industry in the Central Valley of California.

Apparently, HSR staff is assuming the facility will be destroyed by the rail line and have undertaken a plan to re-locate the facility. Mr. Gussing stated that HSR indicated that they will likely start construction on the current Baker site in 2014, and that Baker would have about a year or two to work with the County to get their new facility permitted and operational before their existing facility is demolished. He stated that HSR was willing to pay the County for expediting the process in order to avoid downtime. This information is only one example of the Authority's willingness to defy the law to accomplish their pre-set objectives with a single rail alignment in Kings County.

**The Authority's Ability to Deliver Ridership and Economic Feasibility is in Question**

The Authority is not deserving of the Project entrusted to them and has squandered the hopes and resources of the People. This is not even a recent theme. This is a repeating theme as

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will be shown through the testimony of Joseph Vranich and the recent California Legislative Analyst Office report discussed below.

*On October 25, 2008, former High Speed Rail Association CEO, Joseph Vranich, provided 12 minutes of candid, jaw dropping testimony to the State Senate Transportation and Housing Committee regarding the Authority's work on the High Speed Rail Project<sup>17</sup>. He was asked to appear because of his 40-year work with and advocacy of high speed rail. He is the author of "Super Trains." He, "for the first time" in his life could not endorse high speed rail, because he found the Authority's work "regrettably, to be the poorest I have ever seen." He indicated the Authority's plan was untenable, stating: "the train will be slower than they say it will; will carry fewer people than they claim it will; and will cost much more than they admit it will." He exclaimed that the ridership projections are "so far from reality that I have to call it what it is - science fiction." He said the Authority's load factor figures exceed some of the best systems in the world. "This, simply put, cannot be believed." He said that in order to achieve the predicted travel times between key destinations, the system would have to operate at an average speed of 196 MPH. This, he said, is "a feat that has yet to be accomplished anywhere in the world." He indicated "ridership projections rely on super bargain fares - far lower than fares are in 2007 on high speed rail systems." For perspective, he added: "The Authority wants us to believe that the per mile charge in 2030 will be 1/7<sup>th</sup> what Amtrak charges today [2008] between New York and Washington. This also cannot be believed." He indicated the costs and profitability figures are "not credible", and the design information provided is "like looking at a bowl of spaghetti it's so jumbled" - this from an expert in the field. He continued "what appears in thousands of pages of documents fails to address the mandates in AB3034." He reiterated that high speed rail holds great promise, but based on the fact that "the work of the Authority is so deficient" and the Authority has failed to learn from the failures of Texas, Florida and Los Angeles to San Diego "as if they never read a single page of history" he reluctantly concluded "it forces me to say it is time to dissolve the California High Speed Rail Authority. Give it no more funding than is required for terminating contracts and transferring data and duties to a more responsible agency and conducting an orderly shut down."*

It has not improved since Mr. Vranich testified. On May 10, 2011, the California Legislative Analyst Office issued a highly critical report regarding the Authority and its conduct of the Project and offered recommendations for its success.<sup>18</sup> The report, in great part, concludes exactly what Mr. Vranich did in 2008. The Executive Summary of the Report indicates:

**"A Number of Problems Threaten Successful Development of High-Speed Rail. In this report, we describe a number of problems that pose threats to the high-speed rail project's successful development as envisioned by Proposition 1A. For example, the availability of the additional funding assumed in a 2009 business plan as necessary to complete the project is highly uncertain and federal deadlines and conditions attached to the funding already provided to the state**

<sup>17</sup> <http://www.youtube.com/watch?v=SS0RD6dqpKY>

<sup>18</sup> [http://www.lao.ca.gov/reports/2011/trns/high\\_speed\\_rail/high\\_speed\\_rail\\_051011.aspx](http://www.lao.ca.gov/reports/2011/trns/high_speed_rail/high_speed_rail_051011.aspx) for full report

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*would limit the state's options for the successful development of the system. In addition, the existing governance structure for the project is inadequate for the imminent development and construction stages and the Legislature lacks the good information it needs to make critical multi-billion dollar decisions about the project that it will soon face."*

Presidential Executive Order 13423 (1/24/2007) states: "It is the policy of the United States that Federal agencies conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner." Activities should "improve energy efficiency and reduce greenhouse gas emissions of the agency..."

Mr. Administrator, the Authority has violated numerous Federal and State laws, as well as Presidential Executive Orders in their preparation of the environmental study. Now it is even questionable if they can carry out this Project in an economically feasible, self-sustaining manner. Will "the largest infrastructure project in the nation" end up becoming the greatest misuse of our natural and economic resources? All of this could be avoided if the Authority is required by you to do the environmental compliance required by law.

**Conclusion**

The Department of Transportation, Federal Railroad Administration's High-Speed Intercity Passenger Rail Program ("HSIPR") guidelines reiterate that "NEPA mandates that all reasonable alternatives be considered" during the environmental review process and that the FRA, as the federal sponsoring agency, "has primary responsibility for assuring NEPA compliance while accomplishing the purposes, priorities, and requirements of the HSIPR Program."<sup>19</sup> The County of Kings implores the FRA to ensure that the Authority abides by federal law and takes our concerns seriously to avoid litigation.

The federal Intergovernmental Cooperation Act, relating to development assistance, requires coordination and indicates that regulations shall provide for the consideration of concurrently achieving the following specific objectives: "... (c) to the extent possible, all national, regional, State, and local viewpoints shall be considered in planning development programs and projects of the United States Government or assisted by the Government... (d) To the maximum extent possible and consistent with national objectives, assistance for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning..."<sup>20</sup>

Presidential Executive Order 13352 was issued to "...ensure that the Departments of Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in

<sup>19</sup> Docket No. FRA-2009-0045  
<sup>20</sup> 31 USC, Sub V, Ch 65, Section 6506

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Federal decision-making, in accordance with their respective agency missions, policies, and regulations."

As outlined herein, the Authority is ignoring the local planning guidelines, ignoring the health, safety and welfare concerns raised with specificity, and proposing to annihilate prime agricultural land in contradiction of the statewide mandate that, to the extent possible, the alignment will be along an existing transportation corridor.

As the duly elected Board of Supervisors of Kings County, we insist you withhold approving the release of the Draft EIR/EIS until it is brought into compliance with the laws and regulations as stated in this notice. Further, to avoid litigation and lengthy delays, we demand you and your agent, the High Speed Rail Authority:

- 1) Comply with the National Environmental Policy Act of 1969 ("NEPA"), California's Environmental Quality Act ("CEQA") and other laws, and ARRA funding conditions in carrying out the Project;
- 2) Develop Highway 99 through western Visalia as a "reasonable alternative" to resolve the conflicts with our county;
- 3) Fulfill your duty under federal law to coordinate the HSR Project with Kings County

For these and other purposes, we request a meeting with you Mr. Szabo on August 30, 2011, at 2:00 p.m. (PST), in the County Board of Supervisors' Chambers, 1400 W. Lacey Boulevard, Building No. 1, Hanford, California, 93230, to apprise you directly of our concerns that must be considered in your Draft EIR/EIS. If this date does not work with your schedule or your designees, please call Deb West, Assistant County Administrative Officer, by 4:00 p.m. (PST) on August 12, 2011, to work out an alternative mutually agreeable time.

We look forward to your prompt response as to the planning and lawful implementation of this Project.

Sincerely,

County of Kings  
Board of Supervisors



By: Richard Fagundes,  
Vice-Chairman

cc: Thomas J. Umberg, Chairperson,  
California High Speed Rail Authority  
770 "L" Street, Suite 800  
Sacramento, CA 95814

The Honorable Jim Costa  
U.S. Congressman, 20<sup>th</sup> District of California  
855 "M" Street, Suite 940  
Fresno, CA 93721

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Nancy Sutley, Chair  
Council on Environmental Quality  
1200 Pennsylvania Ave., NW  
Washington, DC 20406

U.S. Environmental Protection Agency  
Region IX  
Connell Dunning, Transportation Team Supervisor  
Environmental Review Office  
Communities and Ecosystems Division  
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San Francisco, CA 94105

U.S. Army Corp of Engineers  
Sacramento District  
Regulatory Division  
Michael S. Jewell, Chief  
1325 J Street  
Sacramento, CA 95814

Dave White, Chief  
United States Dept. of Agriculture  
Division of Natural Resources Conservation Service  
1400 Independence Ave., SW, Room 5105-A  
Washington, DC 20250

The Honorable Michael J. Rubio  
California State Senate, 16th District  
101 N. Irwin St., Suite 207  
Hanford, CA 93230

The Honorable David G. Valadao  
California Assembly, 30th District  
1489 W. Lacey Blvd., Suite 103  
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Brian R. Leahy, Assistant Director  
California Department of Conservation,  
Division of Land Resource Protection  
801 K Street, Sacramento, CA 95814

Karen Ross, Secretary  
California Department of Agriculture  
1220 "N" Street  
Sacramento, CA 95814

The Honorable Dan Chin  
Mayor, City of Hanford  
319 N. Douty  
Hanford, CA 93230

The Honorable Willard Rodarmel  
Mayor, City of Lemoore  
119 Fox Street  
Lemoore, CA 93245

The Honorable Larry Hanshew  
Mayor, City of Corcoran  
832 Whitley Avenue  
Corcoran, CA 93212

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The Honorable Harlin Casida  
Mayor, City of Avenal  
919 Skyline Blvd.  
Avenal, CA 93204

Jim Crisp, President, Kings County Farm Bureau  
870 Greenfield Avenue  
Hanford, CA 93230

Manuel Cunha, Jr., President  
Nisci Farmers League  
1775 N. Fine Fresno, CA 93727

The Honorable Mike Ennis  
Chairman, Tulare County Board of Supervisors  
2800 West Burrel Avenue  
Visalia, CA 93291

The Honorable Bob Link  
Mayor, City of Visalia  
425 E. Oak Street, Suite 301  
Visalia, CA 93291

The Honorable Wayne Ross  
Mayor, City of Tulare  
411 E. Kern Avenue  
Tulare, CA 93274

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**COUNTY OF KINGS  
BOARD OF SUPERVISORS**  
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**JOE NEVES - DISTRICT 1**  
LEMOORE & STRATFORD  
**RICHARD VALLER - DISTRICT 2**  
AVENAL, CORCORAN & KEITZLEMAN CITY  
**DONALD VERBOON - DISTRICT 3**  
NORTH BAYVIEW, ISLAND DISTRICT & NORTH LEMOORE  
**TONY BARRA - DISTRICT 4**  
ARMONA, HANFORD & NEW HOME GARDEN  
**RICHARD FAGUNDEA - DISTRICT 5**  
HANFORD & HOME GARDEN

F.3

March 4, 2011 Correspondence From Board to Authority

Mr. Roelof van Ark, CEO  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

March 4, 2011

Dear Mr. van Ark:

The Board of Supervisors of Kings County would like to meet with you, and/or your designees, regarding coordination of the High Speed Rail Project that will connect the State from San Francisco in the north to San Diego in the south. Specifically the County of Kings would like to coordinate regarding the Fresno to Bakersfield segment through the Central Valley and its potential impacts on Kings County and its adopted plans, policies, public safety and the health, safety and welfare of its communities.

On May 25, 2010 the Kings County Board of Supervisors adopted Resolution No. 10-033 to document Kings County's position on the alignment of the above Project (copy of Res No 10-33 attached). Specifically, the Kings County Board of Supervisors resolved to:

1. Support the continuing development of high speed rail on a state-wide basis;
2. Support a unified approach for the Central Valley, should the rail be designated to traverse through it;
3. Support routes that use existing transportation corridors and rights-of-way; and
4. Oppose any and all alignments where transportation corridors do not exist at the present time.

To date, the County has not been engaged by the High Speed Rail on a level or in a manner that would address the stated issues of concern. Therefore, on March 1, 2011, the Kings County Board of Supervisors adopted Resolution No. 11-015 (also attached) to document its concerns and to resolve to formally insist that the High Speed Rail Authority coordinate its proposed project with Kings County on a government to government basis as mandated by both State and Federal Constitutions and laws and regulations adopted thereunder. To implement this process, the County staff was directed to immediately forward the adopted resolution to the Authority and provide specific coordination dates.

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The County is informed the Federal Land Policy and Management Act passed in 1976<sup>1</sup> was the first federal land use statute that required coordination with local government. Therein, Congress required the Bureau to coordinate its “land use inventory, planning and management actions with...any local government...” and to implement the coordination process by doing the following:

1. Keep apprised of State, local and tribal land use plans;
2. Assure that consideration is given to local plans when developing a federal plan, policy or management action;
3. Provide early notification (prior to public notice) to local government of deployment of any plan, policy or action;
4. Provide opportunity for meaningful input by local government into development of the plan, policy or action; and
5. Make all practical effort to resolve conflicts between federal and local policy, and reach consistency.

The “coordination” mandate has been included in every other natural resource management statute which Congress has passed since 1976. The Federal-Aid Highway Act of 1962 requires transportation planning to be “continuing, comprehensive, and cooperative.” The Intermodal Surface Transportation Efficiency Act (“ISTEA”) of 1991<sup>2</sup> directs the Secretary of Transportation, with respect to High Speed Ground Transportation as follows:

“(a) The Secretary of Transportation, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Public Works, and the heads of other interested agencies, **shall lead and coordinate** Federal efforts in the research and development of high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed steel wheel on rail transportation systems as alternatives to existing transportation systems.” (Section 309; Emphasis Added.)

ISTEA also addresses a National Corridor Planning and Development Program<sup>3</sup> which directs the Secretary of Transportation as follows:

<sup>1</sup> 43 USC §1712

<sup>2</sup> Public Law 102-240

<sup>3</sup> Public Law 105-178, title I, Sec. 1118, June 9, 1998, 112 Stat. 161

Mr. Roelof van Ark, CEO  
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“(a) In General.--The Secretary shall establish and implement a program to make allocations to States and metropolitan planning organizations for **coordinated planning, design, and construction of corridors** of national significance, economic growth, and international or interregional trade. A State or metropolitan planning organization may apply to the Secretary for allocations under this section.

(d) Corridor Development and Management Plan.--A State or metropolitan planning organization receiving an allocation under this section shall develop, and submit to the Secretary for review, a development and management plan for the corridor or a usable component thereof with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

- (1) A complete and comprehensive analysis of corridor costs and benefits.
- (2) A **coordinated corridor development plan** and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.
- (3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.
- (4) The results of any environmental reviews and mitigation plans.
- (5) The identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.” (Emphasis Added).

During a 2004 Budget Hearing for the Federal Transit Administration, then Administrator, Jennifer L. Dorn, summarized precisely the need to coordinate as follows:

“There is nothing more important to good transit investments than to have a good plan, to have that **coordinated at the local level**, and to be able to provide transportation for more services and more riders.” (Emphasis Added).

As indicated in the County’s attached coordination resolution (#11-015), the Kings County Association of Government’s Regional Transportation Plan anticipates the State’s High Speed Rail Project and addresses in numerous sections of the document the need for coordination of same with the Central Valley region.

California law and policy is also replete with the requirement to collaborate and coordinate in transportation planning. The California Regional Blueprint Planning Program is designed to link land use, transportation, housing and environment. Therein, former Director of the California Department of Transportation, Will Kempton, is quoted as saying this process “exists because the state does not have all of the answers and this work is enriched by coming together – in addition to existing work – to prompt the state to get the most out of its public investments and to support the regions in addressing the challenges of growth in a **coordinated** and comprehensive way.” (Emphasis Added.)

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

Mr. Roelof van Ark, CEO  
California High-Speed Rail Authority  
March 4, 2011  
Page 4 of 5

The High Speed Rail Authority itself issued a Draft Agency Coordination Plan for the Fresno to Bakersfield Section which is dated October, 2009. It indicates it was prepared specifically for the California High-Speed Rail Authority, Fly California, and the U.S. Department of Transportation and the Federal Railroad Administration. Therein, Kings County is listed as an Interested Local Agency, with a role identified as Participating/Responsible Agency with the Responsibilities of "Review of documents from EIR/EIS". The Plan indicates: "The selection of these agencies represents a good faith, common-sense effort to identify and involve interested agencies **early on, the objective being to raise and resolve issues as early and quickly as possible.**" (Emphasis Added)

Kings County feels that its coordination discussion is an important part of gathering the information needed to resolve conflicts and address issues of local concern well before the preparation of the EIR/EIS. However, the County was only recently contacted with an offer to meet via a March 1, 2011 message left by Rebecca Nicholas of your organization to Larry Spikes, Kings County Administrative Officer. The message indicated the Draft EIR/EIS is almost complete and ready to be issued, but was slightly delayed due to the need for "value engineering" and indicating this additional engineering work will not change the schedule for the NOD/ROD, which are expected in June 2011.

An important example of the need to meet earlier rather than later to learn of local issues of potential huge land use impacts follows: Kings County has over 5800 parcels of land included in agricultural preserves and under contract. Kings County is concerned that any routes through Kings County that do not use existing transportation corridors will dissect longstanding agricultural preserves and contracted agricultural land. The State of California has specific requirements as to proposed public projects within certain land uses. Specifically, Government Code Section 51292<sup>4</sup>, says that before a public agency can locate public improvements within an agricultural preserve they shall make two findings: First, that the consideration is not based on lower cost and second that if the land is under contract that there is no other land within or outside the preserve on which the improvements can reasonably be located. These sections also require the agency prompting such project to notify the Director of Conservation and the local governing body of their intentions.

The agricultural preserve contracts are only one example of the need to meet and coordinate. The attached February 28, 2011 letter from local farmers (Oliveira family) to the County's Tax Assessor also identifies potential impacts on agricultural land that must be understood and addressed as part of the proposed project planning.

<sup>4</sup> The California Land Conservation ("Williamson Act") Act of 1965

Mr. Roelof van Ark, CEO  
California High-Speed Rail Authority  
March 4, 2011  
Page 5 of 5

Another important reason to meet is public safety. The proposed route through Kings County will affect 20-30 rural intersections. The Kings County Sheriff has enormous concerns about how safety issues will be addressed. He has presented his concerns to the Kings County Board of Supervisors and documented them in the attached March 1, 2011 correspondence.

Kings County offers the following coordination dates: **Tuesday, April 5, 2011** or **Tuesday April 19, 2011 at 2:00 p.m.** Kings County will make its Multi-Purpose Meeting Room available. It is located in the Kings County Government Center, Building 1 (Administration), 1400 W. Lacey Boulevard, Hanford, California 93230. Please call Catherine Venturella, Clerk of the Kings County Board of Supervisors, by March 30, 2011 to advise which date is most convenient to you. If neither of these dates is available, please arrange with her an alternate date which falls reasonably within this timeframe.

We are looking forward to meeting with you and your staff on this Project.

Sincerely,



Tony Barba, Chairman of the Board of Supervisors  
County of Kings

Attachments:

1. Resolution 10-033 adopted May 25, 2010;
2. Resolution 11-015 adopted March 1, 2011;
3. Oliveira Family Letter dated February 28, 2011
4. Correspondence from Sheriff Robinson re Public Safety Concerns dated March 1, 2011

Cc: David Valenstein, Environmental Program Manager - Federal Railroad Administration - Federal Lead Agency ([david.valenstein@fra.dot.gov](mailto:david.valenstein@fra.dot.gov))  
Larry Spikes, County Administrative Officer, County of Kings  
City of Hanford City Council  
City of Corcoran City Council  
Kings County Farm Bureau

H:\administration\California High Speed Rail Coordination 3-4-11\FINAL.doc

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

\*\*\*\*\*

IN THE MATTER OF SUPPORTING THE CALIFORNIA HIGH SPEED RAIL AND SUPPORTING ROUTES USING EXISTING TRANSPORTATION CORRIDORS/ RESOLUTION NO.10-033

WHEREAS, California voters approved Proposition 1A on November 4, 2008, which provides \$9.1 billion in bond funds to finance a high speed rail system that will connect the San Francisco Bay Area and Sacramento in the north, through the Central Valley to Los Angeles, Orange County and San Diego in the south, with trains that will operate at speeds up to 220 miles per hour; and

WHEREAS, President Obama recently announced that California is scheduled to receive up to \$2.25 billion of the \$8 billion designated to be funded by the American Recovery and Reinvestment Act (ARRA) toward its high speed rail system and in support of the country's transportation infrastructure as outlined in the U.S. Department of Transportation, Federal Railroad Administration's Vision for High-Speed Rail in America dated April, 2009 (See <http://www.fra.dot.gov/downloads/rrdev/hsrstrategicplan.pdf>); and

WHEREAS, high speed rail trains are expected to provide benefits to the State of California such as improved air quality, reduced greenhouse gas emissions, reduced congestion on roads and highways, preservation of open spaces, revitalized community economic development and increased job creations; and

WHEREAS, the California High-Speed Rail Authority is tasked with completing final planning and environmental efforts and as part of the legislative mandate, the high-speed rail system shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the environment.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Kings County Board of Supervisors:

- 1. Supports the continuing development of high speed rail on a statewide basis;
- 2. Supports a unified approach for the Central Valley, should the rail be designated to traverse through it;
- 3. Supports routes that use existing transportation corridors and rights-of-way; and
- 4. Opposes any and all alignments where transportation corridors do not exist at the present time.

The foregoing resolution was adopted upon motion by Supervisor Fagundes, seconded by Supervisor Neves at a regular meeting held on the 25th day of May, 2010, by the following vote:

AYES: Supervisors Fagundes, Neves, Barba, Valle  
NOES: Supervisor Oliveira  
ABSENT: None

Richard Valle, Chairman of the Board of Supervisors  
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 25th day of May, 2010.

Rhonda Bray, Deputy Clerk of said Board of Supervisor

STATE OF CALIFORNIA )  
COUNTY OF KINGS ) ss.  
I, CATHERINE VENTURELLA, Clerk of the Board of Supervisors of said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original filed on file in my office.  
Witness my hand and Seal of said Board, this 25th day of May, 2011.  
CATHERINE VENTURELLA  
Clerk of the Board of Supervisors  
By: Rhonda Bray, Deputy Clerk

hreso\2010 High Speed Rail

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

\*\*\*\*\*

IN THE MATTER OF SEEKING COORDINATION  
BETWEEN THE HIGH SPEED RAIL AUTHORITY  
AND THE COUNTY OF KINGS REGARDING THE  
AUTHORITY'S PROPOSED HIGH SPEED RAIL  
PROJECT AND IT'S POTENTIAL IMPACTS ON  
KINGS COUNTY AND IT'S ADOPTED PLANS,  
POLICIES, PUBLIC SAFETY, AND HEALTH,  
SAFETY AND WELFARE

RESOLUTION NO. 11-015

WHEREAS, the High Speed Rail Authority ("Authority") is working on a project that envisions a high speed rail system ("Project") that will connect the San Francisco Bay Area and Sacramento in the north, through the Central Valley to Los Angeles, Orange County and San Diego in the south, with trains that will operate at speeds up to 220 miles per hour; and

WHEREAS, on May 25, 2010, the Kings County Board of Supervisors adopted Resolution No. 10-033 to document its position regarding the alignment of any such Project through the County of Kings; and

WHEREAS, the County of Kings is concerned that it has not been contacted by the Authority to coordinate the proposed Project with the County; and

WHEREAS, the County's 2035 General Plan Circulation Element, policy C1.2.4, requires that the County "Coordinate with the California High Speed Rail Authority and Caltrans if a high speed rail corridor is to be established within the County, and plan for the establishment of transportation linkages to the nearest High Speed Rail Station"; and

WHEREAS, the Kings County Association of Government's 2011 Regional Transportation Plan discusses support for a high speed rail system at length and anticipates that the High Speed Rail Authority will coordinate with local agencies regarding its Project; and

WHEREAS, Federal and State law requires administrative agencies such as the High Speed Rail Authority to coordinate with local government such as the County of Kings in developing and implementing actions that affect the plans and policies of the County; and

WHEREAS, coordination is geared toward achieving consistency among federal, state and local plans and policies and requires true good faith efforts to resolve conflicts where consistency cannot be achieved on a government to government level; and

WHEREAS, although much information about the proposed project has been discussed statewide, to date, no coordination between the Authority and the County has occurred; and

WHEREAS, the Authority appears to have prepared a "DRAFT Agency Coordination Plan dated October 2009" for the Fresno to Bakersfield Section of the High-Speed Rail Project EIR/EIS, but it has not coordinated with Kings County regarding the affect of the proposed project on the County's local planning policies, the impacts the Project may have on the provision of local public safety services, the impacts the Project may have to local economics, nor the impacts the Project may have to the health, safety and welfare of the local community; and

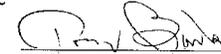
WHEREAS, both federal and state funding are financing the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

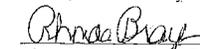
1. That the Kings County Board of Supervisors insists that the High Speed Rail Authority coordinate its proposed High Speed Rail Project with Kings County on a government to government basis as mandated by both the State and Federal Constitutions.
2. That the Kings County Board of Supervisors directs staff to immediately forward this Resolution to the Authority with specific coordination dates.

The foregoing resolution was adopted upon motion by Supervisor Barba, seconded by Supervisor Verboon at a regular meeting held on the 1st day of March, 2011, by the following vote:

AYES: Supervisors Barba, Verboon, Valle, Neves, Fagundes  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

  
 Tony Barba, Chairman of the Board of Supervisors  
 County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 1st day of March, 2011.

  
 Rhonda Bray, Deputy Clerk of said Board of Supervisor

H:\RESOLUTION\2011 HSR Coord. Reso.doc

COUNTY OF KINGS  
 I, CATHERINE VENTURELLI, Clerk of the Board of Supervisors of said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original filed on file in my office.  
 Witness my hand and Seal of said Board, this 1st day of March, 2011.  
 CATHERINE VENTURELLI  
 Clerk of the Board of Supervisors  
 Deputy Clerk

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
 - 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

<b>MEL's Farms</b> Louis Oliveira, Gloria Denton Frank Oliveira & Pat Oliveira 8835 22 <sup>nd</sup> Avenue Lemoore, CA 93245 559-469-6685 Cell/Text 559-924-4108 Fax <a href="mailto:frank.oliveira@me.com">frank.oliveira@me.com</a>	<b>Louis Oliveira</b> 14253 West Lacey Blvd Hanford, CA 93230 559-285-3432 Cell <a href="mailto:olivfarm@yahoo.com">olivfarm@yahoo.com</a>	<b>The Oliveira Family Trust</b> Elsie Oliveira, Trustee 2033 Franklin Way Hanford, CA 93230 559-584-6870 Telephone 559-584-4884 Fax <a href="mailto:elsieoliveira@sbcglobal.net">elsieoliveira@sbcglobal.net</a>	<b>The Mike Rosa Marital Trust</b> Angie Rosa, Trustee 7960 Excelsior Avenue Hanford, CA 93230
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February 28, 2011

**Ken Baird, Kings County Tax Assessor**  
 1400 West Lacey Blvd  
 Hanford, CA 93230  
 559-582-3211x2486  
[ken\\_baird@co.kings.ca.us](mailto:ken_baird@co.kings.ca.us)

**CALIFORNIA HIGH SPEED RAIL AUTHORITY  
 CONCERNS**

Dear Mr. Baird,  
 We live in Kings County. We also own the following properties.  
 002-150-050 37-Acres  
 002-150-043 38-Acres  
 002-150-027 80-Acres  
 002-190-009 40-Acres  
 002-190-007 40-Acres

**Our Personal Concerns:**

The five parcels are being seriously considered as properties that the California High Speed Rail Authority (CHSRA) will take all or portions of through their powers of eminent domain. The "taking" will occur as the proposed rail alignment travels from the Kings River on the North and travels southeast across 8<sup>th</sup> Avenue to Excelsior Avenue.

What we have determined is that the CHSRA will split those five parcels into ten parcels. All of the parcels are currently in production agriculture with permanent tree crops that are irrigated by wells and surface water. All of the properties have been in our family for fifty to ninety years. All of the parcels have been set up over time to be as effective as possible. Our properties are consistent with the Kings County General Plan zoning of Ag-20 and are part of the 20-Year Ag Preserve.

CHSRA's planned rail alignment will make those properties less productive and far more expensive and complicated to operate. The properties will clearly be devalued.

A sample of problems that will need to be addressed because of CHSRA's plan are:

- How will we deliver well and surface water to all parts of our properties after the rail alignment has been placed?
- How will we access our properties?
- How will we move tractors, equipment and services between our properties?
- How will we fulfill our existing contracts with parties that have interests in those properties after the topography has changed and actual land is lost?

Kings County Exh. A-1

**CALIFORNIA HIGH SPEED RAIL AUTHORITY CONCERNS/ Ken Baird, Kings County Tax Assessor**  
 February 28, 2011  
 Page-2 of 2

The CHSRA has advised us that they will make us "whole" but in discussion with CHSRA, they have not considered the long term effects of their actions to our agricultural operations. Simply put, we have complied with the Kings County General Plan. We are in an area zoned for Ag. CHSRA is not Ag and CHSRA does not appear to bring anything that will enhance Ag in our area or anywhere else in the county. CHSRA is a transportation project and should be placed in a land use area zoned for large public transportation projects. It is that simple.

**Our Public Concerns:**

All of this leads up to the fact that our property and the property of many others will be devalued and less property taxes will be collected as a result. That will affect the general funding of the county, which will adversely affect the whole county.

**Our Request:**

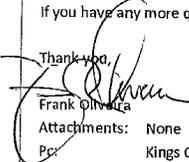
We request that the Kings County Tax Assessor send notice the CHSRA to meet publicly with the Tax Assessor to enter into the "Coordination Process" to mitigate CHSRA's impact on our personal and public concerns.

We further request that the Tax Assessor insist that the CHSRA comply with the Kings County General Plan while mitigating our concerns.

The Tax Assessor's authority in this matter is defined in the Federal Land Management and Policy Act (FLPMA) 43USC1712. FLPMA appears to be applicable in this matter because federal funds are being used by the CHSRA on this rail alignment.

It appears that CHSRA has not complied with the National Environmental Policy Act (NEPA) 42USC4321 in their selection of this rail alignment and in the manner that they are conducting their affairs. It appears under NEPA that it would be appropriate for CHSRA to demonstrate to the Tax Assessor how their planned rail alignment will be compliant with the Kings County General Plan as it destroys privately owned agricultural operations and residences.

If you have any more questions of us, please contact me at the contact points noted on the first page of this document.

Thank you,  
  
 Frank Oliveira  
 Attachments: None  
 Pcc: Kings County Farm Bureau  
 File

Similar letters are being also channeled to the following agencies and departments. Those letters address specific dynamics that are associated with the jurisdictions of those agencies.

- |   |   |
|---|---|
| Kings County Board of Supervisors-All Districts | Kings County Community Development Agency |
| Kings County Sheriff                            | Kings County Fire Chief                   |
| Kings County Water District                     | Kings River Conservation District         |
| Kings River Water Association                   | California Highway Patrol                 |
| US Environmental Protection Agency              | Kit Carson School Board                   |
| Hanford High School Board                       |   |

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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OFFICE OF  
**SHERIFF**  
COUNTY OF KINGS  
P.O. BOX 986  
1444 W. LACEY BLVD.  
HANFORD, CA 93232-0986  
PHONE 559/582-3211  
FAX 559/584-4738

DAVID ROBINSON  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

March 1, 2011

F.4

March 29, 2011 Correspondence from Authority to Board

Dear California High Speed Rail Authority,

I am writing to express my support for the Kings County Board of Supervisors and their resolution requesting your agency coordinate with Kings County local government agencies in regards to the upcoming plans to place high speed rail through Kings County.

In speaking in my official capacity as Sheriff of Kings County it is critically important that California High Speed Rail Authority include local government, including public safety representatives like myself in the planning of this major project as it winds its way through Kings County.

Public safety will be drastically impacted by this project. Based on preliminary information released by your agency there are anywhere between twenty and thirty roadways that will be directly impacted by the route chosen through Kings County. We are a rural county and these roadways are critical to providing emergency and non-emergency services to residents. These services will be directly impacted on both the east and west sides of the proposed rail alignment. Especially in an emergency situation, every second is critical.

I am officially supporting, as the Sheriff of the County of Kings, the Kings County Board of Supervisors request to get the High Speed Rail Authority to coordinate with local governments, including the Office of Sheriff, County of Kings.

Respectfully Submitted,

A handwritten signature in black ink that reads "David S. Robinson". The signature is written in a cursive style.

David S. Robinson

Kings County Exh. A-1

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued



March 29, 2011

REFERRED TO: Admin. County Counsel  
FOR: information  
DATE: 4/7/11

**Board Members:**

- Curt Pringle  
Chair
- Thomas Umberg  
Vice-Chair
- Lynn Schenk  
Vice-Chair
- Robert Balgenorth
- Russell Burns
- David Crane
- Thomas Richards
- Matthew Toledo
- Roelof van Ark  
CEO

Honorable Tony Barba  
Chairman, Kings County Board of Supervisors  
Kings County Government Center  
1400 Lacey Blvd.  
Hanford, CA 93230

Dear Chairman Barba:

I am in receipt of your letter of March 4, 2011, and invitation to meet regarding the high-speed rail project through Kings County. We are unable to meet with you on Tuesday, April 5<sup>th</sup>; however, we are able to accept your invitation for Tuesday, April 19<sup>th</sup>.

We appreciate the invitation as we are absolutely committed to working with our local partners. The Authority and its representatives have had 30 meetings with numerous Kings County representatives over the past several years. My local team provided a list of these meetings to Kings County representatives on March 16th 2011. These meetings have provided an opportunity for Kings County officials to provide input on this critical project.

I am designating Jeff Abercrombie, Central Valley Area Program Manager, from my staff to work with you directly in arranging this meeting.

Thank you for your interest in the high-speed rail project.

Sincerely,

Roelof van Ark  
Chief Executive Officer

RECEIVED

APR 7 2011

BOARD OF SUPERVISORS

F.5

Extensive Agenda and Supporting Documents



Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued



**COUNTY OF KINGS  
BOARD OF SUPERVISORS**

GOVERNMENT CENTER, HANFORD, CALIFORNIA 93230 (559) 582-3211 EXT 2362  
Catherine Venturella, Clerk of the Board of Supervisors

**AGENDA ITEM**  
April 19, 2011

**SUBMITTED BY:** Administration – Larry Spikes  
**SUBJECT:** COORDINATION MEETING WITH HIGH SPEED RAIL AUTHORITY

**SUMMARY:**

**Overview:**  
This is the first official Coordination Meeting between the Kings County Board of Supervisors and the High Speed Rail Authority.

**Recommendation:**  
Provide information regarding concerns about the High Speed Rail Project through Kings County from the Sheriff, Fire Chief, Ag Commissioner, Community Development Director, Public Works Director, Kings County Water District and the Kit Carson Elementary School District.

**Fiscal Impact:**  
None associated with this meeting.

**BACKGROUND:**  
On March 1, 2011 the Kings County Board of Supervisors adopted Resolution No. 11-015 to document concerns and to resolve to formally insist that the High Speed Rail Authority coordinate its proposed project with Kings County on a government to government basis as mandated by both State and Federal Constitutions and laws and regulations adopted thereunder. Staff sent the adopted resolution to the Authority and provided two dates for the two bodies to meet, either April 5<sup>th</sup> or April 19<sup>th</sup>, 2011. On April 7<sup>th</sup>, a letter was received from the High Speed Rail Chief Executive Officer, Roelof van Ark indicating acceptance of our invitation to meet on Tuesday, April 19<sup>th</sup>. It is not clear if members of the High Speed Rail Authority will be in attendance or not. Mr. van Ark designated Jeff Abercrombie, Central Valley Area Program Manager as the contact person for arrangement of the meeting.

Attached to this agenda item are copies of the topics to be covered by the various speakers.

**BOARD ACTION:** APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2011.

CATHERINE VENTURELLA, Clerk to the Board  
By \_\_\_\_\_, Deputy.

Kings County Exh. A-1



**Kings County  
Board of Supervisors**

Kings County Government Center  
1400 W. Lacey Boulevard ♦ Hanford, California 93230  
☎ (559) 582-3211 extension 2362 FAX (559) 585-8047

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office at (559) 582-3211, ext. 2362 by 4:00 p.m. on the Friday prior to this meeting.*

**Special Meeting Agenda Notice**

April 19, 2011

**Place:** Board of Supervisors Chambers  
Kings Government Center, Hanford, CA

**Time:** 2:00 P.M.

**Chairman:** Tony Barba (District 4) **Staff:** Larry Spikes, County Administrative Officer  
**Vice Chairman:** Richard Fagundes (District 5) Colleen Carlson, County Counsel  
**Board Members:** Joe Neves (District 1) Catherine Venturella, Clerk of the Board  
Richard Valle (District 2)  
Doug Verboon (District 3)

*Please turn off cell phones and pagers, as a courtesy to those in attendance.*

- I 2:00 PM **CALL TO ORDER**  
ROLL CALL – Clerk of the Board  
PLEDGE OF ALLEGIANCE
- II 2:00 PM **Unscheduled Appearances**  
*Any person may directly address the Board at this time on any item on the agenda. Five (5) minutes are allowed for each item.*
- III 2:00 PM **A. SPECIAL MEETING AGENDA ITEM**  
**Administration – Larry Spikes/Deb West**  
Coordination meeting with California High Speed Rail Authority.  
Departments/Agencies providing information include:
  - Sheriff
  - Fire Chief
  - Ag Commissioner
  - Community Development Director
  - Public Works Director
  - Kit Carson Elementary School District
  - Kings County Water District
- V **B. ADJOURNMENT**

*Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.*

Kings County Exh. A-1



Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued



**COUNTY OF KINGS**  
**BOARD OF SUPERVISORS**  
KINGS COUNTY GOVERNMENT CENTER  
1400 W. LACEY BOULEVARD, HANFORD, CA 93230  
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

FOR REVELL - DISTRICT 1  
LEMOORE & STRATFORD  
RICHARD VALLE - DISTRICT 2  
AVENAL, CORCORAN & KETTERMAN CITY  
BOB WILSON - DISTRICT 3  
NORTH HANFORD, ELAND DISTRICT & NORTH LEMOORE  
TODD BARRA - DISTRICT 4  
ALMONA, RARFORD & NEW HOME GARDEN  
RICHARD FARRINGTON - DISTRICT 5  
HUNFORD & HOME CENTER

Mr. Roelof van Ark, CEO  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

March 4, 2011

Dear Mr. van Ark:

The Board of Supervisors of Kings County would like to meet with you, and/or your designees, regarding coordination of the High Speed Rail Project that will connect the State from San Francisco in the north to San Diego in the south. Specifically the County of Kings would like to coordinate regarding the Fresno to Bakersfield segment through the Central Valley and its potential impacts on Kings County and its adopted plans, policies, public safety and the health, safety and welfare of its communities.

On May 25, 2010 the Kings County Board of Supervisors adopted Resolution No. 10-033 to document Kings County's position on the alignment of the above Project (copy of Res No 10-33 attached). Specifically, the Kings County Board of Supervisors resolved to:

1. Support the continuing development of high speed rail on a state-wide basis;
2. Support a unified approach for the Central Valley, should the rail be designated to traverse through it;
3. Support routes that use existing transportation corridors and rights-of-way; and
4. Oppose any and all alignments where transportation corridors do not exist at the present time.

To date, the County has not been engaged by the High Speed Rail on a level or in a manner that would address the stated issues of concern. Therefore, on March 1, 2011, the Kings County Board of Supervisors adopted Resolution No. 11-015 (also attached) to document its concerns and to resolve to formally insist that the High Speed Rail Authority coordinate its proposed project with Kings County on a government to government basis as mandated by both State and Federal Constitutions and laws and regulations adopted thereunder. To implement this process, the County staff was directed to immediately forward the adopted resolution to the Authority and provide specific coordination dates.

Mr. Roelof van Ark, CEO  
California High-Speed Rail Authority  
March 4, 2011  
Page 2 of 5

The County is informed the Federal Land Policy and Management Act passed in 1976<sup>1</sup> was the first federal land use statute that required coordination with local government. Therein, Congress required the Bureau to coordinate its "land use inventory, planning and management actions with...any local government..." and to implement the coordination process by doing the following:

1. Keep apprised of State, local and tribal land use plans;
2. Assure that consideration is given to local plans when developing a federal plan, policy or management action;
3. Provide early notification (prior to public notice) to local government of deployment of any plan, policy or action;
4. Provide opportunity for meaningful input by local government into development of the plan, policy or action; and
5. Make all practical effort to resolve conflicts between federal and local policy, and reach consistency.

The "coordination" mandate has been included in every other natural resource management statute which Congress has passed since 1976. The Federal-Aid Highway Act of 1962 requires transportation planning to be "continuing, comprehensive, and cooperative." The Intermodal Surface Transportation Efficiency Act ("ISTEA") of 1991<sup>2</sup> directs the Secretary of Transportation, with respect to High Speed Ground Transportation as follows:

"(a) The Secretary of Transportation, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Public Works, and the heads of other interested agencies, shall lead and coordinate Federal efforts in the research and development of high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed steel wheel on rail transportation systems as alternatives to existing transportation systems." (Section 309; Emphasis Added.)

ISTEA also addresses a National Corridor Planning and Development Program<sup>3</sup> which directs the Secretary of Transportation as follows:

<sup>1</sup> 43 USC §1712

<sup>2</sup> Public Law 102-240

<sup>3</sup> Public Law 105-178, title 1, Sec. 1118, June 9, 1998, 112 Stat. 161

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

Mr. Roelof van Ark, CEO  
California High-Speed Rail Authority  
March 4, 2011  
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“(a) In General.--The Secretary shall establish and implement a program to make allocations to States and metropolitan planning organizations for **coordinated planning, design, and construction of corridors** of national significance, economic growth, and international or interregional trade. A State or metropolitan planning organization may apply to the Secretary for allocations under this section.

(d) Corridor Development and Management Plan.--A State or metropolitan planning organization receiving an allocation under this section shall develop, and submit to the Secretary for review, a development and management plan for the corridor or a usable component thereof with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

- (1) A complete and comprehensive analysis of corridor costs and benefits.
- (2) A **coordinated corridor development plan** and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.
- (3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.
- (4) The results of any environmental reviews and mitigation plans.
- (5) The identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.” (Emphasis Added).

During a 2004 Budget Hearing for the Federal Transit Administration, then Administrator, Jennifer L. Dorn, summarized precisely the need to coordinate as follows:

“There is nothing more important to good transit investments than to have a good plan, to have that **coordinated at the local level**, and to be able to provide transportation for more services and more riders.” (Emphasis Added).

As indicated in the County’s attached coordination resolution (#11-015), the Kings County Association of Government’s Regional Transportation Plan anticipates the State’s High Speed Rail Project and addresses in numerous sections of the document the need for coordination of same with the Central Valley region.

California law and policy is also replete with the requirement to collaborate and coordinate in transportation planning. The California Regional Blueprint Planning Program is designed to link land use, transportation, housing and environment. Therein, former Director of the California Department of Transportation, Will Kempton, is quoted as saying this process “exists because the state does not have all of the answers and this work is enriched by coming together – in addition to existing work – to prompt the state to get the most out of its public investments and to support the regions in addressing the challenges of growth in a **coordinated and comprehensive way**.” (Emphasis Added.)

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Mr. Roelof van Ark, CEO  
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The High Speed Rail Authority itself issued a Draft Agency Coordination Plan for the Fresno to Bakersfield Section which is dated October, 2009. It indicates it was prepared specifically for the California High-Speed Rail Authority, Fly California, and the U.S. Department of Transportation and the Federal Railroad Administration. Therein, Kings County is listed as an Interested Local Agency, with a role identified as Participating/Responsible Agency with the Responsibilities of “Review of documents from EIR/EIS”. The Plan indicates: “The selection of these agencies represents a good faith, common-sense effort to identify and involve interested agencies **early on, the objective being to raise and resolve issues as early and quickly as possible**.” (Emphasis Added)

Kings County feels that its coordination discussion is an important part of gathering the information needed to resolve conflicts and address issues of local concern well before the preparation of the EIR/EIS. However, the County was only recently contacted with an offer to meet via a March 1, 2011 message left by Rebecca Nicholas of your organization to Larry Spikes, Kings County Administrative Officer. The message indicated the Draft EIR/EIS is almost complete and ready to be issued, but was slightly delayed due to the need for “value engineering” and indicating this additional engineering work will not change the schedule for the NOD/ROD, which are expected in June 2011.

An important example of the need to meet earlier rather than later to learn of local issues of potential huge land use impacts follows: Kings County has over 5800 parcels of land included in agricultural preserves and under contract. Kings County is concerned that any routes through Kings County that do not use existing transportation corridors will dissect longstanding agricultural preserves and contracted agricultural land. The State of California has specific requirements as to proposed public projects within certain land uses. Specifically, Government Code Section 51292<sup>4</sup>, says that before a public agency can locate public improvements within an agricultural preserve they shall make two findings: First, that the consideration is not based on lower cost and second that if the land is under contract that there is no other land within or outside the preserve on which the improvements can reasonably be located. These sections also require the agency prompting such project to notify the Director of Conservation and the local governing body of their intentions.

The agricultural preserve contracts are only one example of the need to meet and coordinate. The attached February 28, 2011 letter from local farmers (Oliveira family) to the County’s Tax Assessor also identifies potential impacts on agricultural land that must be understood and addressed as part of the proposed project planning.

<sup>4</sup> The California Land Conservation (“Williamson Act”) Act of 1965

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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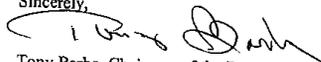
Mr. Roelof van Ark, CEO  
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Page 5 of 5

Another important reason to meet is public safety. The proposed route through Kings County will affect 20-30 rural intersections. The Kings County Sheriff has enormous concerns about how safety issues will be addressed. He has presented his concerns to the Kings County Board of Supervisors and documented them in the attached March 1, 2011 correspondence.

Kings County offers the following coordination dates: **Tuesday, April 5, 2011** or **Tuesday April 19, 2011 at 2:00 p.m.** Kings County will make its Multi-Purpose Meeting Room available. It is located in the Kings County Government Center, Building 1 (Administration), 1400 W. Lacey Boulevard, Hanford, California 93230. Please call Catherine Venturella, Clerk of the Kings County Board of Supervisors, by March 30, 2011 to advise which date is most convenient to you. If neither of these dates is available, please arrange with her an alternate date which falls reasonably within this timeframe.

We are looking forward to meeting with you and your staff on this Project.

Sincerely,



Tony Barba, Chairman of the Board of Supervisors  
County of Kings

Attachments:

1. Resolution 10-033 adopted May 25, 2010;
2. Resolution 11-015 adopted March 1, 2011;
3. Oliveira Family Letter dated February 28, 2011
4. Correspondence from Sheriff Robinson re Public Safety Concerns dated March 1, 2011

Cc: David Valenstein, Environmental Program Manager - Federal Railroad Administration - Federal Lead Agency ([david.valenstein@fra.dot.gov](mailto:david.valenstein@fra.dot.gov))  
Larry Spikes, County Administrative Officer, County of Kings  
City of Hanford City Council  
City of Corcoran City Council  
Kings County Farm Bureau

*H:\administration\California High Speed Rail Coordination 3-4-11\FINAL.doc*

Kings County Exh. A-1

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

\*\*\*\*\*

IN THE MATTER OF SUPPORTING THE CALIFORNIA HIGH SPEED RAIL AND SUPPORTING ROUTES USING EXISTING TRANSPORTATION CORRIDORS/ RESOLUTION NO.10-033

WHEREAS, California voters approved Proposition 1A on November 4, 2008, which provides \$9.1 billion in bond funds to finance a high speed rail system that will connect the San Francisco Bay Area and Sacramento in the north, through the Central Valley to Los Angeles, Orange County and San Diego in the south, with trains that will operate at speeds up to 220 miles per hour; and

WHEREAS, President Obama recently announced that California is scheduled to receive up to \$2.25 billion of the \$8 billion designated to be funded by the American Recovery and Reinvestment Act (ARRA) toward its high speed rail system and in support of the country's transportation infrastructure as outlined in the U.S. Department of Transportation, Federal Railroad Administration's *Vision for High-Speed Rail in America* dated April, 2009 (See <http://www.fra.dot.gov/downloads/rrdev/hsrstrategicplan.pdf>); and

WHEREAS, high speed rail trains are expected to provide benefits to the State of California such as improved air quality, reduced greenhouse gas emissions, reduced congestion on roads and highways, preservation of open spaces, revitalized community economic development and increased job creations; and

WHEREAS, the California High-Speed Rail Authority is tasked with completing final planning and environmental efforts and as part of the legislative mandate, the high-speed rail system shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the environment.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Kings County Board of Supervisors:

1. Supports the continuing development of high speed rail on a statewide basis;
2. Supports a unified approach for the Central Valley, should the rail be designated to traverse through it;
3. Supports routes that use existing transportation corridors and rights-of-way; and
4. Opposes any and all alignments where transportation corridors do not exist at the present time.

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
 - 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

WHEREAS, the Authority appears to have prepared a "DRAFT Agency Coordination Plan dated October 2009" for the Fresno to Bakersfield Section of the High-Speed Rail Project EIR/EIS, but it has not coordinated with Kings County regarding the affect of the proposed project on the County's local planning policies, the impacts the Project may have on the provision of local public safety services, the impacts the Project may have to local economics, nor the impacts the Project may have to the health, safety and welfare of the local community; and

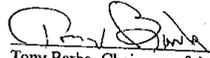
WHEREAS, both federal and state funding are financing the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the Kings County Board of Supervisors insists that the High Speed Rail Authority coordinate its proposed High Speed Rail Project with Kings County on a government to government basis as mandated by both the State and Federal Constitutions.
2. That the Kings County Board of Supervisors directs staff to immediately forward this Resolution to the Authority with specific coordination dates.

The foregoing resolution was adopted upon motion by Supervisor Barba, seconded by Supervisor Verboon at a regular meeting held on the 1st day of March, 2011, by the following vote:

AYES: Supervisors Barba, Verboon, Valle, Neves, Fagundes  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

  
 Tony Barba, Chairman of the Board of Supervisors  
 County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this 1st day of March, 2011.

  
 Rhonda Bray, Deputy Clerk of said Board of Supervisor

H:\RESOLUTION\2011 HSR Coord. Reso.doc

COUNTY OF KINGS, ) ss.  
 I, CATHERINE VENTURELLA, Clerk of the Board of Supervisors of said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original filed on file in my office.  
 Witness my hand and Seal of said County, this 1st day of March, 2011.  
 CATHERINE VENTURELLA  
 Clerk of the Board of Supervisors  
 Deputy Clerk

Kings County Exh. A-1

<b>MEL's Farms</b> Louls Oliveira, Gloria Denton Frank Oliveira & Pat Oliveira 8835 22 <sup>nd</sup> Avenue Lemoore, CA 93245 559-469-6685 Cell/Text 559-924-4108 Fax frank.oliveira@me.com	<b>Louis Oliveira</b> 14253 West Lacey Blvd Hanford, CA 93230 559-285-3432 Cell olivfarm@yahoo.com	<b>The Oliveira Family Trust</b> Elsie Oliveira, Trustee 2033 Franklin Way Hanford, CA 93230 559-584-6870 Telephone 559-584-4884 Fax elsieoliveira@sbcglobal.net	<b>The Mike Rosa Marital Trust</b> Angle Rosa, Trustee 7960 Excelsior Avenue Hanford, CA 93230
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February 28, 2011

Ken Baird, Kings County Tax Assessor  
 1400 West Lacey Blvd  
 Hanford, CA 93230  
 559-582-3211x2486  
 ken.baird@co.kings.ca.us

CALIFORNIA HIGH SPEED RAIL AUTHORITY  
 CONCERNS

Dear Mr. Baird,  
 We live in Kings County. We also own the following properties.  
 002-150-050 37-Acres  
 002-150-043 38-Acres  
 002-150-027 80-Acres  
 002-190-009 40-Acres  
 002-190-007 40-Acres

**Our Personal Concerns:**  
 The five parcels are being seriously considered as properties that the California High Speed Rail Authority (CHSRA) will take all or portions of through their powers of eminent domain. The "taking" will occur as the proposed rail alignment travels from the Kings River on the North and travels southeast across 8<sup>th</sup> Avenue to Excelsior Avenue.

What we have determined is that the CHSRA will split those five parcels into ten parcels. All of the parcels are currently in production agriculture with permanent tree crops that are irrigated by wells and surface water. All of the properties have been in our family for fifty to ninety years. All of the parcels have been set up over time to be as effective as possible. Our properties are consistent with the Kings County General Plan zoning of Ag-20 and are part of the 20-Year Ag Preserve.

CHSRA's planned rail alignment will make those properties less productive and far more expensive and complicated to operate. The properties will clearly be devalued.

A sample of problems that will need to be addressed because of CHSRA's plan are:  
 How will we deliver well and surface water to all parts of our properties after the rail alignment has been placed?  
 How will we access our properties?  
 How will we move tractors, equipment and services between our properties?  
 How will we fulfill our existing contracts with parties that have interests in those properties after the topography has changed and actual land is lost?

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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CALIFORNIA HIGH SPEED RAIL AUTHORITY CONCERNS/ Ken Baird, Kings County Tax Assessor  
February 28, 2011  
Page-2 of 2

The CHSRA has advised us that they will make us "whole" but in discussion with CHSRA, they have not considered the long term effects of their actions to our agricultural operations. Simply put, we have complied with the Kings County General Plan. We are in an area zoned for Ag. CHSRA is not Ag and CHSRA does not appear to bring anything that will enhance Ag in our area or anywhere else in the county. CHSRA is a transportation project and should be placed in a land use area zoned for large public transportation projects. It is that simple.

**Our Public Concerns:**

All of this leads up to the fact that our property and the property of many others will be devalued and less property taxes will be collected as a result. That will affect the general funding of the county, which will adversely affect the whole county.

**Our Request:**

We request that the Kings County Tax Assessor send notice the CHSRA to meet publicly with the Tax Assessor to enter into the "Coordination Process" to mitigate CHSRA's impact on our personal and public concerns.

We further request that the Tax Assessor insist that the CHSRA comply with the Kings County General Plan while mitigating our concerns.

The Tax Assessor's authority in this matter is defined in the Federal Land Management and Policy Act (FLPMA) 43USC1712. FLPMA appears to be applicable in this matter because federal funds are being used by the CHSRA on this alignment.

It appears that CHSRA has not complied with the National Environmental Policy Act (NEPA) 42USC4321 in their selection of this rail alignment and in the manner that they are conducting their affairs. It appears under NEPA that it would be appropriate for CHSRA to demonstrate to the Tax Assessor how their planned rail alignment will be compliant with the Kings County General Plan as it destroys privately owned agricultural operations and residences.

If you have any more questions of us, please contact me at the contact points noted on the first page of this document.

Thank you,

Frank Gatzka

Attachments: None

Per Kings County Farm Bureau  
File

Similar letters are being also channeled to the following agencies and departments. Those letters address specific dynamics that are associated with the jurisdictions of those agencies.

- Kings County Board of Supervisors-All Districts
- Kings County Sheriff
- Kings County Water District
- Kings River Water Association
- US Environmental Protection Agency
- Harold High School Board

- Kings County Community Development Agency
- Kings County Fire Chief
- Kings River Conservation District
- California Highway Patrol
- Kit Carson School Board



April 11, 2011

Honorable Tony Barba  
Chairman, Kings County Board of Supervisors  
Kings County Government Center  
1400 West Lacey Boulevard  
Hanford, CA 93230

Dear Mr. Barba:

In preparation for our meeting on April 19, 2011, in Hanford, I'd like to reiterate the Authority's continued willingness to work cooperatively with and hear the views of Kings County related to the high-speed train (HST) project. The HST project can be most successful if designed in a manner that is as sensitive as possible to the local environment through which it will travel, while still meeting the unique design constraints of very-high speed train service. To that end, the Authority has endeavored to meet often with local governments in the Central Valley, including Kings County. In particular, the meetings of the Technical Working Group (originally referred to as the Technical Agency Group), has provided a forum to discuss the HST project and to address local agency concerns.

Your letter of March 4, 2011, however, specifically requests, "that the High-Speed Rail Authority coordinate its proposed project with Kings County on a government to government basis as mandated by both State and Federal Constitutions and laws and regulations adopted thereunder." The letter cites a number of laws, which you appear to interpret as requiring the Authority to engage in some form of different or additional communication with Kings County than has occurred to date. The specifically identified provisions of laws like the Federal Land Policy Management Act or ISTEA do not appear to be directly applicable to this project. Nevertheless, we believe that the Technical Working Group for the Fresno to Bakersfield section has provided and will continue to provide the forum for the Authority to work cooperatively with local agencies, including Kings County, to gather information and better understand how the HST project will affect communities along the alignment. We understand that additional meetings beyond the Technical Working Group may be desirable, and the Authority is willing and ready to enhance our efforts to ensure that our respective agencies can work productively together.

**Board Members:**

- Curt Pringle  
Chair
- Thomas Umberg  
Vice-Chair
- Lynn Schenk  
Vice-Chair
- Robert Balgenorth
- Russell Burns
- David Crane
- Thomas Richards
- Matthew Toledo
- Roelof van Ark  
CEO

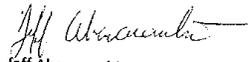


Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Tony Barba, Chairman  
Kings County Board of Supervisors  
April 11, 2011  
Page 2

I am still awaiting the agenda for the meeting but look forward to a successful meeting with you next week, and to Kings County's continued participation in the planning for California high-speed rail.

Sincerely,

  
Jeff Abercrombie  
Area Program Manager Central Valley  
California High Speed Rail Authority  
559-801-1164  
jabcrcrombie@hsr.ca.gov

cc:  
David Valenstein, Environmental Program Manager  
- Federal Railroad Administration - Federal Lead Agency  
Larry Spikes, County Administrative Officer, County of Kings  
City of Hanford City Council  
City of Corcoran City Council  
Kings County Farm Bureau



OFFICE OF  
**SHERIFF**  
COUNTY OF KINGS  
P.O. BOX 986  
1444 W. LACEY BLVD.  
HANFORD, CA 93232-0986  
PHONE 559/582-3211  
FAX 559/584-4738

DAVID ROBINSON  
SHERIFF-CORONER  
PUBLIC ADMINISTRATOR

March 1, 2011

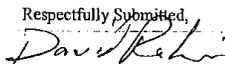
Dear California High Speed Rail Authority,

I am writing to express my support for the Kings County Board of Supervisors and their resolution requesting your agency coordinate with Kings County local government agencies in regards to the upcoming plans to place high speed rail through Kings County.

In speaking in my official capacity as Sheriff of Kings County it is critically important that California High Speed Rail Authority include local government, including public safety representatives like myself in the planning of this major project as it winds its way through Kings County.

Public safety will be drastically impacted by this project. Based on preliminary information released by your agency there are anywhere between twenty and thirty roadways that will be directly impacted by the route chosen through Kings County. We are a rural county and these roadways are critical to providing emergency and non-emergency services to residents. These services will be directly impacted on both the east and west sides of the proposed rail alignment. Especially in an emergency situation, every second is critical.

I am officially supporting, as the Sheriff of the County of Kings, the Kings County Board of Supervisors request to get the High Speed Rail Authority to coordinate with local governments, including the Office of Sheriff, County of Kings.

Respectfully Submitted,  
  
David S. Robinson

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

*Sheriff 1*

*Sheriff 2*



OFFICE OF  
**SHERIFF**  
COUNTY OF KINGS  
MEMORANDUM

**Kings County Sheriff's Office High Speed Rail (HSR) Concerns:**

- 1) The Jail will acquire more inmates, therefore requiring additional Detentions' staff and additional funds associated with booking and housing inmates.
- 2) The Dispatch Communications Center will have increased emergency 9-1-1 calls requiring additional staffing, as well as cell phone 9-1-1 calls.
- 3) There will be further strain on emergency response personnel due to the increase in calls for service.
- 4) Road blockage/closures will lead to extended response times and could potentially cause life and death situations.
- 5) There is a possibility that HSR could be a target for terrorism. Is there a plan in place to address this, especially with respect to proposed station areas?
- 6) We anticipate noise complaints. While there isn't much we can do, the burden of responding to these calls will be placed directly on law enforcement personnel, which in turn will be taking responders away from higher priority calls.
- 7) Theft of construction equipment and products used to build the HSR will likely occur. Local law enforcement will be tasked with investigating the crime which requires initial response and continued follow-up. Most of the follow-up will occur out of county causing depletion in local resources.
- 8) Industrial accidents are likely to occur, causing a strain on first responder and ultimately the Coroners office in some cases.

- 9) Will animals be transported on the rail system? If so, there may be issues that need to be addressed causing additional strain on animal services.
- 10) The public rail stations are generally a place where the transients will congregate, solicit for food and/or money and utilize public facilities. What accommodations will be made in this aspect? Additionally, some will have existing mental health issues which the County's Mental Health Agency will be ill equipped to handle due to being understaffed and current budget constraints.
- 11) We anticipate the station will request law enforcement to respond to fights, theft, vandalism, burglary, and countless other crimes. Local Law enforcement will need additional resources to deal with this. Will they have HSR police onsite?
- 12) Is there any funding set aside to cover the public safety aspect?
- 13) There may be jurisdictional issues. There is a question to whether there will be holding cells at the station/substation and whether security personnel will be on hand to detain suspects in the event our estimated time of arrival is extended.
- 14) We anticipate higher court costs, as well as needing addition funds and resources for prosecution, victim witness, probation, parole, etc.

This list is by far "NOT" all inclusive.

David Robinson, Kings County Sheriff  
April 11, 2011

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**County of Kings**  
 Fire Department /  
 Office of Emergency Management  
 Inter-Office Memorandum

Fire 1

Fire 2

- |   |  |
|---|--|
| 2880 - Jim Kilner / Fire Chief                    | 2884 - Mike Virden / Assistant Fire Chief              |
| 992-2156 - Frank Roban / Battalion-2              | 386-5555 - Gary Curtis / Battalion-3                   |
| 2883 - Jesse Venegas / Battalion-4                | 2885 - Clay Smith / Battalion-5                        |
| 2881 - Trudy Malera / Emer. Services Manager      | 2882 - Mary Ann DeAnda / Account Clerk                 |
| 2618 - Sabrina Bustamante / Emer. Resp. Coord.    | 2159 - Rhonda Mann / Fiscal Analyst                    |
| 2634 - Elizabeth Hall / Emer. Services Specialist | 582-6540 - Bill Snowden / Fire Eqpt. Supply Specialist |
|   | Fire / OEM FAX: 582-8261                               |

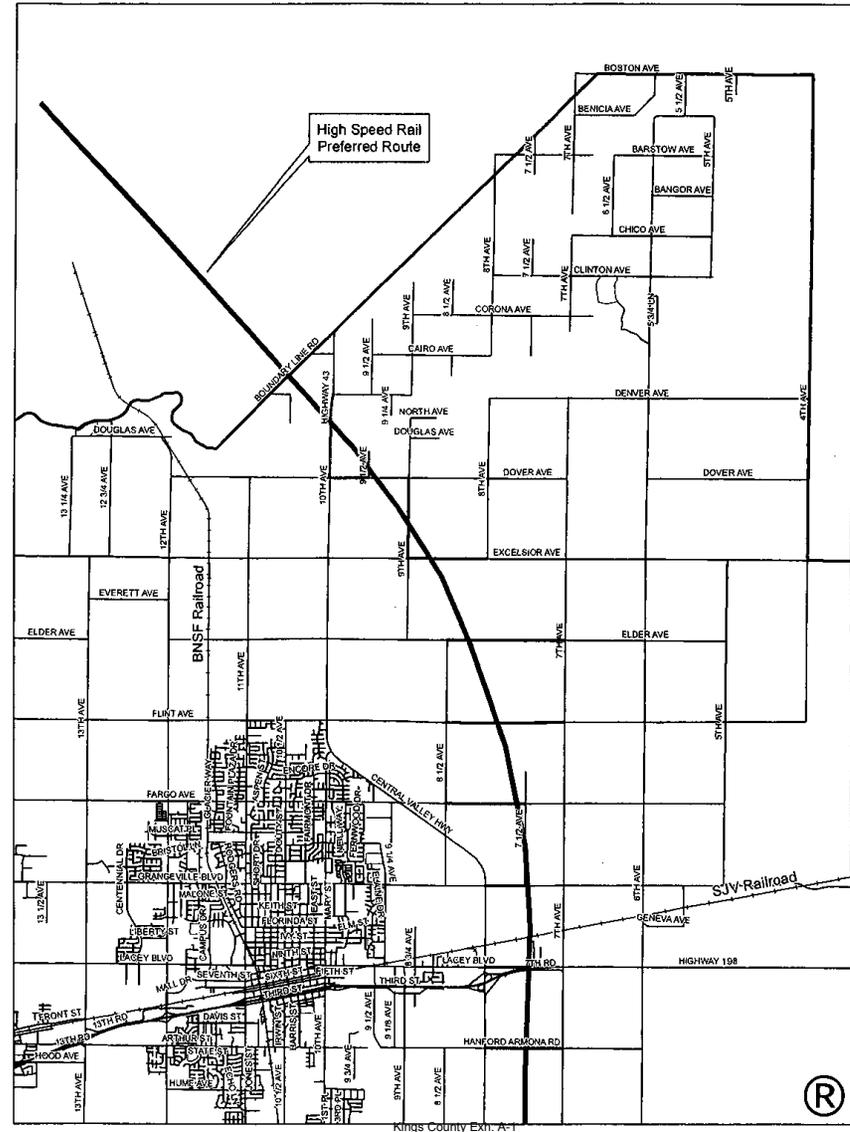
**TO:** Deb West, Assistant County Administrative Officer  
**FROM:** Jim Kilner, Fire Chief  
**DATE:** April 13, 2011  
**SUBJECT:** High Speed Rail Coordination Meeting

The Fire Department has concerns that are associated with the placement of the High Speed rail Corridor and the planning for any emergency responses required by the Fire Department and Emergency Medical Services. These concerns are:

Projected road closures throughout the county associated with the Rail Right-of-Way. We are concerned especially in the north eastern corner of the county and including the natural road closures along the Kings River. Any additional road closures will increase emergency response times.

What would the Emergency Responder procedures and access to the High Speed Train and infrastructure in case of a simple response (i.e. medical aid) aboard the train be? What would a more complex of a response such as a derailment or vehicle vs. High Speed Train require from existing county resources?

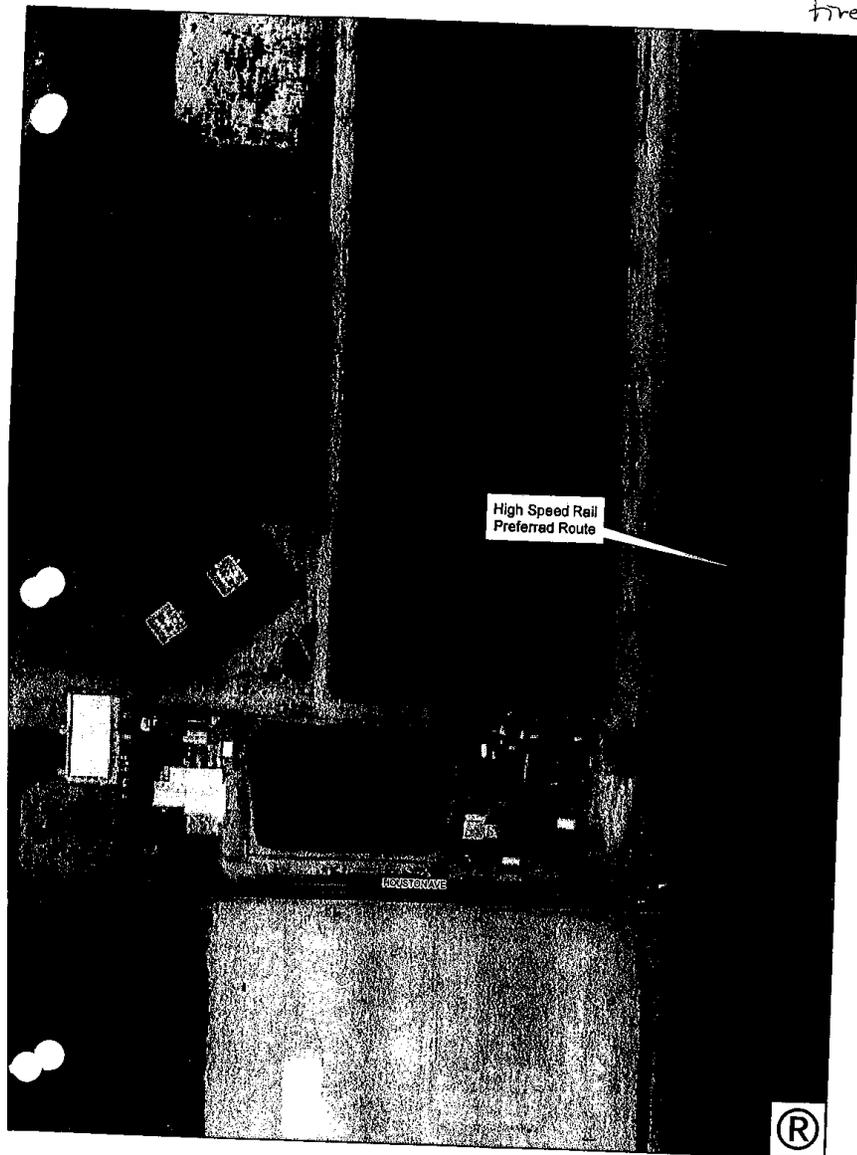
Thank you for the opportunity to express our concerns.



Kings County Exh. A-1

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Page 3

me

**Kings County Department of Agriculture Impacts from High Speed Rail**

1. The High Speed Rail Authority [Authority] has testified to the Assembly Ag Committee that it (Authority) will purchase "remainder" parcels of farmland that have become uneconomical for the current property own to continue farming. The Authority has not considered nor consulted with the County Ag Commissioners, what will be required by state law regarding the future management of those parcels once they are acquired by the Authority. Plans for the management of those properties need to be developed so as to not add to this department's regulatory workload. Idle land of any type represents a different enforcement workload for this department.
2. A rail line of this nature has the potential of increasing mileage and labor (travel time) costs to our customers depending on the location and/or frequency of rail crossings.
3. This department's Pest Detection trapping program has a specific gridline system that is used in determining trap placements. The grid system is determined by the California Department of Food and Agriculture (CDFA). Due to the requirements of trap placements the rail route being proposed has the potential of increasing the travel time a distances involved with the placement (deployment) and servicing of traps caused by the locations and/or frequency of rail crossings. A change in the department's costs for the program will require negotiation of changes to impacted contracts with CDFA and/or our customers.
4. During construction of the Rail Line, any landscaping plants, commodities, material and equipment brought from outside the County are a potential pathway for quarantine pests to arrive in the County.
5. As a major transporter of people and luggage, the CHSR is a new point-of-entry for quarantine pests into Kings County.
6. The vegetation management along the Railway Right-of-Way will be subject to regulation by this department, as with the other rail lines and highways in the county. This will include access by department personnel onto Authority property for the purpose of eradicating invasive weeds and other pests of concern to the public health and to agriculture.
7. Based on the 100 feet width of right-of-way needed for the rail line, according to the Authority. For every mile, 100 feet of width equals 12.12 acres. The economic impacts to Kings County are:
  - a. The crops currently produced that are in the alignment of the proposed route range in gross value of \$686 to \$10,500 per acre, based on a five year average. Simply calculating the average of these two numbers comes to an average gross value of \$5,593. 12.12 acres multiplied by \$5,593 is a gross value loss of \$67,787 per linear mile length of track through the county. However, \$5,593 is a low average based on the proposed route

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Ag 2

Ag 3

alignment. It is proposed to cut through more land with higher value crops grown. It would be a safe estimate to consider an average of \$6,500 gross value per acre or \$78,780 gross value per mile, loss to the growers.

b. Using the gross values stated above the overall economic loss to Kings County's economy can be calculated using the University of California's multiplier of \$3.50 to the local economy per \$1.00 gross value of agricultural production. This means that on the lower end of the scale, using the \$67,787 gross value, Kings County's economy would realize a \$237,255 loss per mile of track. The higher gross average would result in a loss of \$275,730 per mile. On an annual basis, Kings County would lose anywhere from \$11,862,750 to upwards of \$13,786,500 to its economy caused by the loss to its agriculture.

Tim Niswander  
 Agricultural Commissioner-Sealer  
 Kings County

Alfalfa	\$ 1,075.06	per acre
Almonds	\$ 3,212.42	per acre
Cherries	\$ 10,505.80	per acre
Corn, Grain	\$ 686.00	per acre
Corn, Silage	\$ 839.31	per acre
Cotton, Acala	\$ 1,104.66	per acre
Cotton, Pima	\$ 1,328.57	per acre
Nectarines	\$ 7,545.53	per acre
Peaches	\$ 8,000.18	per acre
Pistachios	\$ 5,558.27	per acre
Plums	\$ 6,480.36	per acre
Walnuts	\$ 3,291.60	per acre
Wheat, Silage	\$ 438.28	per acre
Average:	\$ 3,851.23	per acre

A minimum of 557.5 acres times the average gross value of the listed crops is \$2,147,061 that will cease to be earned once a rail line is in place.

The University of California has determined that \$3.50 is generated in the local economy for every dollar of "gross value" received by a grower. That means \$2,147,061 of gross value lost represents a loss to the local economy of \$7,514,713.

1 acre is 43,560 square feet (sq. ft.)

1 square mile is 640 acres [one section]

100 ft. X 5,280 ft. = 528,000 sq. ft.

528,000 sq. ft. divided by 43,560 sq. ft. = 12.12 acres per linear mile of track.

Depending on the alignment, the current proposed route will go through 46 to 50 miles of Kings County.

46 miles X 12.12 acres = 557.52 acres

50 miles X 12.12 acres = 606 acres

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**KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY**

ComDev 1

ComDev 4

The Kings County Community Development Agency (KCCDA) serves as the County's land use regulatory authority and is entrusted with protecting the public health, safety and welfare of County residents through its implementation and enforcement of the County's land use regulations and other relevant State Law provisions.

The High Speed Rail proposes a large scale development project within the unincorporated territory of Kings County. Yet this project poses a substantial amount of undisclosed project level details which prevents KCCDA from adequately evaluating this project's potential for impacts to the County's agricultural, environmental, economic and governmental resources.

A project of this magnitude necessitates full disclosure of project details to ensure governmental transparency and accountability is adhered to in evaluating all impacts and in maintaining the public's trust.

The High Speed Rail project through Kings County will cause numerous conflicts with the County's land use plans and policies as well as other County policies. However, due to the lack of specific project level details these impacts will be identified and briefly discussed in general terms.

**CEQA COMPLIANCE**

The Kings County Board of Supervisors established local guidelines to implement CEQA by adopting Resolution No. 96-048. Although HSR is not a discretionary project before the Board it is a "DEVELOPMENT PROJECT" proposed within the County and subject to the California Environmental Quality Act (CEQA).

The CEQA Guidelines require that a PROJECT EIR examine all changes in the environment that would result in all phases of a project including planning, construction, and operation.

HSR Authority and consultants have chosen to keep "specific" project level details from examination by Kings County officials and have explained that the information is not complete for public release. Yet according to the HSR Authority announcements, the Project EIR for this Central California Segment was due to be released last month but postponed to June in order to complete more "value added engineering" review.

- This Project EIR approach of not disclosing project level details to local agencies that will be affected is in direct conflict with the intent of full project disclosure through the CEQA process and prevents any meaningful coordination with Kings County. When does the HSR Authority plan to release all specific project level planning, construction, and operational information so that Kings County can evaluate the full potential for impacts within the County?

**2035 KINGS COUNTY GENERAL PLAN**

In January 26, 2010, the Kings County Board of Supervisors adopted the 2035 Kings County General Plan which establishes the County's land use policies for all unincorporated territory of the County through 2035.

The HSR Project will directly conflict with the County's General Plan Policies in nearly all Elements. As General Plan Updates are multi-year efforts requiring substantial financial and staff resources and there is still insufficient HSR Project level information despite the intent to start construction in 2012, the HSR project will impact the County by necessitating the need for substantial revision to the County's General Plan

- How does the HSR Authority plan to address the substantial cost implications, resources and potential legal challenges resulting from the County's need for an additional General Plan Update necessitated by the substantial Countywide changes resulting from the HSR Project?

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**LAND USE ELEMENT**

The Land Use Element defines the County's environment through a Rural to Urban Transect that is based upon the Smart Growth Code. These include Natural Lands, Agriculture/Open Space, Rural Interface, Community Districts, and Urban Fringe. The County's consistent urban growth policies and coordination with the County's four Cities is to direct urban growth to existing Cities and District served Unincorporated Communities. The County's Land Use Element embodies the latest smart growth implementation measures for a rural agricultural County by directing urban growth to Cities and District served territories that are best suited to provide municipal services. The County's Land Use Plan is also directly coordinated with the San Joaquin Valley Blueprint that plans for urban growth within the San Joaquin Valley through 2050, which resulted in the establishment of "Urban Growth Boundaries" which does not include the proposed HSR Station or its immediate surroundings.

The HSR Project is located within an area designated for Agriculture/Open Space and will displace and convert prime agricultural land to an urban use. This project does constitute "urban encroachment" into the County's prime agricultural lands as it does not serve the agricultural community or enhance agricultural transportation alternatives and efficiencies. In addition, the HSR Station as proposed by the HSR Authority is intended to incite urban growth around the Station in an area that is not currently proposed for urban growth accommodation by the County or any City within the County. The HSR Project is proposed within the County General Agriculture 20 Acre and 40 Acre minimum land use designation.

- How does the HSR Authority propose to address the urban encroachment and growth inducing impacts that are in direct conflict with County Land Use Policies and the County's implementation of the San Joaquin Valley Blueprint which is the County's foundation for implementation of "Sustainable Communities" as required by SB 375?

**RESOURCE CONSERVATION ELEMENT**

The Resource Conservation Element establishes an inventory of prime agricultural land as well as a "Priority Agricultural Land Model" to identify the County's highest production value agricultural lands that contribute towards the County's nearly 1.4 Billion dollar agricultural production value generated per year. This agricultural production value can be estimated to at least double the economic value locally through all the added agricultural supporting industries that make up a significant portion of the County's local economy. In addition, the farmland preservation policies establish areas for prioritizing long term agricultural preservation and preventing urban encroachment.

The HSR Project is proposed to establish a rail line and rail station in areas identified as having high production agricultural value to the County. In addition, both the rail line and station are proposed to convert prime agricultural land to urban uses in areas specifically identified for preventing urban encroachment.

- How does the HSR Authority plan to resolve the inherent conflict of the HSR Project's conversion of the County prime agricultural land to urban uses in an area specifically identified by the County for preservation of highly valued agricultural resources? How does the HSR Authority plan to resolve the multiplied economic impact resulting from the loss of local agricultural production and associated economies?

**CIRCULATION ELEMENT**

The Circulation Element analyzed existing, planned and proposed circulation systems within the County including Rail Transportation. However, due to the limit information available from the HSR Authority and their consultants, the County's policies were to ensure "coordination" with the High Speed Rail Authority on the HSR Project. As the HSR Project has the potential to impact nearly all of the County's circulation systems including Streets and Highways, Public Transportation, Rail Transportation, and Non-Motorized Systems, the

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need for specific HSR Project details is necessary to fully evaluate the Count's need to analyze and possibly revise the County's crucial circulation systems.

Com Dev 3

Com Dev 4

The HSR Project will bisect a number of circulation systems within the County and potentially close or redirect a number of transportation corridors.

- The HSR Authority and Consultants have not released any details as to whether the construction will involve an elevated rail line or ground level rail line. Nor has there been any disclosure of the potential route closures or alternative circulation system alignments that would be necessary. This prevents the County from adequately evaluating these impacts. How does the HSR Authority plan to address these HSR changes to the County's Circulation Systems?

**HEALTH AND SAFETY ELEMENT**

The Health and Safety Element establishes a framework for Smart Growth implementation in the County, as well as emergency response to natural and man made hazards.

The HSR Project will conflict with smart growth policies in this Element as well as conflict with emergency response policies.

- How will the HSR Authority resolve these conflicts with the County's smart growth policies and policies for effective and efficient provision of emergency services?

**NOISE ELEMENT**

The Noise Element establishes a baseline analysis for stationary and mobile noise sources within the County.

The HSR Project will create a substantial new noise source within the County that will be in direct conflict with the County's Noise Element Policies as it has not been analyzed or addressed. The lack of specific project level information prevents the County from adequately evaluating this issue within the County.

- How will the HSR Authority address the County's need to revise Noise Element policies and analysis of potential impacts to surrounding properties?

**AIR QUALITY ELEMENT**

The Air Quality Element integrates implementation efforts for AB 32 – Global Warming Solutions Act (Greenhouse Gas Reduction) to reduce greenhouse gas emissions to 1990 levels by 2020. Kings County is a rural county with limited mass transit availability to serve County residents.

The HSR Station will substantially increase vehicle miles traveled into the County with no beneficial offset for local compliance with AB 32.

- The HSR Station will cause a direct conflict with the County's ability to comply with AB32. What is the estimated number of out of County derived vehicle trips that will be generated and added to the County's air emissions? How will the HSR Authority resolve the further degradation of greenhouse gas emissions that will hinder the County's ability to comply with AB32?

**WATER ELEMENT**

The HSR Project will displace substantial agricultural land that is relied upon for waste water disposal that is used by the County's Dairy Industry.

- How does the HSR Authority plan to resolve the loss of agricultural land that will directly inhibit growth, expansion and sustainability of the County's Dairy Industry?

**LAFCO OF KINGS COUNTY**

Pursuant to Government Code Section 56001, LAFCO is entrusted with promoting orderly development and acts on behalf of the State to discourage urban sprawl, preserve open space and prime agricultural lands, and efficiently extend governmental services.

The HSR project is intended to be a Statewide urban service that will result in significant conversion of prime agricultural land as well as incite growth inducing impacts in Kings County's prime agricultural lands.

The Cortese Knox Herzberg Local Government Reorganization Act of 2000 requires that urban growth and expansion of municipal service providers such as Cities and Special Districts be analyzed and approved by LAFCO. The proposed HSR Station is planned outside any existing urbanized area or City sphere of influence and is not addressed through any Municipal Service Review. Although a rail line does not need municipal services, the proposed HSR Station would. The HSR Station as intended by the HSR Authority is to have concentrated urban Transportation Oriented Development and other urban land uses surrounding it.

- This proposal conflicts with LAFCO of Kings County's directives to preserve prime farmland and ensure that urban growth is done in an orderly manner that does not create sprawl and leap frog development.
- This proposal has not addressed what entity will provide municipal services to the Station area. Nor has it addressed the potential growth inducing impacts that it will have and the degree to which municipal services will be needed. How does the HSR Authority plan to address municipal services to the HSR Station and the required Sphere of Influence and Municipal Service Review analysis and findings?

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Comments

Comment 6

Impacts Related to  
the  
California High Speed Rail

remain devoted to agricultural uses and related support services.

**Agriculture:**

- The project, as described by the HSR will split parcels and will not follow section lines.
- Access roads will only cross the rail alignment every 3 miles, causing farmers to drive their tractors up to six miles to reach the other side of their parcel.
- Protection of the County's farmland:
  - LU GOAL B1 Protect agricultural lands throughout the County, and in particular along the edges of community districts and Urban Fringe by maintaining large parcel sizes and preventing the premature development of incompatible urban uses.
  - Continue use of the Williamson Act to preserve farmland.
    - LU Policy B1.1.2: Continue to use Williamson Act and Farmland Security Zone contracts on all priority agricultural lands outside the Primary Sphere of Influence of City and Community District boundaries as defined by LAFCO, so long as State "Open Space Subvention Act" funds remain available.
- The County's preferred method of removing WA contracted land is through non-renewal. Cancellation only upon Annexation or when findings can be made.
  - LU Policy B1.1.3: The preferable method of Williamson Act or Farmland Security Zone contract removal is through Notice of Non-Renewal by either the land owner or County, and through contract termination of "Protested" contracts upon annexation to a City. Cancellation of contracts should be discouraged unless State required findings can be sufficiently made pursuant to Government Code Section §51280 et seq.
- Minimize conflicts to agriculture:
  - LU GOAL B2 Agricultural production continues to be supported and enhanced in areas designated for agriculture, while conflicts between agriculture and non-agricultural uses are minimized.

LU OBJECTIVE B2.1  
*Recognize agriculture as the highest and best use of agricultural designated land, and preserve the right of farmers and agricultural operations to continue customary and usual agricultural practices, and operate in the most efficient manner possible.*

LU Policy B2.1.1: The primary use of land designated Limited Agriculture, General Agriculture, and Exclusive Agriculture shall

LU OBJECTIVE B2.2

*Minimize and reduce the potential for conflicts between agriculture and non-agricultural urban uses.*

- Preserve agriculture to prevent urban sprawl.
  - LU GOAL B5 Agricultural conservation efforts that serve to protect the County's agricultural economy do not hinder the ability of cities and community districts to accommodate well planned orderly growth, and do not foster discontinuous patterns of Urban Fringe or Community District development that lead to urban sprawl.
- General plan prohibits new development in Rural Interface areas:
  - LU OBJECTIVE C1.1  
*Prohibit the expansion of new residential, commercial, and industrial land use designations within areas identified as Rural Interface.*
    - LU Policy C1.1.1: Urban type land uses such as residential, commercial, and industrial that are located within Rural Interface areas shall remain limited to the previously defined extent of those land use designation areas. Minor adjustments between land uses may be considered so long as land use changes do not result in the expansion of Rural Residential zoning.
    - LU Policy C1.1.2: Zone district changes in the Rural Interface areas may be considered when the proposed change would result in a similar type zoning or less intensive use, so long as the zoning remains compatible with the General Plan land use designation.
    - LU Policy C1.1.4: Creation of new Rural Interface area(s) shall be prohibited. However, exceptions to this restriction may be considered when the new land use proposal meets the following criteria:
      - The new proposal is processed as a General Plan amendment and is simultaneously reviewed along with a detailed development proposal, which are both evaluated jointly under CEQA review.
      - The proposal does not include residential land uses.
      - Establishment of new commercial or industrial uses are limited in scope and serve to enhance the economic viability of the County.
      - The new proposal is located along a highway interchange or major arterial intersection, and is not

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- located within an existing Urban Fringe or Community District area.
- 5. Proposed new use(s) rely primarily upon existing traffic volumes, and do not serve as a new attractor or destination that creates substantial amounts of additional traffic.
- 6. The project demonstrates that provision of adequate services can be achieved to accommodate the full extent of proposed new development.
- 7. Property owner(s) and/or new businesses establish a zone of benefit to facilitate assessment(s) to cover additional service delivery costs determined necessary to support the new development.
- Priority Agricultural Model:
  - RC Policy B1.1.1: Maintain the County's Priority Agricultural Land Model to serve as an information resource in evaluating urban growth and impacts related to the County's agricultural economy and redirect that growth where possible to the lowest priority agricultural land. This model is referenced in Kings County's 2008 Agricultural Land Conversion Study.
  - RC Policy B1.1.2: Use the Priority Agricultural Model as a reference for determining potential economic and resource impacts related to the loss of agricultural land resulting from conversion to urban uses.
- Mitigation for the loss of agricultural land:
  - RC OBJECTIVE B1.2  
*Establish feasible mitigation for the loss of agricultural land conversion that is not over burdensome to landowner and development interests, yet enhances long term preservation efforts of the County's highest priority agricultural lands.*
  - RC Policy B1.2.1: Require new development that results in the loss of agricultural lands to provide mitigation to offset the loss. The County's Farmland Preservation Mitigation Strategy shall require comparable acreage enrollment in the County's Farmland Security Zone.
  - RC Policy B1.2.2: Conversion of agricultural land to urban uses shall require payment of mitigation fees that are based on average per acre fee for the establishment of a new Farmland Security Zone creation. All mitigation costs shall be borne by project proponent(s).
  - RC Policy B1.2.3: Under the County's existing program, mitigation fees shall be used for the creation of new Farmland Security Zone contracts only and applied on willing landowner property that is greater than ten acres and located within the "Medium," "Medium-High" and "Highest" Priority

Agricultural Land as defined under the County's Priority Agricultural Land Model, and within the eligible Department of Conservation farmland classifications as required by the *California Land Conservation Act of 1965*.

**Air Quality:**

- Agency coordination must occur.
  - AQ Policy B1.1.2 Submit transportation improvement projects to be included in regional transportation plans (RTP, RTIP, CMP, etc.) that are found to be consistent with the air quality and climate change goals and policies of the General Plan.
  - AQ Policy B1.1.3 Consult with KCAG and transit providers during the planning stages of land use and transportation projects to assess project impacts on long range transit plans and ensure that potential impacts are avoided.
  - AQ Policy A1.1.4 During project review, approval, and implementation, work with Caltrans, ARB, SJVAPCD, and KCAG to minimize the air quality, mobility, and social impacts of large scale transportation projects on existing communities and planned sensitive land uses.
- Assess the cumulative air quality impacts from the project.
  - AQ Policy C1.1.5 Assess and reduce the air quality and potential climate change impacts of new development projects that may be insignificant by themselves but, taken together, may be cumulatively significant for the County as a whole.
- Mitigate air quality impacts from the project.
  - AQ Policy C1.1.1: Assess and mitigate project air quality impacts using analysis methods and significance thresholds recommended by the SJVAPCD and require that projects do not exceed established SJVAPCD thresholds.
  - AQ Policy C1.1.2: Assess and mitigate project greenhouse gas/climate change impacts using analysis methods and significance thresholds as defined or recommended by the SJVAPCD, KCAG or California Air Resources Board (ARB) depending on the type of project involved.
  - AQ Policy C1.1.3: Ensure that air quality and climate change impacts identified during CEQA review are minimized and consistently and fairly mitigated at a minimum, to levels as required by CEQA.

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Com Dev 9

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**Annexation Requirement:**

- Require annexation of the proposed station.

**LU OBJECTIVE E1.1**

*Require new development in city fringe areas (except a single-family house or secondary dwelling unit on an existing lot) to annex to the city, and encourage existing developed fringe areas to annex to the City where the City is the closest and most logical municipal service provider.*

**LU Policy E1.1.1:** Require urban growth to be contiguous to existing urban development and annex to a city in order to ensure coordinated urban growth according to that City's General Plan policies. Commercial and industrial development may be considered for development in the County when annexation is not feasible or practical, but must develop public improvements to City standards.

**Biological Resources:**

- Biological impacts must be mitigated.

**RC Policy D1.1.1:** Evaluate all discretionary land use applications in accordance with the screening procedures contained in the Biological Resources Survey located in Appendix C. If the results of the project screening indicates the potential for important biological resources to exist on the site a biological evaluation (consistent with Appendix C) shall be performed by a qualified biologist. If the evaluation indicates that the project could have a significant adverse impact, mitigation shall be required or the project will be redesigned to avoid such impacts. Mitigation shall be provided consistent with the California Environmental Quality Act (CEQA), and applicable state and federal guidelines as appropriate. Mitigation may include habitat improvement or protection, acquisition of other habitat, or payment to an appropriate agency to purchase, improve, or protect such habitat.

**RC Policy D3.1.3:** Evaluate the potential impact on the riparian environment of proposed development adjacent to the Kings River, beyond the boundaries of the designated floodway. Conservation of fish and wildlife habitat and protection of scenic qualities should be the guiding principle.

**RC Policy D3.1.4:** Prohibit development within riparian environments over which the County has jurisdiction. However, allow or consider for approval if it is determined that significant disturbance of the riparian environment would not occur, the following passive uses or activities:

- Streamside maintenance and repair for mandated flood control or water delivery purposes, facilities, and equipment;
- Road and utility line crossings;
- Grazing and similar agricultural production activities not involving structures or cultivation;
- Vegetation removal for integrated pest management programs under guidelines;
- Passive recreational uses such as riverside parks and bikeways.

- Wildlife corridors have a high potential to be negatively impacted.

**Circulation:**

- Preserve the current rail transportation system.

**C Policy C1.2.1:** Support continued operations of Amtrak, the San Joaquin Valley Railroad and Burlington Northern Santa Fe Railroad.

**C Policy C1.2.2:** Preserve the east/west railroad corridor of the San Joaquin Valley Railroad for possible future use in alternative transportation options.

**C Policy C1.2.3:** Support Cross Valley Rail Corridor planning efforts to consider long term provision of freight and passenger rail service.

**Cultural Resources:**

- Projects must mitigate impacts to cultural resources.

**RC Policy I1.1.4:** Refer applications that involve the removal, destruction, or alteration of proposed or designated historic sites or County landmarks to the Kings County Museum Advisory Committee or its successor for recommended mitigation measures.

**Dairy/Heifer Ranch Impacts:**

- The Dairy Element requires protection of agricultural land from the encroachment of incompatible uses:

**Objective DE 1.1:** Protect agricultural uses and land from the encroachment of incompatible non-agricultural use of the land.

**Policy DE 1.1a: Agricultural Land Use Protection:** The Kings County Right to Farm Ordinance, Chapter 14, Article III, Section 14-38 of the Kings County Code of Ordinances, states that "agricultural operations are the principal and favored uses of land in areas of Kings County designated 'Agricultural' in the Kings County

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Comment 11

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General Plan and included in the Agricultural zone districts of the Kings County Zoning Ordinance.” Protection of agricultural activities is accomplished by the adopted policies to:

- (1) Protect agricultural land, operations, and facilities from conflicting uses due to the encroachment of incompatible, non-agricultural uses of the land in agricultural areas of the county, and
- Will the HSR corridor be fenced? Large farm animals from private residences located in agricultural areas commonly escape their corrals.
- The HSR may bisect or be constructed adjacent to dairies. Several issues will arise from this.
  - 1. Set backs from road right of way is 50 ft. No rail setback is established in the dairy element.
    - Policy DE 3.4a: All buildings and structures on dairy facilities shall be set back from all public road right-of-ways at least 50 feet. Corrals, feed and manure storage areas, open sided shade structures shall be set back at least 20 feet from public road right-of-ways.
  - 2. If the HSR splits a dairy several negative outcomes will result.
    - o Ponding basins may be separated from wastewater land application areas resulting in the operators lack of wastewater disposal options or the removal of wastewater land application areas will cause decreased headcounts.

**Policy DE 4.1b: Land Application of Manure** – Land application is the most common, and usually most desirable method of utilizing process water and dry manure because of the value of the nutrients and organic matter to plant growth. Land application shall be planned to ensure that the proper amounts of all nutrients are applied in a way that does not cause harm to the environment or to public health. Land application of manure in accordance with the MNMP shall minimize water quality degradation and public health risk. Considerations for appropriate land application shall include:

- A. **Nutrient balance** – The primary purpose of nutrient management is to achieve the application of nutrients at the agronomic rates required to grow the planned crop by balancing the nutrients that are already in the soil and from other sources with those that will be applied in manure and commercial fertilizer. At a minimum, nutrient management shall prevent the application of nutrients at rates that will exceed the capacity of the soil and planned crops to assimilate nutrients, and will reduce the potential for degradation of water resources. Soils shall be tested at least annually to determine nutrient content. The results of the testing shall be evaluated by a qualified soil scientist or agronomist to determine whether adjustments to the *Manure Nutrient Management Plan*

are required to prevent crop damage or salt buildup. In the evaluation of salinity, which requires data on concentration variation over time, a statistical methodology for determining trends shall be selected by a certified agronomist. The first trend analysis shall be conducted for each dairy after five years of data collection, and then each year thereafter. Buildup of salt in the soil is detrimental to growing crops. Consequently farmers will have a natural incentive to take remedial action upon receiving a report that a salt buildup has occurred.

- B. **Timing and methods of application** – Care must be taken when applying manure and process water to the land to prevent it from entering groundwater, streams, other water bodies, or environmentally sensitive areas. The timing and method of application shall prevent the loss of excess nutrients to groundwater or surface water. Additionally, process water shall be applied to minimize unnecessary contact with air in order to minimize the release of ammonia into the atmosphere. Manure application equipment shall be calibrated to ensure that the quantity of material being applied is at agronomic rates. Manure application shall be avoided during periods of winds in excess of 20 miles per hour.
- C. **Irrigation Management Program** – The owner/operator of the proposed new or expanded dairy shall include an Irrigation Management Program with the *Technical Report* (see Component 2e of Appendix J) to ensure that irrigation water and runoff from fields at each dairy unit would not be allowed to migrate away from the project site or into surface water features.
- o The Dairy Element requires dairy's to be separated by ¼ mile. In concentrated dairy locations impacted by the HSR, dairies may not be able to expand and will be forced to reduce headcount or shut down operations if expansion is not possible. Expansion may be allowed through the CUP process.

**Policy DE 1.2h: Separation of dairy facilities by ¼ mile.** The minimum distance between a Dairy Facility and other Dairy Facilities or confined animal feeding operations shall be one-quarter (¼) mile. This restriction includes only the actual dairy facilities, i.e., corrals, milk barns, feed storage areas, manure storage areas, etc., but not cropland used to spread dairy process water and manure. These separations are required to avoid potential nuisance problems, potential inter-herd disease transmission, soil and groundwater contamination, and cumulative air quality degradation.

- o If corrals are impacted the headcount must be reduced in order to comply with UC Davis Cow Comfort Standards.
- o If the HSR is constructed within the impact area of a lagoon or water retention basin, the integrity of the track may be compromised.

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Com Dev 14

**Policy DE 4.2b:** Lagoons may be used for treating and storing dairy process water and manure. All areas occupied by cows shall be graded in such a manner that ensures runoff water will flow into and be contained within a lagoon until used for fertilizer or irrigation purposes. Water that does not come into contact with manured areas or feed storage areas may be diverted away from such areas and not allowed into the lagoon. All contents of a lagoon shall be managed so that it is applied to cropland at agronomic rates and used only for approved purposes and in an approved manner.

**Noise:**

- Reduce the effects of noise to County residents.
  - N Policy A1.1.1: Appropriate noise mitigation measures shall be included in a proposed project design when the proposed new use(s) will be affected by traffic or railroad noise sources and exceed the County's "Noise Standards for New Uses Affected by Transportation Noise Sources" (Table N-7). Mitigation measures shall reduce projected noise levels to a state of compliance with this standard.

- A noise study must be performed and included in the EIS and the project must be mitigated.
  - N Policy B1.2.1: A noise analysis shall be prepared in accordance with the County's "Requirements for Acoustical Analyses Prepared in Kings County" (Table N-9) for capacity enhancing roadways or rail projects, or the construction of new roadways or railways. If the proposed project will result in a significant noise level increase as defined below, or the project would cause noise levels to exceed the County's noise standards (Table N-7), noise mitigation measures should be considered to reduce traffic and/or rail noise levels to a level consistent with those standards. A significant increase is defined as follows:

Pre-Project Noise Environment (Ldn) Increase	Significant Increase
Less than 60 dB	5+ dB
60 - 65 dB	3+ dB
Greater than 65 dB	1.5+ dB

- N Policy C1.1.1: All noise analyses prepared to determine compliance with the noise level standards contained within this *Noise Element* shall be prepared in accordance with the County's "Requirements for Acoustical Analyses Prepared in Kings County" (Table N-9).

- N Policy C1.1.2: Where noise mitigation measures are required to satisfy the noise level standards of this *Noise Element*, emphasis

shall be placed on the use of setbacks and site design, prior to consideration of the use of noise barriers.

This policy requires only that noise mitigation measures be considered in cases where the significance thresholds described above would be exceeded. However, there are various factors which may affect the feasibility or reasonableness of the mitigation which should be considered during the project environmental review process, including the following:

- The severity of the impact.
- The cost and effectiveness of the mitigation.
- The number of properties which would benefit from the mitigation.
- Aesthetic, safety and engineering considerations.

**Water Quality/Flood Control:**

- Construction in the Kings River riparian zone must comply with all applicable requirements:
  - LU Policy A1.2.5: All new temporary and permanent structures proposed by private land owners within designated floodway channels as identified by FEMA shall be submitted to the County for review and required to comply with Central Valley Flood Protection Board requirements, and all other applicable Federal, State, or Local agency requirements.

**RC OBJECTIVE A2.1**

Maintain the existing Kings River water conveyance system as a designated floodway, and encourage the preservation of riparian habitat along the Kings River consistent with state and federally mandated flood control purposes.

- RC Policy A2.1.1: Recognize the Kings River Conservation District's responsibility to maintain the Kings River channels and levees for flood control purposes. On land within the floodway, allow farming and other uses that are consistent with the designated floodway regulations and any requirements of the Central Valley Flood Protection Board.

- Permanent structures in the NRC designation are not allowed unless approved by the Central Valley Flood Protection Board.
  - RC Policy A2.1.2: Apply the "Natural Resource Conservation" land use designation along the Kings River, Cross Creek, and in environmentally sensitive areas having existing natural watercourses, drainage basins, sloughs, or other natural water features. Permitted uses within designated floodway channels shall be limited to uses such as flood control channels, water pumping stations and reservoirs, irrigation

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Comments

ditches, water recharge basins, limited open public recreational uses such as passive riverside parks, related incidental structures, and agricultural crop production that does not include permanent structures. Any construction or development in this designation along the Kings River designated floodway channel shall be subject to the encroachment permit process required by the Central Valley Flood Protection Board.

RC Policy A2.1.4: Coordinate the review of all development proposals within or adjacent to designated floodways with relevant resource conservation district entities to ensure compliance with Central Valley Flood Protection Board requirements, and local Floodplain Administration requirements.

- Base flood elevations must be determined for all land within the 100 year flood zone. Roughly 15%-20% of the rail line will be in the 100 year flood zone.
- HS Policy A4.1.3: Determine base flood elevations for new development proposals within or adjacent to 100 year flood zone areas as identified in latest FEMA Digital Flood Insurance Rate Map, to definitively assess the extent of property potentially subject to onsite flood hazards and risks.

HS Policy A4.1.8: Enforce the "Kings County Flood Damage Prevention Ordinance," Chapter 5A of the Kings County Code of Ordinances.



COUNTY OF KINGS  
DEPARTMENT OF  
PUBLIC WORKS

Kings County Government Center  
1400 W. Lacey Boulevard  
Hanford, CA 93230  
Phone: (559) 582  
Extension:  
FAX: (559) 582

Kevin J. McAlister, Director

To: Kings County Board of Supervisors  
From: Kevin McAlister, Director *KJM*  
Date: April 13, 2011  
Re: High Speed Rail Concerns

Public Works has concerns regarding the location of the "preferred" route for this project. While this is not an exhaustive list of said concerns, it is meant to highlight the scope of possible impacts caused by this project.

**Hanford and Corcoran Landfills (Closed)**

This landfill was closed in January of 2000 at a cost of over \$3 million. The major work of the closure was an impermeable cover designed to prevent water intrusion into the landfill foot print as well as the construction of leachate condensate and gas collection systems. Shown on the attached map, the "preferred" route does not show the rails on the landfill. However, this route is schematic at best. If the track is elevated at this location, it will be necessary for either piles to be driven or an embankment to be constructed that may have significant impacts on the landfill.

In no event should piles be driven through the cap nor an embankment constructed on or near the site. The design of the embankment must be studied to ensure that there are no negative impacts on the operation of the leachate condensate or gas collection systems. The design must be approved by CalRecycle (formerly the California Integrated Waste Management Board) and/or the State of California Regional Water Quality Control Board to ensure that the Kings Waste and Recycling Authority is not required to perform any additional administrative activities (testing, notification, etc.) as a result of this project. There is also a Lakeside Ditch Company irrigation channel running along the path of the "preferred" route that will need to be addressed.

Likewise, the Corcoran Landfill (see attached map) was closed in early 1997 at a cost of over \$800,000. While the "preferred" route is not as close to this landfill as the Hanford site, the same concerns should be investigated and addressed.

**Designated Floodways**

Kings County has two designated floodways crossed by the "preferred" route -- one along Cross Creek and the other along the Kings River. Since we have the Cross Creek floodway in our geographic information system, I will refer to this floodway specifically, but comments can generally be applied to the Kings River floodway. As can be seen on the attached map, the high speed rail "preferred" route traverses this floodway for almost 1 1/2 miles. Encroachments in designated floodways have been an on-going concern for both Kings County and the Central

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Valley Flood Protection Board and the source of at least one lawsuit against the county. Regulations require a permit for "any project that proposes to work in a regulated stream, designated floodway on federal flood control project levee slopes or within 10 feet of the levee toe. Such activities might include but are not limited to: boat docks, ramps, bridges, sand and gravel mining, placement of fill, fences, landscaping and irrigation facilities."

PWZ

PWZ

While outside of Kings County, any impacts on the Tule River at flood stage should also be investigated.

**Shorebird Mitigation Site**

As part of the Lake Kaweah Enlargement Project, the joint powers agency for this project (Kings County, Tulare County, Tulare Lake Basin Water Storage District, Kaweah Delta Water Conservation District and City of Visalia) in cooperation with the California Department of Water Resources, California Fish and Game, the United States Corps of Engineers and the United States Fish and Wildlife Service, was required to provide a shorebird mitigation site. This portion of the project cost the state and locals over \$2 million. The Corps' share was around \$2.5 million. The annual maintenance is budgeted for \$5,000 this year. As can be seen on the attached map, this site will be touched by the "preferred" route. This site is periodically flooded to provide habitat for shorebirds. The effect of the high speed train operating in such close proximity to a facility that is designed to attract large amounts of birds must be studied in great detail. Any impacts must be mitigated in such a manner as to not increase the burden on the local agencies responsible for the maintenance and operation of this site.

**Minor Roads**

Traffic circulation will be the primary issue that Public Works will deal with. Without knowing the route, it is difficult to determine the full impact. The Community Development Agency will deal with issues related to the Circulation Element of the General Plan. Public Works must address road closures and roadway vacations, or abandonments, along the route. When your Board abandons a road, it is generally necessary to make a finding that the road is no longer necessary for transportation purposes. While it is unclear at this time if this finding is required for the types of road closures contemplated for this project, the impacts caused by the closing of both major and minor routes must be investigated and their impact on traffic patterns identified. While it may be possible to determine some effects by looking at functional classification maps (maps showing the designation of a road as major, minor, collector, arterial, etc), the total effect on some farm-to-market roads or roads that are integral to farming operations but not on routes of regional significance can only be determined by consultation with farmers and farming interests. These impacts must be determined before your Board can decide to abandon any roadway segments.

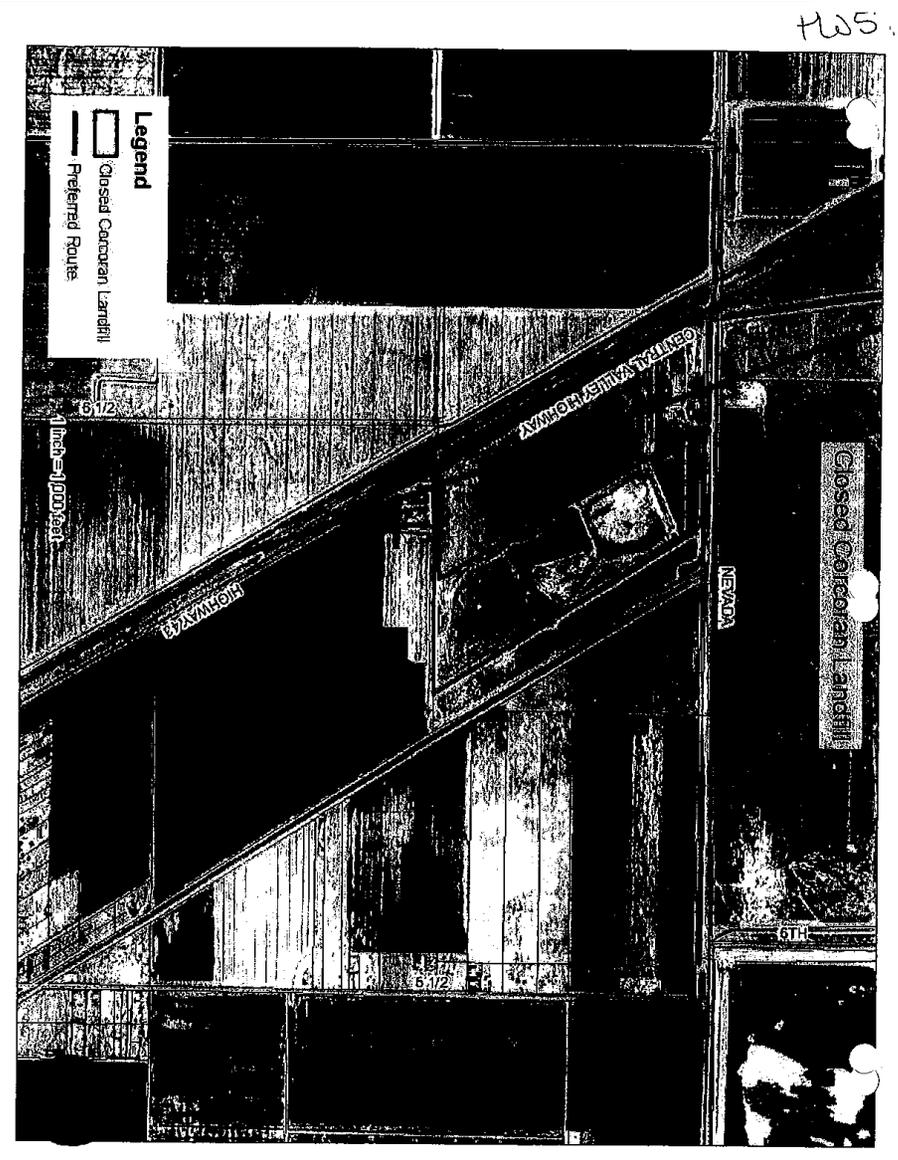
Construction activities have a serious impact on major roads and can have a devastating effect on minor roads. Trucks hauling dirt, aggregate, concrete, etc. can pulverize roads to the point where they have no useful life remaining and can even turn these roads into safety hazards. This damage must be adequately addressed and a method of mitigation provided for.



2 Kings County Exh. A-1

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
 - 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

Kit Carson Union School District  
 High Speed Rail Possible Impact on Kit Carson School

- Ponderosa Area:
  - Our enrollment will decline with the elimination of Ponderosa area
  - Halts future growth
  - Loss of new building permit fees
- There is a possible affect on bus routes
- Negative impact of land investment in our district area
- Property values could be affected
- Noise
- The railroad will create a psychological barrier (just as south and north of 198 in town)

High Speed Rail Issues  
 Kings County Water District  
 Riverside Ditch, and others

Additional permanent cost of operation;

Ditchtenders -- 4 trips per day x 100 days = 400 trips/year		
5 miles additional travel @ \$.50/ mile	=	\$1,000/year
Spray rigs - 3 trips per year x 5 miles = 15 miles @ \$1.00/mile	=	15/year
Discing - 2 trips per year x 5 miles = 10 miles @ \$2.00/mile	=	20/year
* If tracked vehicle is used, costs could be triple.		
Grader sloping -- 2 trips per year x 5 miles = 10 miles @ \$3.00/mile	=	30/year
Backhoe - 4 trips per year x 5 miles = 20 miles @ \$3.00/mile	=	60/year
		Total = \$1,125/year

These are additional yearly costs to be incurred forever.  
 How will a one time mitigation cost be calculated?

Pipe or culvert ditch crossing under rail line - \$100,000 - \$300,000  
 Depending on the size of canal and max water flow.

Liability of canal under rail line.  
 Liability of flooding fenced easement area.

9 canals to be crossed in KCWD boundaries.

Kaweah Delta Water Conservation District mitigation site.

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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### Kings County History

The Mussel Slough Tragedy occurred on May 11, 1880, approximately 5 miles northwest of Hanford in a field located on the northeast corner of 14th and Elder Avenues. It is the site of a dispute over land titles between settlers and the Southern Pacific Railroad. The confrontation escalated into gunfire resulting in the death of seven men.

*Mussel Slough Incident Revisited*  
 Presented by Local Historian BILL COATE

Kings County Board of Supervisors 41000 - May 14<sup>th</sup>  
 11:30 AM to 12:00 PM  
 Kings County Library

### Built Environment

#### 2035 Kings County General Plan

### Kings County Land Use

with Blueprint Urban Growth Boundaries

### Preliminary Identification of Potentially Significant Impacts

- Loss of Agricultural Land and production
- Impact to Dairy Industry
- Loss of at least 21 agricultural residences
- Disruption of County Circulation
- Impact to Emergency Services – Fire Station #4
- Impact to Energy Production Sites
- Impact to Agriculture Supporting Industries
- Air Quality

### CEQA Compliance

- Compliance with CEQA requires "full" evaluation of all potential Impacts.
- Impacts to "Local Communities" can only be done through meaningful coordination with those entities.
- Lack of Project details, yet HSR nearing release of EIR/EIS
- HSR Authority will likely issue Statement of Overriding Considerations

### Kings County Agriculture

#### 1.4 Billion Agriculture Production Value

### Kings County

Priority Agriculture Land Model with HSR Alignment  
 Adjacent Farmland 7,139 acres  
 Agricultural Production Value \$ 8,203,595 (2008 dollars)  
 Almonds, Walnuts, Pistachios, Peaches, Macadamias, Plums, Cotton, other field crops.

### CEQA

- **Agriculture Resources** – conversion
- **Air Quality** – emissions
- **Hydrology and Water Quality** – groundwater, flood
- **Land Use and Planning** – planned growth
- **Mineral Resources** – prime soils
- **Noise** – compatible uses
- **Public Services** – service sustainability
- **Transportation/Traffic** – connectivity
- **Utilities and Service Systems** – water, sewer

### General Plan Elements

- **Land Use** – agriculture (food) & directed growth (focused investment).
- **Resource Conservation** – ag preservation, water, habitat, etc.
- **Circulation** – transportation, access, connectivity.
- **Health & Safety** – new framework for quality of life.
- **Noise** – livable environments.
- **Air Quality** – moving towards healthy air.
- **Dairy** – plans countywide capacity.

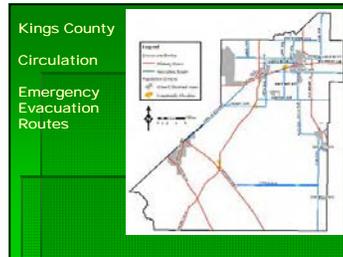
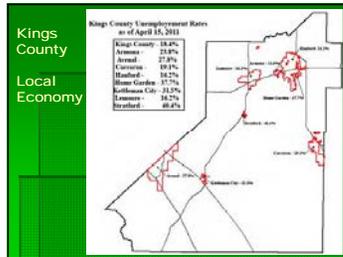
### Kings County

Blueprint Urban Growth Boundaries and Prioritized Farmland Mitigation Areas with HSR Alignment

### Kings County

Dairies and Waste Water Cropland  
 Directly Impacted Bovine Facilities 5  
 Other Impacted Dairies due to loss of cropland 6

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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F.6  
May 6, 2011 Correspondence from Board to Authority

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**COUNTY OF KINGS  
BOARD OF SUPERVISORS**  
KINGS COUNTY GOVERNMENT CENTER  
1400 W. LACEY BOULEVARD, HANFORD, CA 93230  
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

JOE NEVES - DISTRICT 1  
LEMOORE & STRATFORD  
RICHARD KALLAS - DISTRICT 2  
RYEGATE, COCORON & SEFTLEMAN CITY  
BOIC HERSON - DISTRICT 3  
NORTH HANFORD, ISLAND DISTRICT & NORTH LEMOORE  
TONY BARBA - DISTRICT 4  
ARMONA, HANFORD & NEW ROME GARDEN  
MICHAEL PALMER - DISTRICT 5  
HANFORD & ROME GARDEN

May 6, 2011

Mr. Curt Pringle, Chairperson  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Pringle:

The Kings County Board of Supervisors would like to thank you for sending Jeff Abercrombie, Bryan Porter and Tom Tracy as your designees on April 19, 2011, to begin the coordination process regarding the Fresno to Bakersfield segment of the High Speed Rail Project through Kings County. As mentioned in our March 4, 2011 letter, Kings County is concerned with the Project's potential extraordinary impacts and the lack of dialogue regarding coordination of adopted planning policies, public safety concerns and community impacts and intended resolution of conflicts and impacts created by the proposed project.

The introductory coordination meeting identified specifically, but not inclusively, the public safety, planning and health and welfare concerns that require coordination and resolution. They are summarized by speaker below. Additionally, a compact disc containing a recording of the meeting is enclosed for your records. A second meeting to receive the details of how the Authority intends to resolve these issues and discuss other issues that may surface in the process is imperative.

As indicated during the coordination meeting, the County disputes the following statement by Jeff Abercrombie:

*"...The Authority does not feel that the provisions you've cited in the Federal Land Policy Management Act or the ISTEA are directly applicable to this project, nor do we agree with your review and legal basis for the effort of coordination. We are conducting our environmental reviews analysis according to NEPA and CEQA, CEQA being the most stringent process in the Nation with regards to what's required of infrastructure-type projects, but that said and what I've reiterated whenever I go to this type of meeting is, 'we are here to work with you, we are here to try and do our best to accommodate every issue that you raise, to work to getting it into the environmental document and into the environmental process to give you the information and the answers that you in the community are seeking.' So, over the course of the next several months, we do expect to be back here and I do expect to provide the answers that you are seeking ..."*

Kings County Exh. A-1

The County embraces the coordination process as discussed in the statement of Colleen Carlson, County Counsel:

*"We are not just asking for information, as alluded, we are giving a lot of information that the Authority actually needs to do its job properly and to comply with the law. You are planning a major project that will come through our jurisdiction and what we are asking you to do is to coordinate your planning and to resolve issues that have or will surface as a result of your proposed project. There is a lot of Federal money involved, and all major transportation laws not only suggest coordination but actually require coordination with local agencies. What we are doing is creating a record and respectfully asking you to be on notice and accountable for the impacts of your actions, both intended and unintended. And while CEQA does address environmental impacts and that appears to be your focus at the moment, many other issues are being raised by your project, impacts that will affect our community: the health, safety and welfare of our community; the way of life of our community. It will damage our community in ways that cannot be put on paper. It will obliterate irreplaceable, finite, prime ag land. We have a specific planning scheme that is required by the State planning and zoning law. The approach by the High-Speed Rail Authority, to date, seems to fly in the face of those requirements. Here in Kings County, we have over 5800 parcels (675,000 acres of enrolled land) under ag preservation contracts, under a California statutory scheme, for the specific purpose of preserving this irreplaceable land. Yet once again, without explanation and seemingly clueless of the process provided by the statute and as enforced by the state Department of Conservation, the Authority deems it acceptable to obliterate the prime ag land with a public project that will have devastating economic impacts and irreversible consequences. The population centers the Authority indicates it's designed to serve are located along existing rights of ways and the Bond language approved by the people indicate this as a priority, yet the Authority seeks to locate a rail station in an area where population centers are nonexistent, in defiance of the people's directive and in a leap-frog inducing growth manner, which is contrary to all logical planning processes and efforts to clean air, reduce impacts on the environment, and provide public safety. We are asking you to comply with the law and the regulations that we must, not employ a double standard."*

Each speaker indicated a list of potential project impacts and interference with existing policies and sought information as to how the Authority intends to resolve these:

Dave Putman, Kings County Assistant Sheriff:

1. Potential increase in the number of inmates, need for increased Detentions staff
2. Potential increase in the number of 911 calls, requiring additional staffing
3. Increase in the number of service calls, further strain on emergency response personnel
4. Blocked roads - during construction and after construction is complete - will result in a delay in emergency response time jeopardizing the safety of our citizens
5. High speed rail, which includes the station, could be a potential target for terrorism
6. Increased potential for theft and service calls, during construction
7. Public rail stations tend to be a place where homeless people congregate
8. How will the Authority resolve these challenges? Will the High-Speed Rail have its own policing or security structure?

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Jim Kilner, Kings County Fire Chief

1. Concerned about potential road closures and increased response times,
2. What would be the Emergency Response procedures be aboard the train?
3. What would a derailment or vehicle vs. High Speed Train require from existing County resources?
4. How is this alignment going to impact our existing station on Houston Ave?

Tim Niswander – Kings County Agricultural Commissioner

1. Remainder parcels of land and what will be required by state law regarding future management of those properties needs to be developed so as not to add to the regulatory workload.
2. The number and frequency of rail crossings available to our customers has the potential of increasing mileage and labor costs (travel time)
3. Pest Detection trapping program has a specific gridline system that is used in determining trap placements. Due to the requirements of trap placements the rail route being proposed has the potential of increasing the travel time and distances involved with the placement (deployment) and servicing of traps by the locations and/or frequency of rail crossings.
4. Potential pathways for quarantine pests to arrive in the County – who will be checking that?
5. Potential economic impacts of right-of way needed (estimated at over 12 acres), value in crops (average \$5,593 an acre) = loss of \$67,787 per linear mile length of track through the County – or \$78,780 a mile, if an average per acre cost is \$6,500.
6. Using the gross values above and the University of California multiplier of \$3.50 to the local economy per \$1.00 gross value of ag production, the lower end of the scale the loss in the local economy would be \$237,255 per mile of track, or using the higher gross value, a loss of \$275,730 per mile of track. On an annual basis, Kings County would lose anywhere from \$11,862,750 to upwards of \$13,786,500 to the local economy with this loss of agriculture.

Greg Gatzka, Kings County Community Development Director:

1. There has been reluctance on releasing the project-level detailed information. 30,000 foot project level details do not give us the information that we need regarding the impacts to our community.
2. We have not had meaningful coordination. Meaningful coordination is disclosing project-level details. We are trying to ensure that project-level details are all included and disclosed because, otherwise, we are looking at lawsuits and project delays.
3. We are trying to engage in meaningful coordination to understand what this project is going to do. What are the impacts to our farmers, communities, residences and people of this county?
4. Preliminary identification of some of the impacts:
  1. Loss of prime agricultural land and production
  2. Impacts to Dairy Industry
  3. Impacts to at least 21 agricultural residences
  4. Disruption to the County circulation
  5. Impacts to emergency services

Kings County Exh. A-1

6. Impacts to energy production sites, such as solar development and Southern California Edison's new Mascot Substation, which are critical to providing energy to this local region
7. Impacts to agricultural supporting industries
8. Impacts to air-quality due to increased vehicles in County for HSR station, which will directly hamper Kings County's ability to comply with AB32. In the drafting of our 2035 General Plan, we worked closely with the State Attorney General's office to ensure that we were going to meet the provisions of AB32 and work toward greenhouse gas reductions. This project has the potential to increase that and directly hamper Kings County's ability to comply with AB32 if we have increased vehicle miles from outside travelers coming into this County, with no local offset.
9. The local impacts of HSR are going to hinder our local plans, our local policies, and our local efforts to comply with all of the state changes that come down through the legislature, such as AB 32 and SB 375, regarding sustainable communities. We have moved toward Smart Growth Principles in our General Plan update.
10. Recognizing all of this, CEQA is the cornerstone of this project and requires that you do a full evaluation of all potential impacts.

Kevin McAlister – Kings County Public Works Director

1. The closed Hanford and Corcoran Landfills are near the proposed alignment, no piles should be driven through the cap nor an embankment constructed on or near the site.
2. Designated Floodways – there are two designated floodways that cross the "preferred" route, one along Cross Creek and the other along the Kings River.
3. Encroachments in designated floodways have been an on-going concern for both Kings County and the Central Valley Flood Protection Board and the source of at least one lawsuit against the County. Regulations require a permit for "any project that proposes to work in a regulated stream, designated floodway on federal flood control project levee slopes or within 10 feet of the levee toe. Such activities might include but are not limited to: boat docks, ramps, bridges, sand and gravel mining, placement to fill, fences, landscaping and irrigation facilities."
4. Shorebird Mitigation Site -- Lake Kaweah Enlargement Project
5. Traffic circulation issues due to road closures
6. Construction activities impact on County roads.

Leonard Dias – Kit Carson School, Board Chairman

1. Ponderosa area
  - a. Potential decline in enrollment
  - b. Halts future growth
  - c. Loss of new building permit fees
2. Effect on bus routes
3. Negative impact of land investment in our district area
4. Property values could be affected.
5. Noise
6. The railroad will create a psychological barrier from the school

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Don Mills – Kings County Water District, General Manager

1. Additional permanent costs due to having to “work around” road closures – these additional yearly costs will be incurred forever. How will a one time mitigation cost be calculated?
2. Need to have pipe or culvert ditch crossing under rail line - \$100,000 - \$300,000 depending on the size of the canal and max water flow.
3. Who has liability for a canal under the rail line?
4. Liability of flooding fenced easement area.
5. There are 9 canals to be crossed in KCWD boundaries
6. Need to address the Kaweah Delta Water Conservation District mitigation site.

In keeping with the Coordination Process, we are demanding that the High Speed Rail Authority address and resolve the issues that were presented in this meeting. We asked during the meeting that we set a date within the next 45-60 days and offered dates between June 6<sup>th</sup> – June 24<sup>th</sup>. During the meeting the Authority representatives did not select a second date for coordination and instead recommended the County participate in the Technical Working Group meeting on April 27<sup>th</sup> at the City of Hanford Training Room.

To that, Larry Spikes, Chief Administrative Officer of the County responded:

*“What we are looking for is another date to come back into this process with answers to the questions that were raised here today specifically. Of course, you need to talk with others about what dates are available, we understand that, but we’d like you to respond accordingly within the timeframe suggested by the Chairman. The County would not be opposed to you having a meeting specifically with Mr. Gatzka and his staff to go over the information, to make sure those questions are understood so that when they can be responded to, it would be as clear as possible how you would address those issues before we come back into this setting.”*

Each of the issues raised by the various speakers requires review and resolution by the Authority. The designees who attended were provided ample opportunity to respond to each speaker and provided cursory responses based on information they had available at the time, but the magnitude of issues raised demands follow-up and a clear plan for resolution.

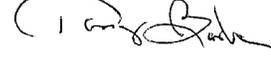
You may recall that the County’s Board of Supervisors has communicated their resolution (#10-033) to:

1. Support the continuing development of high speed rail on a state-wide basis;
2. Support a unified approach for the Central Valley, should the rail be designated to traverse through it;
3. Support routes that use existing transportation corridors and rights-of-way; and
4. Oppose any and all alignments where transportation corridors do not exist at the present time.

They have further communicated their resolution (#11-015) to document their concerns and demand resolution through the coordination process.

We are looking forward to your contact to arrange follow-up coordination meetings with you and your staff to resolve the conflicts, issues and impacts on Kings County’s policies and way of life as a result of the proposed Project.

Sincerely,



Tony Barba, Chairman of the Board of Supervisors  
County of Kings

Enclosure: Compact Disc Containing Recording of April 19, 2011 meeting  
Ccw/enc: David Valenstein, Environmental Program Manager - Federal Railroad Administration – Federal Lead Agency ([david.valenstein@fra.dot.gov](mailto:david.valenstein@fra.dot.gov))  
Roelof van Ark, CEO, High Speed Rail Authority

Ce/wout enc:

Larry Spikes, County Administrative Officer, County of Kings  
City of Hanford City Council  
City of Corcoran City Council  
Kings County Farm Bureau  
Kit Carson School District  
Kings County Water District

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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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CALIFORNIA HIGH SPEED RAIL AUTHORITY BOARD MEETING  
SACRAMENTO, CA  
MAY 5, 2011

EXCERPT OF RECORDED EXCHANGE BETWEEN CURT PRINGLE AND DIANA PECK

F.7

May 5, 2011 Excerpt of Curt Pringle Statement

[Response to Diana Peck's comments and inquiry regarding the Authority's refusal to "coordinate" with Kings County Board of Supervisors]

CURT PRINGLE: I have no idea what you are talking about and, in fact, all you heard throughout the course of today is coordination with various local government entities. You can talk to any of the counties that are your neighbors and if, in fact, Kings County, in this specific regard, and if you are the spokesperson for the elected officials of Kings County that's great.

DIANA PECK: No I'm not. I'm actually a witness to the process.

CURT PRINGLE: But they should, in fact, send me a note that they don't feel that they are being heard. I'd also like to just hear in a specific sense from some elected officials from Kings County because if your voice is that representation from Kings County, then I would like to be told that.

DIANA PECK: Ok, super.

CURT PRINGLE: In fact, you know it's hard for me to understand the level of contact, involvement and engagement that we have had throughout this corridor and then to hear that your assumption is people are taking you or your organization or businesses or local government for granted, that's certainly not the case. Now you can point to one

1

Kings County Exh. A-1

Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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or two specific examples where you are not happy or where an alignment discussion comes that you're not going to accept or that some of the businesses that are a part of your association, but in none of your remarks did you specifically reference any of the elements before us as to we don't like this because, or we don't like that because ...

DIANA PECK: We have been stating that. We have been stating that ...

CURT PRINGLE: No ma'am - you never stated it once today and I was listening to your words because what we are doing at this moment in time is talking about modifying the alternatives. If there is a modification you want to speak to and say don't do this because of that or consider this alternative because of that - you can claim that there is no public opportunity for you to express yourself, but guess what? You are expressing yourself in public.

DIANA PECK: I understand that..

CURT PRINGLE: So [with pointing fingers and condescending body language and hand gestures] this moment in time would have been the most appropriate way for you to say right here this affects a piece of property we don't like and it would be nice for this Board to hear it. This Board is a part-time board that meets once a month and some of us only spend about 20-25 hours a week providing additional support at no cost to the State, to hear and participate in events. You are more than welcome to come to the Kern County Council of Government's event that I am going to be speaking at, um, flying to Bakersfield for that single purpose, and then flying home to make sure I can administer the final exam to the class that I teach on Monday nights. But, none of us get paid to do this, so your

challenge of our staff and to say that, you know, nobody's listening to you. I, I, I, want to listen to you but I got to hear you. I got to understand what you are saying. So why don't you put it on a piece of paper and ...

DIANA PECK: We have...

CURT PRINGLE: No, no, no, I'm not going to have a give and take. I heard your point of view. I hope you heard mine. And then maybe you can be very precise and have the members of the Board of Supervisors specifically tell us where they have been denied an opportunity to participate. Where they wish to participate and where this alternative is taking your concerns for granted.

DIANA PECK: May I just say one more thing then? They have done that in this request to meet with you, but no one from the Board nor from senior staff was present, only the regional representation. And they did. So, I will leave this with you (the Board of Supervisor's April 19 Coordination meeting agenda packet). I will leave this packet. So, I'm under the assumption, then, that you have not seen this agenda packet which actually is the letter from the Board of Supervisors to the High-Speed Rail Authority, the response from the Authority, and the detailed list of conflicts to Kings County's plans.

CURT PRINGLE: So leave it with the staff. I've probably only looked at two to three thousand letters that I received.

DIANA PECK: It's actually an agenda packet.

CURT PRINGLE: It's wonderful that I might not have read two to three thousand agenda packets. I know I've

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---

read letters from various people around the State who have expressed precise issues relating to their farm property, their houses, their businesses and I think members of this Board do. As well as, that's the whole premise of having a staff developing alternatives analysis and giving you an opportunity to be precise in telling us what your concerns are.

DIANA PECK: I agree. And I believe that we have done that.

CURT PRINGLE: Thank you very much.

DIANA PECK: Thank you.

F.9

May 17, 2011 Correspondence from Authority to Board

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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May 17, 2011

*Kings County  
Administration  
RECEIVED*

MAY 19 2011

Mr. Larry Spikes  
County Public Administrator, Hanford  
1400 W. Lacey Blvd.  
Hanford, CA 93230

1400 W. Lacey Blvd.  
Hanford, CA 93230

F.10

May 27, 2011 Letter from Board to Authority

**Board Members:**

Curt Pringle  
Chair

Thomas J. Umberg  
Vice-Chair

Lynn Schenk  
Vice-Chair

Robert Balgenorth  
Russell Burns

David Crane  
Jim Hartnett

Thomas Richards  
Matthew Toledo

Roelof van Ark  
CEO

Dear Mr. Spikes:

The California High-Speed Rail Authority (Authority) has been developing the project-level Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield section of the California High-Speed Train Project over the last several years. We appreciate the input we have received to date on environmental issues and community concerns in your jurisdiction.

As we prepare for the release of the Draft EIR/EIS this summer, we would like to schedule a meeting to discuss project-level details with you and your staff and to verify that we have covered the issues of concern in the environmental document. If there are issues of particular interest that you wish to discuss, please advise us as to those issues at least a week in advance of our briefing.

Please contact Rebecca Nicholas at (916) 679-2341 or via email at [Rebecca\\_Nicholas@urscorp.com](mailto:Rebecca_Nicholas@urscorp.com), to schedule a meeting or to receive more information.

We look forward to continued collaboration on this project.

Sincerely,

Jeff Abercrombie  
Area Program Manager Central Valley  
California High-Speed Rail Authority  
(559) 801-1164  
[jabercrombie@hsr.ca.gov](mailto:jabercrombie@hsr.ca.gov)

s/s



Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**COUNTY OF KINGS  
BOARD OF SUPERVISORS**  
KINGS COUNTY GOVERNMENT CENTER  
1400 W. LACEY BOULEVARD, HANFORD, CA 93230  
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

JOE NEVES - DISTRICT 1  
LEWIS & STRATFORD  
RICHARD VALLI - DISTRICT 2  
GENERAL CORCORAN & SETTLEMAR CITY  
DOUG VERBOON - DISTRICT 3  
NORTH HANFORD, ISLAND DISTRICT & NORTH LEMOORE  
TONY BARBA - DISTRICT 4  
ARMONA, HANFORD & NEW HOME GARDEN  
RICHARD FAGUNDES - DISTRICT 5  
HANFORD & HOME GARDEN

Jeff Abercrombie  
California High-Speed Rail Authority  
May 27, 2011  
Page 2 of 2

May 27, 2011

Mr. Jeff Abercrombie  
Area Program Manager Central Valley  
California High-Speed Rail  
770 "L" Street, Suite 800  
Sacramento, CA 95814

VIA E-MAIL: [jabercrombie@hsr.ca.gov](mailto:jabercrombie@hsr.ca.gov)  
and U.S. MAIL

Re: Your May 17, 2011 Correspondence

Dear Mr. Abercrombie:

Your letter of May 17, 2011 to Larry Spikes was referred to me. Please note for future reference that Mr. Spikes is the County Administrative Officer, not the County Public Administrator.

The coordination process between the County and the High Speed Rail is being conducted by the Board of Supervisors and, as such, please direct all future correspondence to me. Please do not confuse Kings County Planning staff's willingness to meet with your technical working group as coordination. In fact, the overture and two actual meetings were to provide you with information to assist you in more fully understanding the County's issues in order to more fully respond to the Board as to how you intend to resolve the numerous issues raised by the proposed project as outlined in our April 19, 2011 coordination meeting and follow-up correspondence to Curt Pringle dated May 5, 2011. I have enclosed an additional copy of that letter for your easy reference.

It appears from your May 17, 2011 correspondence that you may be confusing the EIR/EIS process with the distinct, but related coordination process between the County and the High Speed Rail Authority. As indicated both during the multi-hour coordination meeting which you attended on April 19, 2011, and in the follow-up May 6, 2011 correspondence, there are numerous "issues of concern" and "issues of particular interest" that the County wants to continue to discuss and which the High Speed Rail authority must resolve. Thank you for scheduling a follow-up coordination meeting with the County for that purpose on June 7, 2011. To accommodate that meeting, please find enclosed a draft proposed agenda.

The agenda approach begins with County staff recapping the issues raised at the April 19, 2011 meeting, and then giving you and your team from High Speed Rail the time necessary to respond with High Speed Rail's proposed resolutions. We would then propose that the County have the opportunity to clarify matters that remain outstanding after your presentation, and schedule a follow-up coordination meeting to continue the process of discussing and resolving all outstanding issues.

I would also like to formally request an administrative copy of the draft EIR/EIS prior to its distribution for comments from the public. The purpose of this preview would be to ensure that each and every issue and concern raised by Kings County in its coordination process is being addressed consistent within the specific parameters required by the National Environmental Policy Act and 42 USC 4332(E), 40 CFR 1501.2(c), 40 CFR 1506.16(c) and 40 CFR 1506.2. The Board of Supervisors of Kings County understands from your letter that the Authority "has been developing the project-level Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Fresno to Bakersfield section of the California High-Speed Train Project over the past several years", but it was not until the Board demanded coordination over the last couple months that the Authority actually engaged with the County to discover the proposed projects' impacts on the County's adopted planning policies, public safety and the community impacts. On behalf of the Board I am assuring you that the County will continue to expeditiously coordinate with the Authority to address these important issues that you must resolve as part of the environmental review process for the project.

Please let Deb West, Assistant County Administrative Officer, know by 4:00 p.m. on June 1, 2011, whether you have any additions to the draft agenda. She may be reached at 559-582-3211, ext. 2380, or by e-mail at [deb.west@co.kings.ca.us](mailto:deb.west@co.kings.ca.us). I thank you for agreeing to meet and look forward to meeting with you on these important issues of great concern to Kings County.

Sincerely,

COUNTY OF KINGS

By: Tony Barba, Chairman of the Board of Supervisors

Enclosures:

- 1. 5/6/11 Letter to Curt Pringle, Chairperson - California High-Speed Rail Authority
- 2. DRAFT 6/7/11 Agenda

H:\CORRESPN\2011 HSR Ltr to Abercrombie 5-27-11.doc

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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F.11  
April 19, 2011 Coordination Meeting Transcripts

1                   BEFORE THE BOARD OF SUPERVISORS  
2                   IN AND FOR THE COUNTY OF KINGS  
3  
4  
5 In re:  
6 STATE OF CALIFORNIA            )  
  HIGH SPEED RAIL AUTHORITY    )  
7    )  
8  
9 Hanford, California  
10 April 19, 2011  
11  
12  
13  
14                   REPORTER'S TRANSCRIPT  
15    OF  
16                   PROCEEDINGS VIA DIGITAL RECORDING  
17  
18  
19  
20  
21  
22  
23  
24  
25 DANETTE M. HENDRIX, CSR 6412

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1 APPEARANCES:  
2 TONY BARBA, Chairman, Kings County Board of Supervisors  
3 JOE NEVES, Supervisor, Kings County  
4 DAVE PUTNAM, Assistant Sheriff, Kings County  
5 LARRY SPIKES, Chief Administrative Officer, Kings County  
6 JEFF ABERCROMBIE, Central Valley Area Program Manager,  
California High Speed Rail Authority  
7 BRIAN PORTER, Senior Environmental Planner,  
California High Speed Rail Authority  
8 JIM KILNER, Fire Chief, Kings County  
9 TOM TRACY, Regional Manager for Fresno/Bakersfield Section  
California High Speed Rail Authority  
10 TIM NISWANDER, Agricultural Commissioner, Kings County  
11 DOUG VERBOON, Supervisor, Kings County  
12 GREG GATZKA, Community Development Agency Director,  
Kings County  
13 KEVIN MCALISTER, Public Works Director, Kings County  
14 COLLEN CARLSON, County Counsel, Kings County  
15 LEONARD DIAS, Board President, Kit Carson Elementary  
School District  
16 DON MILLS, General Manager, Kings County Water District  
17 GLEN RIDER, Public  
18 JOHN LEHN, President/CEO, Kings County Economic  
Development Corporation  
19 MANUEL CUNHA, President, Nisei Farmers League  
20 JOHN TOS, Public/Landowner

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Kings County Exh. A-1

1 HANFORD, CALIFORNIA  
2 APRIL 19, 2011  
3 -----  
4 TONY BARBA: Let's go. Good afternoon. It's  
5 a little after 2:00, April 19, 2011. Time of  
6 place for a special meeting with the High Speed Rail  
7 Board.  
8 First of all, have the role call. Joe  
9 Neves [Here], Richard Valle is absent, Doug Verboon  
10 [Here], Tony Barba [Here], Richard Fagundes is  
11 absent.  
12 If you all stand and join me in the pledge  
13 of allegiance, please.  
14 (Pledge of allegiance recited.)  
15 TONY BARBA: Thank you. Okay. I've got a  
16 scripted two-hour welcome -- ha, ha, ha.  
17 JOE NEVES: Could I have the short version,  
18 please.  
19 TONY BARBA: Okay. I'd like to start the  
20 meeting this afternoon by expressing my  
21 appreciation of the High Speed Rail Authority  
22 members and executive director for coming to Kings  
23 County.  
24 As you know, the reason you are invited  
25 here today is to raise issues and coordinate

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Kings County Exh. A-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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1 resolutions for the issues regarding the high  
2 speed rail project proposed alignment through  
3 Kings County.

4 As stated in the March 4, 2011, letter to  
5 Mr. Roelof Van ark, CEO of the California High  
6 Speed Rail Authority, this board resolution,  
7 adopted May 25th, 2010, supports the continuing  
8 development of statewide high speed rail systems,  
9 support throughout to use existing transportation  
10 corridors and rights of ways, and opposes any and  
11 all alignments that transportation corridors --  
12 where transportation corridors do not exist.

13 Should system designate an alignment  
14 through some of the Central Valley, the board  
15 supports a unified approach among the local valley  
16 -- local agencies of the valley.

17 We not only believe this government to government  
18 coordination process is essential to a successful  
19 high speed rail project, we feel it is required by  
20 law.

21 In that regard, we have itemized the  
22 following issues and questions that require  
23 resolutions as a coordination starting point.

24 Number one, Kings and Madera counties and  
25 the cities of Hanford and all local agencies in

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Kings County Exh. A-1

1 the Central Valley have expressed specific support  
2 of high speed rail through existing transportation  
3 corridors.

4 What process we use to choose a route  
5 through Kings County that avoids existing  
6 corridors, such as 99 or I-5, and purportedly cuts  
7 through prime agricultural land.

8 How can the County of Kings and other  
9 local agencies coordinate expected impacts of the  
10 system on local communities if there is no  
11 prominently identified mapped showing the  
12 alignment of the rail?

13 How can Kings County -- how can the County  
14 of Kings and other local agencies coordinate  
15 expected land use and circulation replanning if  
16 there has been no identification as to the number  
17 and location of roads that might be closed within  
18 Kings County due to the rail alignment?

19 How can the county and its city schools  
20 and special districts protect the health, safety,  
21 and welfare of constituents if it does not have  
22 project details?

23 I would like to acknowledge and welcome  
24 concerned City Council members, city managers, and  
25 others involved in the provisions of service and

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1 protection to their communities.  
2 We have prepared -- we have a series of  
3 prepared presentations as outlined in the agenda.  
4 We will hear presentations and then allow the  
5 Authority to respond after each presentation. We  
6 will save public comments until all presentations  
7 have been made and responded to.  
8 The first presentation will be made by  
9 Assistant Sheriff Dave Putnam.  
10 DAVE PUTNAM: Good afternoon. My name is Dave Putnam.  
11 I'm the Assistant Sheriff of Kings County on  
12 behalf of Sheriff Robinson.  
13 What Sheriff Robinson did was consult with  
14 his staff, and he's put together basically bullet  
15 points in no particular order issues of concern,  
16 areas of concern. They're not in any order of  
17 importance, per se, or all-inclusive obviously,  
18 but I'll just go through these briefly without  
19 taking up too much time, and then we can have any  
20 discussion.  
21 Like I said, they're in no particular  
22 order, so I'll just start at the top as outlined  
23 in Sheriff Robinson's documents.  
24 The first bullet point is that he truly  
25 believes there would be an increased amount of

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Kings County Exh. A-1

1 inmates for the Kings County Jail with the rail  
2 system through Kings County. This could compound  
3 our already huge issue of overcrowding and courts  
4 required population capacity.  
5 So I guess the big question on the jail  
6 side of it is will there be some booking fees,  
7 subventions, some housing fees.  
8 Obviously, with the increased bookings,  
9 we're going to have to transport an additional  
10 quantity of inmates to the court process.  
11 Transportation to courts to and from could cause  
12 a strain on our already busting at the seams  
13 jail, and that's in -- on the cusp of realignment  
14 issues from the state where we're going to be forced to  
15 take and house state inmates which could just destroy  
16 our capacity at the county jail.  
17 Secondly, our dispatch communication  
18 system realistically could see a huge increase in  
19 calls to the dispatch center. This could require  
20 additional staffing.  
21 Our emergency calls could increase  
22 immensely. Cell phone 911 calls could increase  
23 immensely. With these additional calls for  
24 service, we can see a huge strain on our response  
25 to the more patrol force, which is already --

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1 which I probably refer to this a dozen times in my  
2 short time up here, but our patrol staffing --  
3 we're facing huge cuts at the state level with  
4 uncertainty of the state budget and our reports  
5 possibly and all cuts budget.

6 At this point, we don't know how the  
7 strain is already going to be on our patrol staff.  
8 And then if we have these huge amounts of  
9 increased calls for service.

10 Continuing on, road blockage during  
11 construction and after completion. Obviously,  
12 during construction, we're going to have access to  
13 East portions of the county that are going to  
14 be blocked, and obviously this could cause a delay  
15 in response time which could put the public in  
16 jeopardy, and I think fire will talk more about  
17 that. But our response to emergency calls to  
18 domestic violence calls, to medical aid calls,  
19 it's already a tricky proposition on the north  
20 side of the county by the river, to be on the  
21 proper side of the river. Now, if there are any  
22 access roads that are closed for long periods of  
23 time, our response time could be eight, ten miles  
24 out of the way to respond to something out there.

25 Our belief is that the high speed rail

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Kings County Exh. A-1

1 would surely be identified as a target for  
2 terrorism.

3 We know that the rail structure in California  
4 and the United States is a common target that is  
5 identified through our training at the state and  
6 through our terrorism liaison, especially  
7 locations where the station could be. Potential.  
8 I'm not saying it would be or it is, but that's  
9 identified as a major infrastructure, and is there  
10 a plan in place to address this?

11 Next, we believe there will be an increase  
12 in noise complaints. Obviously, we won't have a  
13 lot we can do to mitigate this or to -- but we  
14 will be required to respond, and this will take  
15 patrol personnel on the street away from other  
16 higher priority calls or delay their response to  
17 higher priority calls.

18 Again, during the construction phase, we  
19 see it all over the place, the solar construction,  
20 any time there is construction, there is a  
21 potential for theft, a huge potential for theft.

22 This will obviously require our response.  
23 It will require follow-up investigations. It will  
24 require out of county investigations, too. Which  
25 will deplete our local resources for response to

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1 calls for service.

2           Also, it will deplete our investigative  
3 staff that are required to go out of county to  
4 conduct proper follow-up to try to apprehend the  
5 suspects and hold the responsible persons  
6 accountable.

7           Along with this, it's also the  
8 responsibility of the sheriff's office to  
9 investigate industrial accidents. Potential for  
10 that to occur during construction.

11           Our personnel, our patrol personnel are  
12 responsible to respond to the construction site  
13 and investigate a report and report that  
14 information to OSHA, California occupational  
15 safety agency.

16           It may cause a strain on our coroner's  
17 office, too, if there are any fatal industrial  
18 accidents. No guarantees that will happen, but  
19 it's just a consideration.

20           Will animals be allowed to be transported  
21 on the high speed rail. If so, there may be  
22 animal service problems at the station. Our  
23 animal services division will be required to  
24 respond.

25           Also, this could be a collection ground

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Kings County Exh. A-1

1 because of waste that some of the strays may  
2 collect at this location and require our  
3 attention.

4           Public rail stations have been identified  
5 as a place where homeless people sometimes tend to  
6 congregate, beg for food or money, or use the  
7 public facilities. What accommodation will be  
8 made in this aspect?

9           And some of these homeless people have  
10 mental issues we'll have to address, and in Kings  
11 County we are very understaffed and underfunded to deal  
12 with this population.

13           Some of the calls that we expect at a rail  
14 station would be fights, thefts, vandalism,  
15 burglary, and various other crimes. And any  
16 mitigation in place to help us deal with that  
17 additional volume of calls for service?

18           Will there be a high speed rail police  
19 force of any sort or security force, and what kind  
20 funding is set aside to augment public safety  
21 issues to respond to some of these concerns.

22           Jurisdictional issues. Will there be  
23 holding cells at any of the stations? Will this  
24 be a Kings County sheriff's office substation?  
25 Eventually, will these be annexed into the city,

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1 and then the city police will have the  
2 responsibility?  
3 And what powers will the public safety,  
4 whatever law enforcement is in force out there,  
5 will the security force have the power to detain  
6 and wait for us.

7 Will there be any kind of holding  
8 facilities if we have an extended estimated time  
9 of arrival?

10 And then, court costs obviously will  
11 increase. If we're making an arrest out there,  
12 deputies will have to testify in court, and this  
13 will be on overtime, and it will cause additional  
14 probationers and parolees and cause a strain on  
15 the victim witness staff for victims.

16 And now I'm stepping into some other  
17 departments, but that is a run-through of the  
18 bullet points as listed by Sheriff Robinson.

19 Like I said, he was careful to take input  
20 from all of his staff. He visited dispatch, the  
21 jail, animal services, patrol and detectives, and  
22 our records division, and took input from all  
23 parties and compiled this bullet points.

24 Like I said, they're in no particular  
25 order, not all-inclusive, but just some of the

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Kings County Exh. A-1

1 issues that probably have been had some thought  
2 put into them, but we just would like to make the  
3 statement in an open forum like this and bring our  
4 concerns to the table.

5 LARRY SPIKES: Mr. Chair, before we proceed,  
6 perhaps if I can get Mr. Abercrombie to introduce  
7 himself and all the other folks who are here from  
8 the High Speed Rail Authority before they respond  
9 with some of the questions.

10 Also, I want to point out that I think our  
11 vision is that you can respond. Obviously, our  
12 desire is to have you respond, but if not here  
13 some of those things can be taken under  
14 advisement, and we would expect another meeting  
15 and then we can have some of these questions  
16 answered at a subsequent time frame.

17 So with that, I would ask you to introduce  
18 your folks and go from there.

19 JEFF ABERCROMBIE: Perfect. Perfect. I do  
20 appreciate that opportunity. I did want to open.  
21 Chairman Barba, supervisors, I do appreciate and  
22 thank you for having us here today.

23 My name is Jeff Abercrombie, and I'm the  
24 area program manager for the Central Valley for  
25 the high speed rail authority.

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1 And I'd like before I begin to acknowledge  
2 your March 4th letter and my response which was  
3 April 11, and a couple points I do want to make  
4 with regards to it.

5 For the record, first, the authority does  
6 believe that since 2007 the meeting dates that  
7 we've had, as well as the plans that we have for  
8 future meetings, which I'll touch on in a little  
9 bit, to fulfill the goal that you're seeking for is to  
10 ask for information and to provided information.  
11 We'll continue to do so as we prepare for the  
12 draft and as we prepare to come to a final  
13 EIR/EIS.

14 Since 2007, we've had 60 stakeholder meetings  
15 within Kings County with a variety of people.  
16 There have been at least 20 specifically with the  
17 City of Hanford, or their staff, and 20 with Kings  
18 County representatives since that time.

19 These meetings are sometimes informal,  
20 meaning on the council basis or city manager  
21 basis, supervisor basis. And sometimes they've  
22 been formal with regards to what they call the  
23 technical working group meetings, or sometimes  
24 earlier they are referred to as TAGS, but which we  
25 would share proposed alignments, status of the

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1 project to date, issues and concerns that we were  
2 able to gather at the time, provided input as we  
3 went through the process since then, and some of  
4 them have been documented in the alternative  
5 analysis reports which have been presented  
6 publicly and then to the High Speed Rail Board.

7 Two meetings that we have coming up I'll  
8 make note of right now is we have a technical  
9 working group scheduled to be back here to meet  
10 with the city, county, on April 26th, and if you  
11 haven't received notice we'll make sure you get  
12 it. And then the public information meeting will  
13 be held on May 17.

14 I'd also like to make note, in terms of  
15 what I address in the letter, that the Authority  
16 does not feel that the provisions that you have  
17 cited in the Federal Land Policy Management act or  
18 the ISTEA are directly applicable to this project,  
19 nor do we agree with your review and legal basis  
20 for the effort of coordination.

21 We are conducting our environmental  
22 reviews analysis according to NEPA and CEQA, CEQA  
23 being the most stringent process in the nation  
24 with regards to what is required of  
25 infrastructure-type projects.

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1 With that said, and what I have reiterated  
2 whenever I go to this type of meeting, is we are  
3 here to work with you, we're here to try and do  
4 our best to accommodate every issue that you  
5 raise, to work into getting it into the  
6 environmental document and the environmental  
7 process to give you the information and the  
8 answers that you guys in the communities are  
9 seeking.

10 And so, over the course over the next  
11 several months I do expect to be back here and I  
12 do expect to provide the answers that you're  
13 seeking.

14 Our admin draft EIR/EIS will be ready for  
15 internal review in the middle of May.

16 And at that time specifically not  
17 including the technical working groups we will be  
18 coming back and want to come back to share with  
19 you some of the details that are in there.

20 We'll talk about what's in there today,  
21 but in a little more formal setting with regards  
22 to those that are interested about the specifics,  
23 response times, and how they're documented, and  
24 those types of issues in the report.

25 Who I have here with me today on my far

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1 right, representing the technical engineering  
2 side, is Tom Tracy. He's been with the project  
3 for four-plus years now or thereabouts.

4 And on my near right is Brian Porter, who  
5 has also been with the project quite a while, and  
6 he will attempt to answer the procedural and the  
7 context questions regarding the EIR/EIS drafts.

8 And I think, Brian, I'm going to ask you  
9 to try to take the Sheriff's questions, comments,  
10 and see if you can provide a summary to that.

11 BRIAN PORTER: Okay. Terrific. Good afternoon,  
12 everyone. Again, my name is Brian Porter, and I'm  
13 a senior environmental planner that works with the  
14 Authority in Sacramento.

15 Just by way of introduction, we're happy  
16 to be here. We're eager to address your concerns.  
17 As Jeff mentioned, we're in the process now of  
18 compiling what we call an administrative draft  
19 environmental impact report, environmental impact  
20 statement, that complies with the California  
21 Environmental Quality Act, or as all you folks  
22 know it CEQA, as well as the National  
23 Environmental Policy Act, which is the federal  
24 NEPA legislation that governs the evaluation of  
25 federal environmental projects.

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1 This draft environmental document, as Jeff  
2 indicated, will initially be ready for internal  
3 review in the middle of May. It's envisioned as a  
4 13 chapter document, about this thick. I've been  
5 told not to share how many pages. I'm kidding.  
6 It's a big document.

7 And in support of that environmental  
8 document, there will be a number of technical  
9 studies that address transportation impacts, air  
10 quality, water resources, hydrology, and so forth.

11 It's good that we talk or start the  
12 discussion about safety and security and  
13 fortunately we will have a section within our  
14 environmental document specifically devoted to  
15 addressing safety and security issues associated  
16 with the construction and the operation of the  
17 proposed project.

18 That specific section will talk about  
19 police services, fire services, emergency response  
20 services. It will talk about the operation of the  
21 train itself along the alignment, the protection  
22 measures that will be implemented to prevent human  
23 access to the tracks.

24 The system, as you probably know, is to be  
25 a fully electrified grade separated system. So

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1 we, and the local communities here, want to make  
2 sure that no unwanted trespassing occurs on the  
3 system.

4 In response to your specific questions, it  
5 has yet to be decided by the Authority as to  
6 whether we will have our own police service, so to  
7 speak, or whether that -- those services will be  
8 contracted out between the Authority and the  
9 individual jurisdictions. That is something  
10 that's still has yet to be decided.

11 But it's safe to say that that -- the  
12 safety and security of the people that ride the  
13 system, the people that support the system as  
14 employees, and certainly the residents and  
15 employees where the system will be located need to  
16 be provided whatever measures are deemed necessary  
17 to provide for the safe and secure operation of  
18 the system.

19 Let's see. You raised a number of  
20 questions. I think it's probably -- in summary,  
21 it's safe to say that once the project is approved  
22 and once the project moves forward from the  
23 preliminary engineering phase into the final  
24 design phase that there will be an active effort  
25 on the part of the Authority to work with the

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1 local jurisdictions, the City of Hanford for sure,  
2 Kings County for sure, to work through again the  
3 safety and security issues in terms of  
4 safeguarding, for example, the construction sites  
5 to minimize the opportunity for theft.

6 We share your mutual concern about  
7 minimizing and hopefully eliminating any type of  
8 industrial accidents that occur on-site.

9 The Authority is -- intends to retain  
10 construction contractors that are familiar with  
11 building this kind of large project, that  
12 certainly are conversant and fully intend to  
13 implement all the applicable provisions under OSHA  
14 and the federal occupational safety and health  
15 administration.

16 I think I'll stop there. Have I -- I know  
17 I haven't addressed all your specific topics, but  
18 is there one or two that you have a special  
19 concern I can try to address?

20 DAVE PUTNAM: No, I just wanted to make public  
21 what our concerns were, and that they're being  
22 worked on.

23 No, there is not any specifics that I  
24 wanted to bring to your attention. I do  
25 appreciate the fact that you're thinking about

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1 possibly a force that we could work jointly with.  
2 You know, that's the concerns -- I just  
3 echo your concerns from the public safety  
4 standpoint of security.

5 But as I have outlined, it could cause a  
6 strain on our already strained resources. I just  
7 want to hit that point home, that resources are  
8 strained and without some mitigation -- and the  
9 only thing, in particular, that maybe you could  
10 comment on at this point is during the early  
11 phases of construction, in my estimation, there  
12 would be road closures, and that's the biggest  
13 concern, is our response time and ability to  
14 respond to those areas that are affected by that  
15 during construction.

16 So if I had to pick out one of my concerns  
17 early on, it's the ability to effectively and  
18 safely and timely respond to emergency calls for  
19 service that would be East of the track alignment  
20 on any closed roads. So that would be the one I  
21 would be most curious about.

22 JEFF ABERCROMBIE: Those are the types of things  
23 that we would like to work with you in regard to  
24 the technical working group because you know your  
25 territory and the roads the best.

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1 The Authority is very open to meeting  
2 those needs, whether it's a cell at a station,  
3 whether that again is because of your needs or  
4 because of the Authority having their own police  
5 force, as an example, but in terms of construction  
6 and whatnot, there is a lot of flexibility, both  
7 with where the permanent overcrossings will end up  
8 in the County and, like I said, whether it's for  
9 fire, whether it's for police services, or either of the  
10 emergency services, you need it on one particular  
11 road or avenue versus another, those are things  
12 that are easily accommodated.

13 As far as how we stage construction, when  
14 we go to that phase and we build our contracts,  
15 those are conditions that we can exercise upon the  
16 contractor. So that he can, for example, only  
17 close one road in, say, a given area at a time.  
18 And we can make those provisions. But that's the  
19 type of -- exactly the information we would have.

20 Part of the information that -- we don't  
21 have that until we really have a proposed  
22 alignment, and to pursue that in great detail.

23 DAVE PUTNAM: Thank you. We just have to work  
24 real close together on that to make sure we have  
25 safe routes to get to our calls on the East side

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1 of a track alignment.

2 I'm sure the fire department will touch  
3 more upon routes to calls in prompt response. Thank you,  
4 very much.

5 TONY BARBA: Next commenter is Fire Chief  
6 Jim.

7 JIM KILNER: Good afternoon. My name is Jim  
8 Kilner. I'm the Kings County Fire Chief. And I  
9 have with me -- I brought backup -- Deputy Chief  
10 Brian Marshall from Kern County Fire, and  
11 Battalion Chief Matt Dunham, from Fresno County  
12 Fire, also.

13 What prompted this meeting is -- we had a  
14 meeting this morning, as a matter of fact, and as  
15 we were -- we call them in the fire station whatifin  
16 whatifin we were to do this, and we're -- because we  
17 haven't been included, by whatever reason, in the  
18 thought process of the whole thing, we're the guys  
19 that you call when something goes wrong.

20 You know, it's one of those things that we  
21 find when people build big buildings and large  
22 projects that usually they talk to the fire  
23 department after the fact. But when something  
24 goes wrong, it's our fault.

25 So one of the things that we did -- that I

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1 wanted to talk about up front was that you're  
2 building it right through one of my brand new fire  
3 stations. You know, it's got two helicopters  
4 there, Medivac helicopter, things like that, which  
5 makes a problem. I can't afford to build another  
6 one. So we'll be talking about moving us.

7 The other thing that I wanted to talk  
8 about -- and Assistant Sheriff Putnam was  
9 saying -- that, yeah, we are concerned about the  
10 road closures, both during construction and after  
11 the project's done and you guys have all gone home.

12 We have -- especially in the northeast  
13 part of the county, we have a fire station at  
14 Sixth Avenue and Clinton, which is up out of  
15 Kingsburg, which puts it on that side of your  
16 tracks. The other stations are on this side of  
17 your tracks.

18 With that, with the river, the natural  
19 road closures associated with the Kings River, we  
20 do have problems.

21 Sometimes if a person makes a wrong turn  
22 in a fire engine, it's ten miles out of its way to  
23 get back to where he needs to be. Obviously, we  
24 can't be there in three minutes to save a life.  
25 That's a huge issue.

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1 And to be honest with you, I've been  
2 watching the maps, and I have talked to Greg  
3 Gatzka many times and his staff about proposed  
4 corridors, and as we go, yeah this right here, is my fire  
5 station four on Houston Avenue, just east of Highway 43.

6 I was okay with that being over there.  
7 Unfortunately, there is apparently some grading  
8 that is going to be right almost up to the fire  
9 station. That is my fire station training grounds  
10 and two helipads. So we just can't pick up and  
11 move anywhere to do that.

12 So with the road closures up there, you  
13 know, we definitely need to make sure that we do  
14 have access points to and from.

15 It did concern me when you were talking  
16 about access for unwanted people. You know,  
17 sometimes when we have a medical aid on the Amtrak  
18 train, the train either goes to the station and  
19 we're waiting for them at the station, or they  
20 stop, depending on what kind, and we have to track  
21 them down.

22 If we were to have a heart attack, that's  
23 a question that I have, a simple medical aid,  
24 where it's just one engine company, an ambulance  
25 company, sheriff. Trains going 200 miles an hour

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1 coming from Bakersfield, are you going to stop in  
2 Hanford? Are you going to go to Fresno? What are  
3 you going to do? Big concern for us.

4 And then if we have to track you down in  
5 the middle of a field, are my people going to be  
6 electrocuted trying to get out there to get the  
7 person off of the train?

8 The other issues that we are asking about,  
9 too, is a major incident. God forbid we have a  
10 200 mile an hour plus train going across Kings  
11 County and a tractor that doesn't want to go down  
12 to the crossing and goes across, and we have an  
13 unfortunate incident.

14 We've heard that the train will be  
15 elevated, we've heard it will be at grade, will it  
16 be underground, depending on the final decision,  
17 each one of those in itself present a problem for  
18 us.

19 If it's elevated, in talking to chief  
20 Marshall, we have one ladder truck in the county,  
21 and I'm sure you probably carry more than just a  
22 couple people on the train.

23 So if we have to get up and get them off  
24 the train fast, we're going to have an issue with  
25 that.

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1 We run single person engine companies.  
2 We're a rural fire department where we run single  
3 person engine companies, backed up and supported  
4 very well by volunteer fire fighters. I don't  
5 think we have the staff to take care of an  
6 unfortunate issue, especially a catastrophic  
7 issue.

8 People say in the fire house, now, you  
9 know, it never happens or I don't think it will  
10 happen with this train, but I think they can back  
11 me up that we have issues with Amtrak every year,  
12 and that's only a 70 mile an hour train. And a  
13 200 mile an hour train is probably going to bring  
14 its own issues.

15 Probably space shuttle laying on the  
16 ground out there. Pieces of train every where.

17 Anyway, that's a lot of the concerns that  
18 we have. I appreciate being able to talk to you  
19 about it. And we definitely would like to be  
20 involved and talking to my backup's bosses, too,  
21 they definitely want to be involved. They're easy  
22 to talk to, and it would be kind of nice to be  
23 involved with the building instead of after the  
24 fact.

25 JEFF ABERCROMBIE: We do have the technical

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1 working groups set for Fresno and Merced, Madera, and I  
2 don't recall the dates, you can see me after the  
3 meeting, if you otherwise -- you should be on the  
4 list, but I'll make sure otherwise.

5           The Authority is putting together a safety  
6 plan with regards to it, and in most cases because  
7 we're going 220 miles an hour we're going to go  
8 to the station in terms of first response because,  
9 one, it's easier for you to, and, two, it's going  
10 to be a heck of a lot faster for us to get there  
11 than for you to find us out in the middle of a  
12 field.

13           With regards to ladder trucks and things  
14 like that, those are all things that I believe are  
15 covered in the EIR.

16           So talk a little about that, if you will,  
17 Brian, about the EIR stuff, and then if there are  
18 technical issues, I heard it, and I think it had  
19 to do with the fire station, Tom, you can take  
20 that.

21           BRIAN PORTER: And I was going to mention this  
22 earlier when the deputy spoke with us. The  
23 Authority does not want to do anything to increase  
24 response times. That's something we don't -- we  
25 find undesirable and, of course, you would as

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1 well.

2           So, again, just to speak to what Jeff just  
3 said, the Authority will put together a fire and  
4 safety plan with your input and assistance to  
5 identify if road closures are scheduled to occur  
6 whether there is a readily convenient way to still  
7 get to the other side of the tracks within the  
8 response time that you've set.

9           Am I correct that the response time is  
10 generally -- is it, what, less than 15? Ten  
11 minutes? I forget.

12           JIM KILNER: The ideal standard is to be  
13 within five minutes of a call 90 percent of the  
14 time. However, we're a rural fire department, so  
15 we bump that to about ten minutes, 15 minutes at  
16 the maximum, 1300 square miles, 1300-plus square  
17 miles, 10 fire stations, so it's a hike for us  
18 anyway.

19           BRIAN PORTER: Right.

20           JIM KILNER: So with all due respect and all  
21 of that, you know, we fight fire a lot differently  
22 than LA City and San Francisco and the big  
23 departments, and I think that, you know, if you're  
24 going to get input, you probably need to talk to  
25 just about all of the gamuts of the fire

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1 departments because we're all under the same  
2 budget stresses, and we're lucky to keep the  
3 staffing and resources we have now.  
4       And even if we say, oh, yeah, we're on  
5 board, let's do this today, no telling what  
6 tomorrow is going to bring either for us.  
7       So with that being -- I wanted that on the  
8 record to be said.  
9       BRIAN PORTER: And then in terms of your  
10 question about a heart attack on the train or some  
11 other kind of medical emergency, Jeff is  
12 absolutely right. The train would proceed to the  
13 nearest station, meet you folks, and then the  
14 exchange could take place.  
15       In the event there is something  
16 catastrophic that happens on a train, an  
17 earthquake, something of that nature --  
18       JIM KILNER: We'll go with that.  
19       BRIAN PORTER: We'll go with that, yeah.  
20       The system will be designed -- Tom  
21 probably knows better than I. But in terms of the  
22 propulsion system, which will be monitored by the  
23 Authority's operation center, it will  
24 immediately -- for example, if there were an  
25 earthquake, there would be monitors actually

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1 embedded in the system itself that would detect  
2 the ground movement.  
3       And if it's of -- poses a safety risk, the  
4 train would automatically shut down, and all  
5 electrification to the system would automatically  
6 shut down.  
7       So, if there was a need - and again,  
8 this is something that we would not want to  
9 happen, but if there was a need for the people to  
10 actually exit the train, there would be -- the  
11 electrical system would be completely shut down to  
12 prevent any electrocutions.  
13       But, again, in the overhead catenary system,  
14 that's true. Hopefully that addresses some of  
15 your questions.  
16       TOM TRACY: If I could add a couple things.  
17 I'm Tom Tracy. I'm with the program management team. I'm  
18 regional manager for Fresno/Bakersfield section.  
19 I manage the design team that is doing most of the  
20 design work and environmental work on this  
21 project.  
22       I just wanted to add a couple things.  
23 About the proximity of the alignment to your fire  
24 station -- and I believe that you're referring  
25 to -- we have a planned overcrossing there where

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1 we would have -- you know, we would take the road  
2 up and over, and so we would need some sort of  
3 fill there. That's fairly flexible on how we  
4 design that.

5 So if you have seen a footprint map that  
6 shows a large fill, we've done that to show kind  
7 of the worst case for our environmental studies,  
8 but we can work with you to design that.

9 Another thing that I wanted to point out  
10 that maybe isn't clear to everyone, the way this  
11 system is designed, it's fully grade separated,  
12 but it's also fully protected from intrusion.

13 So there are going to be -- there will be  
14 a fence. The fence will be -- it's a high -- a  
15 very strong fence with computerized monitoring all  
16 up and down the system.

17 So, one, we would tend to prevent any  
18 breach or entrance into our right-of-way. So it  
19 would be harder for somebody to cross it for us to  
20 run into them.

21 And, two, if did happen, the train would  
22 know about it well before it got there.

23 And Brian mentioned shutting down the  
24 system if there is an incident. The operations  
25 center will know where the train is. So if it

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1 shuts down, if it stops in the middle of nowhere,  
2 the first responder agency would get the  
3 information that says it's here, and so that's another  
4 thing.

5 We are working on a threat and  
6 vulnerability assessment part of our process after  
7 we set where is the line, where is the train going  
8 to be, is to come back and work with your agencies  
9 and say -- work that out collaboratively, and we  
10 can all plan on all those contingencies. So I  
11 wanted to just add those view points.

12 JIM KILNER: There will be access points every  
13 so many miles? Hundred feet?

14 TOM TRACY: Right.

15 We're going to have access points all  
16 along the line at different places for us to get  
17 on the system to do our maintenance. So we'll  
18 have access at least every five miles just because  
19 that's where our electrical stations are going to  
20 be.

21 There will likely be some even  
22 interspersed in there to get other maintenance  
23 things.

24 But as Brian said, the first thing really  
25 we want to do is if there is some incident that

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1 the train can't keep operating, we'll take it to a  
2 station. And that's the first choice. And there  
3 are other different choices along -- that go down  
4 from there.

5 JIM KILNER: Thank you.

6 TONY BARBA: Next presenter is the ag  
7 commissioner, Tim Niswander.

8 TIM NISWANDER: Good afternoon. Tim Niswander,  
9 Kings County Agricultural Commissioner.

10 When I attended the hearing with the  
11 Assembly ag committee meeting up in Madera  
12 recently, I brought up a question about the  
13 aerodynamic effects of this vehicle  
14 traveling at 200 miles an hour on cultural  
15 practices with agriculture, especially if a grower  
16 happened to be spraying in his field right by the  
17 tracks, what kind of effect would that 200 miles per  
18 hour vehicle have on any of the spray that is kind  
19 of hanging a little bit in the air, and the grower  
20 being able to control where that goes until the  
21 train comes through there. Will it pull it down  
22 the tracks?

23 I recently heard -- since this assembly  
24 meeting, I recently heard of an event that  
25 happened I think here in Kings County. I need to

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1 double check. I have the person's name. With a  
2 freight train.

3 A freight train created the effect of --  
4 the vortex effect that I was speaking of in  
5 Madera -- and moved the spray material offsite and  
6 caused crop damage on an adjacent crop. And  
7 freight trains don't go 200 miles an hour and, of  
8 course, they're not aerodynamically designed like  
9 this passenger train would be.

10 So there is something to that argument,  
11 and I will point out, like I did then, conditions  
12 aren't the same in Spain or France or Japan,  
13 wherever it is, as they are here in the San  
14 Joaquin Valley with that regard.

15 So I think that's something that you might  
16 want to check with the builder of that train and  
17 actually have them do a scientific experiment with  
18 it using spray nozzles to see the droplet size and  
19 whatnot and what effect it has on movement of  
20 those just to -- but a negligible effect  
21 isn't good enough here in California unfortunately.

22 High Speed rail Authority, you testified  
23 at that hearing about remainder parcels that are  
24 not economically viable for a grower to continue  
25 farming due to access issues and the size of that

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1 remainder parcel.

2 I asked a question about what is going to  
3 happen to those, and I was told that you guys  
4 would purchase those properties. Or actually that  
5 was the answer to somebody's question, you would  
6 purchase those properties.

7 So I raise the question, the ag  
8 commissioners in the valley need to know what you  
9 plan to do with those pieces of property.

10 Mr. van Ark said we'll manage or we'll  
11 maintain them, but how? You know, we need to --  
12 we need a better answer than that.

13 A rail line of this nature has the potential  
14 of increasing or mileage and labor costs as the  
15 department with respect to -- guessing -- you  
16 might have crossings every four or five miles. I  
17 don't know if you're going to have them every  
18 mile, or each of the county's roads will have a  
19 crossing, or just the more primary type roads.

20 We have a pest detection program where we  
21 put traps out. Should we ever get an invasive  
22 pest with this kind of a line, just as a freeway  
23 would cause, you can only cross the road at  
24 certain increments, and then you have to travel  
25 back to where you want to go. So that would add

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1 to -- that would add to our costs.

2 During the construction of the rail line,  
3 if there is any kind of landscaping, plants,  
4 commodities, or anything of that nature, I don't  
5 know that you would have that along the rail line,  
6 but we need to know what you plan to bring in and  
7 it does need to be inspected and all of that for  
8 safety with our environment and our crops.

9 Also, vegetation management along the rail  
10 line. We're interested in how you're going to  
11 maintain that.

12 Also, any type of grading that you do,  
13 wherever there is a berm, you can look at any of  
14 the freeway overpasses with the dirt that's built  
15 up, it becomes habitat for various types of  
16 varmints that have caused problems with our  
17 highways sometimes, where we get pavement to drop  
18 down or whatever. We've had some river banks,  
19 flood levies breach because of rodents burrowing  
20 through.

21 And then when we get a good year of water  
22 like this year, then we have problems. But with  
23 the rail, I don't foresee water going across at  
24 some point.

25 As far as economic effects, I was asked to

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1 speak a little to that. Your proposal suggests a  
2 100-foot path or swath.

3 I don't know -- yeah, right-of-way.

4 I don't know if -- where you're following  
5 a transportation corridor if where that corridor  
6 the current corridor's right-of-way ends is where  
7 yours begins, or there is a little overlap as far  
8 as the net acreage that you would be taking out.

9 But just hypothetically speaking, this  
10 looks like it's going to be a minimum of 12 acres  
11 per mile, and trying to figure how many miles is  
12 that, I haven't seen anything that says how many  
13 linear miles will be going through Kings County,  
14 but a best guess is we're looking around 600 acres  
15 of land being taken out of production.

16 We did a five-year average on the gross  
17 value of crops grown in the area, and the average  
18 of that five-year average is \$3800 per acre gross  
19 value.

20 Times that -- well, I went with a minimum  
21 of 557 and a half acres. That's a loss of  
22 \$2,147,000 to the ag industry itself.

23 To the county, using University of  
24 California's multiplier for economic contribution  
25 to the economy, that's seven and a half million

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1 dollars lost to Kings County.

2 And I haven't heard anything other than  
3 the rail will provide jobs which contributes to  
4 the economy and whatnot.

5 Can it overcome that much of a loss to our  
6 economy from ag? That's all I have.

7 JEFF ABERCROMBIE: Brian, would you -- can you  
8 talk about the excess property \*\*\*

9 BRIAN PORTER: Sure. I'll give it a shot.

10 I appreciate your comments again about the  
11 aerodynamics of the train and it going by at 220  
12 miles an hour.

13 As I mentioned in Madera, the 220 miles an  
14 hour if you're standing adjacent to the track,  
15 back say 10 or 20 feet, the momentary gust of wind  
16 that will go by will last -- we've calculated less  
17 than a second in terms of it speeding by.

18 But to speak to your point in terms of the  
19 impact on the spraying, we too have given that  
20 discussion or analysis in the environmental  
21 document.

22 From our perspective, given the quickness  
23 of the train going through, and hopefully the  
24 folks who apply the aerial spraying, you know,  
25 can -- will work with us in terms of when the

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1 train will go through, that they can apply their  
2 pesticide.

3 TIM NISWANDER: This case that I spoke of, I was  
4 told that part of the court settlement as to who  
5 is liable for that crop loss that it created, that  
6 one of the outcomes of that was that the rail  
7 provided information to the growers two hours in  
8 advance of when a train should be/would be passing  
9 through so that the grower would know  
10 approximately when he has a window of opportunity  
11 to spray there close and move on.

12 Growers tend to do that beside roadways,  
13 anyway. They'll pick a time when there are fewer  
14 cars going by.

15 DOUG VERBOON: We try to do that.

16 BRIAN PORTER: Tom just made the astute  
17 observation that we are going to run on a  
18 schedule, but irregardless we would be interested  
19 if you can provide us additional information about  
20 the freight train and the residual drops and the  
21 crop damage that ensued, we'd be very much  
22 interested in any documentation that you have.

23 DOUG VERBOON: If I can add a little bit, it's a  
24 type of spray, also. I mean, you're going to go  
25 from the airplane/helicopter will not be able to

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1 or won't spray near your tracks, so now you're  
2 limited to using ground rigs, and it changes the  
3 whole way of your application. So your cost goes  
4 up a little bit, and your time of spray goes up a  
5 little bit, so the farmers have to work around  
6 your schedule now that you've gone through their  
7 ranch.

8 DOUG VERBOON: It's like having a school nearby  
9 your ranch.

10 BRIAN PORTER: You raise the question  
11 about the remainder parcels and the maintenance  
12 and either Jeff or Tom, I don't -- yeah, the  
13 authority will maintain those remnant parcels, you  
14 know, in terms of the weed control, pest  
15 avoidance, all that kind of thing.

16 Again, the Authority will work closely  
17 with you to make sure that all of your specific  
18 concerns are addressed because they obviously  
19 don't want a problem to get established and  
20 increase over time.

21 I would imagine that we will, in terms of  
22 the introduction of vegetation along the  
23 alignment, to the degree that -- again, I don't  
24 believe that's been considered at this point, but  
25 should that occur, again, we obviously would be in

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1 contact with your office and talk with you about  
2 suitable vegetation and landscaping.

3 And then, I can't unfortunately speak to  
4 your economic impact calculation. We'll take a  
5 look at it. It is part of I believe the letter  
6 that was sent to the Authority.

7 But we'll ask the agricultural economists  
8 that are under contract with the Authority to look  
9 at that issue and provide you a response.

10 JEFF ABERCROMBIE: I'm just going to add in terms  
11 of excess parcels that the idea is we would like to  
12 be able to return them back to agricultural use.

13 For example, we're going to do what we  
14 can, so, yeah, our right-of-way abuts up to an  
15 existing, whether it's BNSF or Caltrans or --  
16 depending on where we're at, in fact, in a couple  
17 areas where -- since we're turning at a much  
18 larger radius than BNSF, we'll intend to realign  
19 BNSF up to our tracks so that we eliminate an  
20 otherwise isolated piece of land. Therefore,  
21 then, that other piece can either go back to  
22 production or be used for whatever the county sees  
23 as appropriate.

24 But, yeah, the idea is we want to see it  
25 go back to the community for what the community

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1 sees is an appropriate use. We're not in the land  
2 holding business from that standpoint. So that  
3 was all I wanted to add.

4 TIM NISWANDER: So where you have the alignment,  
5 is it going to share part of an existing  
6 right-of-way used by BNSF or state highway, or  
7 will it be in addition to -- you know --

8 TOM TRACY: For the most part, it will be in  
9 addition to. We will be abutting. There are  
10 numerous locations where we will share  
11 right-of-way or our right-of-way will narrow  
12 because of a particular feature we have to either  
13 go over or under or around or whatnot.

14 You know, based on those constraint  
15 points, we could narrow the right-of-way. But,  
16 for the most part, it will be 100 foot abutting  
17 BNSF.

18 TIM NISWANDER: Thank you.

19 TONY BARBA: Next commenter is Public Works  
20 Community Development Director Greg Gatzka.

21 GREG GATSKA: Thank you, chairman, members of  
22 the board, high speed rail staff, Greg Gatzka,  
23 Kings County Community Development Agency  
24 Director. Glad to see all of you here to help  
25 answer some of these questions because, Mr.

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1 Abercrombie, even though you've stated that you've  
2 been coordinating since 2007, high speed rail  
3 staff has, there has been a reluctance on  
4 releasing a lot of the project level detail  
5 information in terms of the project.

6         30,000 foot project detail information  
7 really doesn't get us the kind of information we  
8 need to know how those impacts are going to relate  
9 to the people that live here, have businesses, and  
10 farm this land.

11         So part of that -- recognizing that most  
12 of you aren't probably from around here, if there  
13 was a development project, large scale, big  
14 development project coming into Kings County, CEQA  
15 is obviously going to be the key to that.

16         What I can tell you is Kings County is not  
17 a stranger to visionary projects. And I think so  
18 far, with 30,000-foot elevation project details on  
19 this, this is a visionary project because we don't  
20 have the project-level details to know what those  
21 impacts are going to be.

22         In fact, we only got recently, as of  
23 yesterday, got the specific alignment or the  
24 latest alignment in GIS format to actually start looking  
25 at some of these things, which is referenced by the

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1 maps that you have back here that have actually  
2 brought to our attention that there are other  
3 impacts we weren't even aware of, including the  
4 fire station.

5         These are very problematic because to  
6 reference 2007 and coordination meetings of that  
7 nature really is not coordination.

8         Meaningful coordination is disclosing  
9 project-level detailed information.

10         As a practitioner, Mr. Porter, with CEQA,  
11 I think you can appreciate what I'm stating.

12         In relation to that, big visionary  
13 projects, if it's not going to meet muster with  
14 CEQA, it never even gets before a board or  
15 planning commission.

16         And why is that? Because we're going to  
17 insure that those project-level details are all  
18 included and disclosed because otherwise we're  
19 looking at lawsuits, we're looking at project  
20 delays.

21         And I think that's what we're starting to  
22 see with the approach that's being used by the  
23 high speed rail because we haven't gotten those  
24 details yet. Okay?

25         So part of that -- what I wanted to share

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1 with you, maybe you're not local enough here, but  
2 to give you a little lesson in Kings County  
3 history, because the farmers of this county really  
4 are the backbone, and back in the 1800s when the  
5 Southern Pacific Railroad first came through and  
6 had a lot of settlers that came in, they improved  
7 the land, put canals, made it highly productive,  
8 and then turned around took their land away,  
9 resulted in one of the biggest gun battles in  
10 1880. Right here in our county.

11 I don't know if you're aware of it, but  
12 actually even Mr. Bill Cook, you may have seen him  
13 on Channel 26 actually almost a year ago, gave a  
14 presentation on that, and his parting comments  
15 were we know the high speed rail is coming your  
16 way. Is history -- are we destined to repeat  
17 history?

18 And he left that as a parting comment with  
19 us. And that was very interesting because now  
20 we're at the point where we're trying to work with  
21 you, I appreciate you are here, we're trying to  
22 engage in meaningful coordination to understand  
23 really what is this project going to do to impact  
24 those farmers, the communities, those residents  
25 and people that are in this county.

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1 So preliminary identification of some of  
2 the significant impacts that we know. Loss of  
3 prime agricultural land in production. We do know  
4 it's going to impact the dairy industry. We know  
5 dairies are going to be impacted by it.

6 We've identified at least 21 agricultural  
7 residences that are going to be impacted.

8 These are based upon the alignment that we  
9 just got yesterday from of your staff members.

10 Disruption to the county circulation,  
11 impact to emergency services, and like I mentioned  
12 we just were aware that fire station number four  
13 where their helipad, as the fire chief has  
14 mentioned, impact to energy production sites, we  
15 have solar projects that are being developed,  
16 large investments are going into that to meet the  
17 state's need that they have placed on PG&E and  
18 Southern Cal Edison for one-third renewable  
19 energy. We have those.

20 Your alignment also goes over the Southern  
21 Cal Edison mascot substation that is also critical  
22 to providing energy to this local region.

23 So we have that impact to agricultural  
24 supporting industries. Obviously, you're talking  
25 about compensating farmers for their land, and as

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1 the ag commissioner has mentioned there is a  
2 multiplier effect because there is a whole bunch  
3 of supporting industries that rely on those ag  
4 products that are generated here.  
5 Air quality. We know there is going to be  
6 impacts on that. The ridership coming to the  
7 station is going to increase the vehicle miles  
8 traveled coming into this county.  
9 Already, we're under AB 32 for greenhouse  
10 gas reductions.  
11 Now, having being the primary author of  
12 the Kings County General Plan that was recently  
13 adopted January 26 of last year, I can tell you  
14 for a fact that we had to work closely with the  
15 state Attorney General's office to insure that we  
16 were going to meet those provisions and work  
17 toward greenhouse gas reductions.  
18 This project has the potential to increase  
19 that and directly hamper Kings County's ability to  
20 comply with AB 32 if that station is built here  
21 and we have vehicle miles traveled increase from  
22 outside travelers coming into this county, but yet  
23 no offset. There is going to be statewide  
24 offsets. This is obviously a beneficial project  
25 statewide, but why I'm here today is to talk about

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1 the local impacts.  
2 And local impact means what is this  
3 project going to do, and how is that going to  
4 hinder our local plans or our local policies and  
5 our local efforts to comply with all of the state  
6 changes that come down through the legislature, AB  
7 32 being one of them, another one being SB 375  
8 with sustainable communities which we have moved  
9 toward smart growth principals in our general plan  
10 update.  
11 Recognizing that is again -- CEQA is  
12 obviously the cornerstone of this whole project  
13 that you're working on.  
14 The unfortunate thing is that this goes  
15 before the high speed rail Authority and will  
16 never come before the board of supervisors for  
17 review or approval.  
18 This is a statewide project. However, it  
19 still requires that you do a full evaluation of  
20 all potential impacts.  
21 Now, impacts to the local communities,  
22 which is Kings County, any of our cities or  
23 unincorporated communities, really means that you  
24 need to engage in all of us, my agency, all of our  
25 departments in meaningful coordination, not just

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1 listening sessions. Okay?

2 The only way you can do that is by  
3 releasing specific project-level details so we can  
4 actually evaluate it and work with you to identify  
5 those.

6 If not, you're going to prepare an EIR  
7 document that's going to be full of holes because  
8 you won't have the extra hindsight of knowing what  
9 our service levels are, what our resources are, to  
10 the level of detail that we do and we maintain  
11 locally.

12 So that lack of project-specific details  
13 is really what brings in the question of the high  
14 speed rail authority's intended release of the EIR  
15 and the EIS.

16 Which brings me to my next point. The  
17 high speed rail authority, as the lead agency on  
18 these environmental documents, will undoubtedly do  
19 a statement of overriding considerations on a  
20 number of significant impacts. I think that's  
21 going to be the -- pretty much the given through  
22 this project.

23 The unfortunate thing, is it going to be  
24 reliable and stand up in courts if it hasn't fully  
25 addressed all the detailed information from the

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1 local entities that should be providing you that  
2 detail if we had the project information to be  
3 able to give you some feedback on it that is  
4 meaningful.

5 In terms of CEQA, and I'm not going to go  
6 into detail on this, but in the CEQA checklist,  
7 these are a number of different areas as  
8 practitioners of CEQA that we would have to go  
9 through and evaluate a project.

10 Agricultural resources. We know there is  
11 going to be a conversion to what I would say urban  
12 type uses with the high speed rail.

13 Air quality. We know there is going to be  
14 additional air emissions.

15 Hydrology and water quality. There is  
16 going to be issues with groundwater. You are  
17 going to be transversing across flood zone  
18 territory.

19 Land use and planning. This project  
20 already with the high speed rail station is in  
21 direct conflict with our land use plans that are  
22 adopted in our 2035 Kings County General Plan.

23 Mineral resources. Prime soils. We hear  
24 that there is potential elevated tracks, at grade,  
25 we don't know because we've heard back and forth,

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1 but we do know that the alignment is going to take  
2 away certain prime agricultural land. But we  
3 don't know the extent of that, if you're going to  
4 need additional soils to take from the adjacent  
5 lands.

6 If you follow suit from the way Caltrans  
7 usually does their projects, they actually  
8 increase their right-of-way so they can do their  
9 own mining activities and add it to their  
10 projects.

11 These are project-level details that we  
12 haven't had disclosed to us to even understand  
13 what is the impact going to be to the loss of  
14 prime farm land within Kings County.

15 In terms of noise, we know that we're  
16 going to have added noise impacts from the rail  
17 line coming through here.

18 Public services. You've heard the  
19 sheriff. You have heard the fire chief mentioning  
20 some of those. But there is a whole host of other  
21 project-level impacts that will impact  
22 governmental services.

23 We've had a large development project that  
24 couldn't answer the basic questions of how it was  
25 going to cover the extra cost and facilities that

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1 will be needed to replace due to the impacts that  
2 that project would do. There is a lot of  
3 unanswered questions in relation to that.

4 Transportation and traffic. Obviously,  
5 we're going to have connectivity throughout Kings  
6 County be disrupted. We don't even know which  
7 roads you're talking about closing, doing  
8 overpasses, and I think just as of yesterday and  
9 today we have seen some of those, and today we  
10 indicated that the fire station would be impacted  
11 by it.

12 That is not meaningful coordination when  
13 you do not release that information until right  
14 before the day you're going to have the meeting  
15 with us.

16 Utilities and service systems. Water and  
17 sewer systems. If we're talking about a high  
18 speed rail station, we're obviously talking about  
19 somebody who is going to have to service that.

20 If you're not familiar with Kings County,  
21 all of our cities and communities are impacted by  
22 arsenic. We have struggling communities that are  
23 trying to find ways to finance their water  
24 systems. A lot of them have needs for improving  
25 their sewer systems.

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1 So when you're talking about growth  
2 impact, growth inducing factors with high speed  
3 rail station, with transportation oriented  
4 development around it, you are directly talking  
5 about impacting our local communities and cities.

6 In terms of our general plan, land use  
7 element, resource conservation element,  
8 circulation element, health and safety, noise, air  
9 quality, and dairy, those will all be impacted by  
10 this project.

11 Because the project was never taken into  
12 consideration, and even though we prepared it  
13 between 2006 and 2010, there was no meaningful  
14 sharing of specific project-level detail except  
15 for the visionary alignment.

16 Therefore, that detail was never added to  
17 the general plan, analyzed, or looked into as to  
18 what those potential impacts would be, or even  
19 looked to work with the high speed rail authority  
20 to design our policies to work with it.

21 The only thing that we were left with was  
22 to actually add a policy to insure if this thing  
23 is coming this way that Kings County will  
24 coordinate with the high speed rail authority, and  
25 that's what we have going on today.

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1 Even though despite the statement from the  
2 high speed rail authority that this doesn't apply  
3 under the NEPA process.

4 All of these elements are going to be  
5 impacted. If you've ever done a general plan  
6 update, these things are multi-year task events.  
7 Mr. Porter, I think you can understand that.

8 And after you've gone through years of  
9 re-evaluating that, presenting it to the public,  
10 and going through that process, you still have the  
11 EIR process to go through.

12 I'm talking about three to five years  
13 worth of work plus anywhere from half a million to  
14 multi millions of dollars that Kings County will  
15 have to pay from their taxpayers to update these  
16 plans to bring them back into conformance due to  
17 the changes that the high speed rail will do.

18 If you can see this, part of what we've  
19 integrated into the general plan by integrating  
20 smart growth principals is to -- as an  
21 agricultural county -- is to identify where are  
22 the different types of land uses that we're going  
23 to have, types of urban environments, and if  
24 you're familiar with Andre Dwani and his smart  
25 growth principals, this is where we integrated

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1 into it.  
2           Coming from a rural transect to an urban,  
3 we've identified natural corridors, natural  
4 habitat, agricultural open space, and then what we  
5 called rural interface, which are tiny urban  
6 pockets that we will not allow to grow because  
7 they don't have the urban or municipal services.  
8 Those are identified in the red.  
9           Orange are the incorporated communities  
10 that the county does have jurisdiction over. Those are  
11 allowed to grow some, but yet they are impacted  
12 because they are served by special districts. The  
13 county does not provide urban water and service provisions  
14 for them, but special districts do.  
15           And then we have the blue areas, which are  
16 what we call urban fringe.  
17           So we have our land use policies that  
18 relate to all of this, which our high speed rail  
19 alignment goes through, is all predominantly  
20 agricultural land, over some of our natural lands,  
21 and into some of the urban fringe.  
22           However, when you look closely into that,  
23 this one here represents our general plan land use  
24 designations.  
25           Now, the high speed rail alignment going

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1 through Corcoran, going through the eastern parts  
2 of Hanford, those maroon-type colors are the  
3 actual urban growth boundaries that Kings County  
4 has come up with in working in coordination with  
5 the Kings County Association of Governments in  
6 developing the Kings County blueprint which went  
7 into the San Joaquin Valley blueprint efforts.  
8 That identifies where the urban growth boundaries  
9 were outlined going to 2050.  
10           High speed rail station is actually in a  
11 small portion or it's been planned == actually  
12 it's in a small portion right there, but any  
13 additional growth beyond that was never factored  
14 in.  
15           There wasn't a vision to have a high speed  
16 rail station there. That's actually a little bit  
17 of urbanized area that's a little finger that the  
18 City of Hanford does not have in their city  
19 limits, it's in the county, but it was considered  
20 a part of an urban extension of the city.  
21           When we talk about agriculture, we have  
22 all of the agricultural crops mapped out in Kings  
23 County. That represents a \$1.4 billion  
24 agricultural production value for Kings County.  
25           You apply the multiplier effect that the

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1 ag commissioner's identified, and then you are  
2 looking at the heart of Kings County in terms of  
3 where the economic value is generated.

4 And if you can look up to the northern  
5 parts of the county, we have these mapped out by  
6 different types of crops, your field crops in  
7 light green, your fruit and nut crops in the  
8 purple, and then vegetable and sheep crops in the  
9 darker green, livestock and poultry in the brown.

10 High speed rail and your curvature is  
11 actually going through one of the most productive  
12 areas for a lot of the fruit and nut crops.

13 What does that represent? Let me go on to  
14 more detail. Thanks to your high speed rail  
15 alignment coming in yesterday, we've been busy  
16 coming up with some of these maps.

17 We have developed here in the general plan  
18 a priority agricultural land model which  
19 identifies not only the different types of crops  
20 that are grown here, water availability, soil  
21 content, to look and see where are the highest  
22 priority agricultural lands in Kings County.

23 Because that is, again, the backbone of where our  
24 county generates a lot of its economic income.

25 As you can see, in the color patterns, the

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1 darker the red, the more intensive we know that  
2 those are areas that are highly valuable to the  
3 county in terms of agricultural economic impacts  
4 to the county, positive impacts.

5 We've taken your alignment, we've actually  
6 taken and highlighted every crop land that touches  
7 that alignment, that represents approximately 7100  
8 acres, not meaning that the alignment is going to  
9 take it all out, but it is going to traverse  
10 across about 7100 acres of specific growing crop  
11 areas.

12 If you have an orchard and it's a hundred  
13 acres and it's adjacent to it, that hundred acres  
14 has been taken into it. So that's what it  
15 represents. It's not that the high speed rail  
16 alignment is going to take all of it out, but it  
17 is in some manner going to impact approximately  
18 7100 acres.

19 If you took that 7100 acres and factored  
20 in the values that we get from the agricultural  
21 commissioner, and this is based on the 2008  
22 production values, and this represented the types  
23 of crops that we identified in there, almonds,  
24 walnuts, pistachios, peaches, nectarines, plums,  
25 cotton, and other field crops, that represents

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1 \$8,200,000 roughly in agricultural production  
2 to the county.

3 I had mentioned the urban -- the blueprint  
4 urban growth boundaries. That's what we have  
5 there with the alignment, but in addition to that  
6 Kings County looked to add increased farm land and  
7 agricultural mitigation efforts in some of the  
8 most pristine corridors that we did not want urban  
9 encroachment.

10 This is actually one of the policies that  
11 your project is in direct conflict with.

12 The light blue areas that you see above,  
13 which is above the purple areas, which is  
14 Hanford/Lemoore, that is the area that the county  
15 has identified for prioritized ag mitigation for  
16 preservation efforts to prevent urban  
17 encroachment.

18 You can see the alignment that we've  
19 added, which is the dark blue, actually goes right  
20 through the eastern portion of that, just  
21 northeast and the east of the City of Hanford.

22 In terms of dairies, we've overlined this  
23 alignment, and we've looked at it. We are certain  
24 that the alignment is going to directly impact  
25 five -- we said bovine facilities, because there

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1 is one that is not a dairy, so there is four  
2 dairies but one additional heifer ranch, so we  
3 claimed it bovine facilities.

4 There are five that are going to be  
5 impacted by the alignment going straight through  
6 them. But in addition to that, let me show you  
7 the blue areas. The blue areas that you see  
8 around that are all the wastewater disposal areas  
9 that are necessary to maintain dairies. So in  
10 addition to those five that are going to be  
11 impacted, we're looking at six other ones that are  
12 going to lose some of their crop land that  
13 justifies their existence for the amount of herd  
14 capacity they have.

15 We are talking about 11 roughly dairy  
16 facilities that are going to have to probably go  
17 back through the dairy review process to evaluate  
18 their permits as a direct impact with this high  
19 speed rail project.

20 Now, under CEQA, they don't allow any  
21 provision in there for talking about economic  
22 impacts, but I think that directly comes back to  
23 Kings County, and what the heart of this is, and  
24 that the agricultural industries are the backbone  
25 of Kings County. The dairies are the backbone of

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1 Kings County.  
2           And if you look at what the unemployment  
3 rates are around here, you're talking about  
4 directly impacting the local economy, which people  
5 that live here rely upon.  
6           With Kings County being at 18.4 percent  
7 unemployment right now, if you look at our other  
8 communities, some are worse and some are better,  
9 your impact with high speed rail project and  
10 disrupting the agricultural production values here  
11 is a direct impact on a situation that we're  
12 already faced with just due to the local economy.  
13           This unemployment, the downturn in the  
14 economy really cannot afford the additional  
15 impacts of a project that is going to come in here  
16 and just replace the value of land, but yet do  
17 nothing to replace the agricultural production  
18 value and the economy associated with it.  
19           And I haven't heard anything from the high  
20 speed rail staff to actually even address that. I have  
21 been to the other meetings, I have been to the  
22 Madera oversight hearing, and I am closely  
23 listening to this because this is a big  
24 development project, and in my opinion it's  
25 looking for the path of least resistance, but it's

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1 not taking into account the full impact it's going  
2 to have on the local people that live here, grow  
3 food, and supply fiber to not only the state but  
4 the rest of the nation and parts of the world.  
5           You need to take that into consideration.  
6 If you're going to do a meaningful project that  
7 you really want to have come through Kings County,  
8 you need to start today to actually start an  
9 honest full disclosure sharing what are those  
10 project-level details going to be so that we can  
11 actually really, as planners and practitioners of  
12 CEQA, really look at the real impacts and not try  
13 to streamline a project through an approval  
14 process to do a statement of overriding  
15 considerations that really hasn't done its due  
16 diligence to look at all the meaningful things  
17 that us, as planners and practitioners, of this  
18 type of profession are really here to do.  
19           Those are in relation to the general plan.  
20 The dairy element. I mentioned that would be  
21 impacted.  
22           These are from the circulation element.  
23 We do have -- we do work closely with fire and the  
24 sheriff. These are emergency evacuation routes  
25 that we do have for the county.

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1           These are some -- and then they coordinate  
2 with the Public Works Department for maintenance.

3           You are talking about a high speed rail  
4 project that will directly impact a lot of our  
5 emergency evacuation routes, yet we've heard  
6 nothing in terms of how that's going to be dealt  
7 with, except that -- what I have heard from you is  
8 that after we approve the project, after we've  
9 gone through the environmental review, then we  
10 have flexibility to figure out how we're going to  
11 deal with that. That doesn't work in terms of  
12 project-level details.

13           This is an example for you. In terms of  
14 meaningful coordination, we do coordinate with the  
15 Naval Air Station Lemoore and the federal  
16 government.

17           And let me share with you any time we're  
18 working with the Naval Air Station, they  
19 understand that local impact, because if they  
20 don't work closely with us and we don't work  
21 closely with them, that base cannot survive in our  
22 county and provide the western defense for the  
23 United States.

24           What the federal government does and the  
25 base -- and we give credit to the base officers

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1 and liaisons -- is they actually share a lot of  
2 the project-level detail information with us even  
3 before it gets out to the public view. They  
4 invite us into their processes for administrative  
5 draft.

6           I have not heard anything whatsoever in  
7 terms of allowing us to be able to view those  
8 documents. I've only heard that we're going to be  
9 treated as another member of the public and see it  
10 when the publically released draft is going to  
11 come out.

12           This example right here, what you're  
13 seeing up there, are noise contours for the new  
14 F-35 joint strike fighter, and this information  
15 was released even before it became public.

16           The reason was is because those noise  
17 contours directly do have an impact within our  
18 community, and because of that we were able to  
19 work with the base to make sure that they could be  
20 adjusted a little bit so that our community of  
21 Stratford, that is down here, down toward the  
22 south, would not be directly impacted by those  
23 noise contours.

24           They were overlaying it at first when the  
25 first drafts were coming out. In coordination

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1 with the Naval Air Station, we worked  
2 cooperatively with them to see how can we both in  
3 collaborative, cooperative planning efforts work to  
4 make sure that we can meet both the needs of not  
5 only the base, but the local residents as well.  
6 This is a perfect example of what coordination is  
7 really intended to do.

8           And, again, we work closely with our law  
9 enforcement and fire. To give you another example  
10 in our health and safety element, which is  
11 actually, if you get a chance, it's actually the  
12 framework for our smart growth implementation  
13 because it's about the built environment, it's  
14 about where people live, and enhancing the quality  
15 of that.

16           But in addition, we also partner with the  
17 Kings County Fire Department. In their recent  
18 update of the multijurisdictional, multihazard,  
19 mitigation plan, we have directly integrated that  
20 into our safety element, which has now become our  
21 health and safety element.

22           These are all efforts that Kings County  
23 does, our departments do, on a daily basis working  
24 together to cooperate and coordinate with each  
25 other so that we move forward with plans that are going

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1 to address the needs of the local residents and the  
2 communities.

3           That's the last part on the planning, but  
4 if I shift my hats a little bit, I'm also the  
5 executive officer for the Kings County LAFCO, and  
6 just to briefly touch on a few items of that, when  
7 you're talking -- this is really more specifically  
8 in relation to the high speed rail station.

9           The high speed rail station is talking  
10 about urban growth. And the urban growth, if  
11 you're familiar with the Cortisi Notsburg Act of  
12 2000, it changed the state laws on how we deal  
13 with urban growth expansion and growth of cities  
14 and community districts to accommodate that growth  
15 that is always coming.

16           There is a requirement for municipal  
17 service reviews. LAFCO has authority over the  
18 sphere of influence of the cities and the special  
19 districts.

20           The high speed rail station is beyond  
21 those boundaries. What we have an agreement with  
22 the City of Hanford is a municipal service review  
23 that justifies their existing general plan  
24 designated areas as they are today.

25           Anything beyond that, you're talking about

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1 a general plan update for the City of Hanford  
2 because Kings County is not going to be engaging  
3 in urban growth environments outside the city  
4 limit boundaries because the county does not  
5 provide municipal services of sewer and water.  
6 If it's going to come here, it's going to  
7 have to coordinate with the city. They are going  
8 to have to do some type of general plan update.  
9 They're going to have to address LAFCO with a more  
10 extensive municipal service review to look at  
11 everything in terms of their water, sewer, police, fire,  
12 all of the services that would be necessary to  
13 accommodate that.  
14 And then the issue of the sphere of  
15 influence is going to have to be expanded, which  
16 is then going to be in direct conflict with the  
17 county's policies for preserving those areas that  
18 are some of the highest productive agricultural  
19 lands.  
20 JEFF ABERCROMBIE: I'm trying to decide what  
21 specific questions we want to cover. It was in  
22 great detail, and I suggest that maybe we have a  
23 specific meeting just for that.  
24 But I will ask Brian to talk a little bit  
25 about the -- how the Authority the NEPA/CEQA

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1 process, be in joint, and how that affects the  
2 requirements that we're following under because  
3 this is a federal rail project. So, Brian, why  
4 don't you try to address that.  
5 BRIAN PORTER: I also want to compliment you on  
6 your presentation. It was very, very good.  
7 A number -- we're eager to share with you  
8 project-level details that you're interested in  
9 reviewing. Absolutely.  
10 And the purpose of this environmental  
11 document is in the spirit of disclosure to share  
12 the potential impacts and the potential mitigation  
13 that might be offered to address those impacts.  
14 To pick up on Jeff's point, I think it  
15 would be worthwhile for us to come back and have a  
16 sitdown meeting with you and your staff to address  
17 a number of comments that you have raised.  
18 The Attorney General's office provides  
19 legal counsel to the high speed rail authority.  
20 The City of Hanford and Kings County, as well as  
21 others, have expressed an interest in wanting to  
22 review technical documents. They're now in  
23 preparation by the Authority's consultants.  
24 Because we are preparing a joint NEPA CEQA  
25 document, the Authority and the FRA, the Federal

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1 Railroad Administration, which is the federal lead  
2 agency, have agreed to provide the administrative  
3 draft of the environmental document to the Corps  
4 of Engineers. They're the only -- in this  
5 particular instance, in this section, the only  
6 federal agency that will review the admin draft,  
7 and no state agency.

8 But having said that, the Authority  
9 management has been very, very adamant with the  
10 staff and ourselves that we want to reach out to  
11 local jurisdictions to address your specific  
12 concerns verbally.

13 I know that may not be as satisfactory as  
14 you'd like, but at this stage in the process, and  
15 I hope I'm okay saying this, Jeff, but we would be  
16 happy to come back and sit down with you for a  
17 three, four, five-hour meeting, whatever it takes,  
18 to go through and at least begin to address the  
19 specific concerns that you have raised in your  
20 presentation.

21 The environmental document for the Fresno  
22 Bakersfield section will become available in July,  
23 and I know you'd like more detail before then, but  
24 at this stage that is the approach we'd like to  
25 offer.

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1 TONY BARBA: The next presenter will be Public  
2 Works Director Kevin McAllister.

3 KEVIN MCALISTER: Good afternoon. Public Works  
4 has some concerns, several concerns regarding the  
5 location of the preferred route, which, of course,  
6 now has been superseded by the route shown on the  
7 back wall, so my comments may have to change a  
8 little bit based on some information I have  
9 gleaned from looking at that.

10 The first site here showed the closed  
11 Hanford landfill. This landfill was closed in  
12 2000 at a cost of over \$3 million.

13 Although the rail does not show any  
14 footprint actually sitting on the landfill itself,  
15 it does need to be looked at and all impacts  
16 address that the waste authority does not incur  
17 any additional regulatory or financial burden  
18 caused by such a feature being constructed  
19 immediately adjacent to or on top of the landfill.

20 I would also like to point out that  
21 immediately East of the landfill footprint, there  
22 is a ditch that would have to be relocated as  
23 well. So there would be need to coordination with  
24 the local ditch company.

25 This shows the -- I'll hold my comments

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1 for another slide for the Corcoran landfill which  
2 is very similar.

3 Two other features that we're concerned  
4 with. The orange-ish feature is the Cross Creek  
5 designated floodway.

6 I looked very quickly at the new alignment  
7 and instead of encroaching upon the flood plain  
8 for approximately a mile and a half, the new  
9 alignment shows that encroachment being almost  
10 doubled.

11 As you all are aware, encroachment upon  
12 designated flood ways are a touchy issue here in  
13 the county. We've been the victim of at least one  
14 lawsuit. And it seems to come up every time we  
15 have the hundred year event, which seems to be  
16 about every 13 years.

17 So that's something that does need to be  
18 taken into consideration, especially since the  
19 county takes a tough position against private  
20 developers whenever they try to do anything inside  
21 a designated flood way.

22 The purple-shaped parcel down there is a  
23 shorebird mitigation site that was constructed as  
24 part of the Lake Kaweah enlargement project.

25 The Joint Powers Agencies -- the local

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1 joint power agency responsible for that project,  
2 which was the City of Visalia, County of Kings,  
3 County of Tulare, Tule River, excuse me, the Lake Basin,  
4 and Kaweah Delta Conservation District, spent several  
5 million dollars on that project in an effort to  
6 provide mitigation for shorebirds, in fact attract  
7 shorebirds to this site, and the impacts of  
8 setting the footprint of the rail either on or  
9 immediately adjacent to the site need to be  
10 addressed, particularly putting such a feature as  
11 a high speed rail in an area where you are  
12 encouraging flocks of birds to migrate needs to be  
13 specifically addressed.

14 This is the closed Corcoran landfill. The  
15 same issues I would like to point out exist here  
16 as well. Although the footprint is a little  
17 further away, it does need to be addressed. We  
18 certainly don't want any type of drainage to be  
19 deposited immediately adjacent to a closed  
20 landfill and again bring unforeseen impacts to the  
21 waste authority.

22 Lastly, and I don't have a slide for this,  
23 minor roads. Traffic circulation is going to be  
24 the major issue that the Public Works Department  
25 has to deal with on this project.

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1 As Greg mentioned, the community  
2 development agency in its overview of the  
3 circulation element of the general plan, as well  
4 as the fire chief and the assistant sheriff, have  
5 pointed out some significant problems with road  
6 closures.  
7 Normally, when your board is asked to  
8 abandon a road, you have to make a finding that  
9 the road is no longer necessary for transportation  
10 purposes, vehicular transportation purposes.  
11 Although I don't know -- I am unsure what  
12 portion of the law would be imposed to close these  
13 roads, that does need to be addressed.  
14 And as Greg pointed out, the circulation  
15 element deals mostly with the circulation that  
16 most people look at.  
17 However, one might be tempted to look at a  
18 functional classification map and rely mostly on  
19 the impacts on roads that are arterials or  
20 collectors.  
21 When there is a significant potential  
22 impact on the minor road system, these are the  
23 roads that are used as defacto farm to market  
24 roads, which may not be the more heavily traveled  
25 roads that we're all familiar with.

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1 While it may be possible to determine the  
2 effects by looking at the colored maps that show  
3 the major roads, the minor roads do need to be taken  
4 into consideration. And the only way you can --  
5 in my opinion, the only way you can determine the  
6 impacts on the minor road system is by actually  
7 coordinating with the county and cooperating with  
8 farmers and agencies that reflect farming  
9 interests so that the impact on these defacto farm  
10 to market roads is adequately addressed.  
11 If I could, there are a couple things that  
12 came to mind this week after I wrote the staff  
13 report that I would like to bring up very quickly.  
14 Greg mentioned Southern California Edison.  
15 Our staff met with representatives from Edison a  
16 couple weeks ago to talk about some planning and  
17 design features on the mascot -- I keep wanting to  
18 say power plant, but it's not -- substation.  
19 Thank you.  
20 And although Edison has not taken a  
21 position on this project, and I'm not meaning to  
22 speak for Brian, who's well able to speak for  
23 himself, I think it is fair to say Edison does  
24 have some concerns on the impact this facility  
25 would have both on mascot and on other projects

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1 throughout the state.

2 I would also like to point out that Kings  
3 County is currently partnering with Caltrans on a  
4 new round-about on State Highway 43 and Whitley  
5 Avenue, and impacts on that proposal site need to  
6 be addressed early while that project is still in  
7 the design phase.

8 And one thing that I heard during the  
9 discussion of security, which prompted me to write  
10 some notes real quick, the phrase fully separated  
11 and fully protected I think is the phrase, and I  
12 was just curious how can you fully protect a rail  
13 system if you're putting a county road on top of  
14 it?

15 It would seem to me somebody could access  
16 the rail from above much more easily than they  
17 could from the ground accessing an elevated  
18 section, and then the bean counter road guy in me  
19 wants to say well even if you put up a fence and you  
20 build a nice new county road, do you expect us to  
21 maintain that?

22 Because a lot of developers say, of  
23 course, the county will take on the maintenance  
24 responsibility if with we build them something  
25 nice. That's not the case. We can't afford to

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1 take care of what we have much less take on  
2 additional responsibilities, which leads me back  
3 to one thing I forgot to mention.

4 I heard a rumor the other day, probably  
5 not a rumor, just one group gets information that  
6 another group doesn't get, about a huge amount of  
7 space that's going to have to be set aside,  
8 something like 60 acres, was going to have to be  
9 used as a surface mine for every mile to provide  
10 embankment material for the crossing.

11 That could be a rumor, but there is going  
12 to be a huge amount of dirt.

13 Most of the time, like Greg would be  
14 concerned with a surface mining permit. My  
15 concern is that dirt has to get from wherever it  
16 is mined to where you're building the embankment,  
17 and that is going to pulverize the county roads,  
18 and that impact of the destruction of county roads  
19 caused by 24-seven constant use, even though  
20 they're fully legal, fully loaded trucks, they  
21 have every right to use it, they will destroy  
22 significant amounts of county roads, both major  
23 and minor, and these are roads that are used by  
24 and large for the agricultural industry.

25 If they can't use the roads to get their

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1 products to market, there is another unforeseen  
2 impact. That's all I have. Thank you.  
3 JEFF ABERCROMBIE: Tom, you want to talk a little  
4 bit about the alignment, the flood way, and the  
5 landfill stuff that -- based on some of the  
6 technical stuff that you've done, and then Brian  
7 you can address what is covered in the EIR for  
8 either of the above subjects and whatnot.  
9 Though I will note I was meeting with  
10 Caltrans last week and the Whitley round-about  
11 came up. I was actually quite surprised.  
12 Caltrans doesn't generally like round-about, but  
13 that will be in the document.  
14 TOM TRACY: There are lots of things raised.  
15 Some of them we know about, and some maybe we've  
16 already taken care of like the landfills in  
17 Hanford and Corcoran. Our newer alignments that  
18 you see on the maps are clearly away from those,  
19 but I had noted that your concern that we address  
20 if there is any sort of impact by our proximity  
21 that we address that. So we'll take a look at  
22 that.  
23 With the encroachment on the flood way,  
24 one of the things that we've had to do and that  
25 we're continuing to do is do a very detailed

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1 hydraulic analysis.  
2 What our infrastructure would due to the  
3 flooding in the valley, it's not only a problem in  
4 the area that you had on your map, but it's a  
5 concern up and down the alignment.  
6 We do not want to create a case where when  
7 we are there that we're raising the flood waters  
8 behind us and that we're doing everything we can  
9 to pass those flood waters through. So that is  
10 going to be an integral part of our design.  
11 Yes, we're moving over farther into that  
12 brown spot you had, or whatever color that was,  
13 but in doing so what we've done we've done that  
14 for a couple of reasons.  
15 With our meetings that we've had with the  
16 Army Corps of Engineers and the EPA, they've  
17 identified where we have the wetlands in that  
18 area. So, you know, there are vernal pool  
19 designated areas that we're pulling out of, and also  
20 you mentioned the Tulare Lake Basin mitigation  
21 site that we are well aware of that, that's  
22 another reason we've pulled over. That used to be  
23 an alignment alternative, and we found, yeah, that  
24 is probably not a good idea to run a train through  
25 somewhere where we're attracting birds and other

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1 things.  
2           So we're aware of that. We're trying to  
3 work through that, move the alignment, and address  
4 those things.

5           You talked about the minor roads. We are  
6 looking at -- right, we are looking at the major  
7 collectors, but we do need to consider in our  
8 document what the impacts will be to minor roads.

9           And as we move down the process of, looking  
10 at the project and mitigation if we have to do  
11 anything with our design to accommodate additional  
12 crossings. So we will continue to work on that.

13           We are aware of the mascot substation. We  
14 have a group that is working directly with the  
15 Southern California Edison and Pacific Gas and  
16 Electric on not only coming up with service  
17 agreements to power our facility, but we're  
18 working with them so that we don't impact what  
19 they're doing.

20           Somebody mentioned earlier about a solar  
21 facility that is going in. Those are the types of  
22 things that we don't want to disrupt if we can so  
23 we can get power from them.

24           So we'll cycle back -- go back and raise  
25 your comment with the folks on our team that are

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1 looking at the utilities and looking at the  
2 agreements we have with those two agencies to see  
3 if we need to do a little more work with those  
4 agencies. I think that's about all I have.

5           BRIAN PORTER: Just to add to Tom's comments,  
6 you raised the question about the roadway  
7 overpass. I would suspect that we'll have a fence in  
8 terms of the O&M, maintenance, I don't have an  
9 answer for you. We'll share your comment, take it  
10 back, and see what kind of direction we get from  
11 the Authority management.

12           In terms of the hauling of construction  
13 materials, absolutely, that will be accounted for  
14 in the construction impact analysis for the  
15 project in terms of transportation impacts. We do  
16 not want to see any diminishing of the existing  
17 road system in terms of the actual infrastructure  
18 as a result of the hauling of construction  
19 materials, whether it's ballast or steel or  
20 concrete or anything else.

21           So that issue will be addressed in the  
22 environmental document for sure.

23           TONY BARBA: Thank you. Next presenter is  
24 from Kit Carson Elementary School District.

25           COLLEEN CARLSON: Mr. Chairman, Colleen Carlson,

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1 county counsel. Before you do that, could I have  
2 a moment just to wrap up for Kings County and then  
3 to respond to Mr. Abercrombie's opening statement?

4 TONY BARBA: Okay. Go ahead.

5 COLLEEN CARLSON: And I don't have a prepared  
6 statement, but I did want to respond about what we  
7 are doing here. We're not just asking for  
8 information as alluded. We are giving a whole lot  
9 of information that the Authority actually needs  
10 in order to do its job properly and to comply with  
11 the law.

12 You are planning a major project that will  
13 come through our jurisdiction. So what we are  
14 asking you to do is to coordinate your planning  
15 and to resolve issues that have or will surface as  
16 a result of your proposed project.

17 There is a whole lot of federal money  
18 involved, and all major federal transportation  
19 laws, not only -- I'm having a hard time reading  
20 my own writing that I was scribbling as we go --  
21 that not only suggest coordination, but actually  
22 require coordination with local agencies.

23 What we are doing here is we're creating a  
24 record and we're respectfully asking you to be on  
25 notice and accountable for the impacts of your

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1 actions, both intended and unintended.

2 And while CEQA does address environmental  
3 impacts, and that appears to be your focus of the  
4 moment, many other issues are being raised by your  
5 project, impacts that will affect our community,  
6 the health, safety, and welfare of our community,  
7 the way of life of our community. It will damage  
8 our community in ways that can't be put on paper.  
9 It will obliterate irreplaceable finite prime ag  
10 land.

11 Some of these are CEQA and NEPA issues.  
12 Some of these are just damages that are hard to,  
13 you know, address.

14 We have a specific planning scheme in  
15 place that is required by the state planning and  
16 zoning law.

17 The approach by the high speed rail  
18 authority seems to date seems to fly in the face of  
19 those requirements.

20 We here in Kings County have over 5800  
21 acres under ag preservation contracts under a  
22 California statutory scheme for the specific  
23 purpose of preserving this irreplaceable land.

24 Yet, once again, without explanation and  
25 seemingly clueless of the process provided in the

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1 statute and as enforced by the State Department of  
2 Conservation, the Authority deems it acceptable to  
3 obliterate the prime ag land with a public project  
4 that will have devastating economic impacts and  
5 irreversible consequences.

6 The population centers that the Authority  
7 indicates it's designed to serve are located along  
8 existing rights of ways and the bond language  
9 approved by the people indicate this as a  
10 priority.

11 Yet the Authority seeks to locate a rail  
12 station in an area where population centers are  
13 not existent in defiance of the people's directive  
14 in a leap-frog inducing growth manner which is  
15 contrary to all logical planning processes and  
16 efforts to clean air, reduce impacts on the  
17 environment, and provide public safety.

18 We are asking you to comply with the laws  
19 and the regulations that we must, not employ a  
20 double standard. Thank you.

21 TONY BARBA: Any response to that?

22 JEFF ABERCROMBIE: We are here to work on  
23 solutions. And I believe that's what the county wants.  
24 They want to be able to make sure that we've addressed  
25 those issues, that we acknowledge where they're

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1 at, and what we can do to solve them. That's why  
2 we're here.

3 TONY BARBA: Kit Carson.

4 LEONARD DIAS: Good afternoon. My name is Leonard  
5 Dias. I'm the Kit Carson school board president.  
6 I'm here to represent some of our concerns that we  
7 have about the high speed rail authority which is  
8 very close to our school.

9 One of the areas that we note runs right  
10 through our Ponderosa area, which is one of our  
11 housing developments that supplies students to our  
12 school.

13 Taking out several of the houses from the  
14 Ponderosa area is definitely going to impact our  
15 attendance. You're going to take out basically  
16 kids from our school, which, of course, does hurt  
17 our bottom line of the school district.

18 We've already been attacked by the state  
19 budget, and now we're being attacked by the state  
20 rail system.

21 This will also halt any future growth for  
22 our district. Most of the district -- our  
23 district is rural agricultural district.

24 Where you're cutting through on our  
25 western portion of our district is where any

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1 development will be coming through.  
2 With a rail line going right through the  
3 middle of the agricultural land there, you're  
4 pretty much drawing a line in the sand for the  
5 people who don't want to go to the other side of  
6 the tracks to go to school.  
7 We'll be losing building permits. I'm  
8 sure we'll lose other homes in the Ponderosa area  
9 because a lot of people won't want to live right  
10 next door to a high speed rail. I  
11 wouldn't want to live right next door to a rail  
12 going 220 miles an hour.  
13 Definitely going to affect our bus routes.  
14 As of right now, we have worked with Caltrans  
15 whenever you guys -- whenever Caltrans closed off  
16 the Highway 198 for us crossing over. Okay?  
17 They said that's why we're hooking Lacey  
18 Boulevard from Highway 43 to seventh avenue. That  
19 way we have a route for our buses to go through so  
20 they don't have to go miles out of the way to do  
21 it.  
22 From looking at your proposed route,  
23 they're now going to be closing off Lacey  
24 Boulevard, so now they just took away access our to  
25 our southern part of our district.

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1 Most of our children are bused in. We're  
2 a very large rural district. That was one of the  
3 things that by working with Caltrans they sat down  
4 with us, they said here is what we have coming up,  
5 we talked with them, they said here is a  
6 proposed -- what we can do for you.  
7 And actually they were supposed to be  
8 putting in -- I hope they still do -- a stoplight  
9 at Highway 43 and Lacey Boulevard so our buses  
10 could cross safely and turn over that way.  
11 By cutting off Lacey Boulevard, we're now  
12 going back around miles out of our way just to get  
13 to our southern portion of our district.  
14 There is also going to be a definite  
15 impact in property values for our district.  
16 Basically, you've pretty much eliminated  
17 Kit Carson from being a desirable district for  
18 people to go to and build and want to come to have  
19 their kids go to school.  
20 Again, no one really knows what the noise  
21 level is going to be.  
22 I also look at the safety issues that are  
23 involved with the station being so close to our  
24 district.  
25 As was mentioned earlier, we're going to

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1 have people who are -- those stations do attract  
2 some seedy people. We're less than a mile away  
3 from the station. Actually, less than a half mile  
4 away from where the station is going to be at.

5 Those are some of our major concerns.  
6 That's why we're asking for coordination with the  
7 high speed rail to help us address these issues.  
8 Thank you.

9 JEFF ABERCROMBIE: One of the things that are on  
10 the map that I don't think is pointed out -- though  
11 I'd have to go back and look -- the rail at that  
12 point in time, Leonard, is going aerial to go over  
13 the San Joaquin Valley railroad tracks and should  
14 remain aerial until it crosses 198.

15 So as far as Lacey goes, it presently  
16 would remain unimpaired.

17 We have met with Caltrans regarding that  
18 station and access to 43, and there are a number  
19 of issues they're concerned about as well  
20 regarding that, especially in terms of their  
21 long-term growth for 43 into a four-lane  
22 expressway and what might be beyond that.

23 Tom, if I can have you -- if there is any  
24 other technical details aside from what I just  
25 mentioned with the aerial, would you address

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1 those, and Brian you can follow up.

2 TOM TRACY: I'll do what I can. I think one  
3 of the things you mentioned was noise impact.  
4 We're going to be looking very closely at what can  
5 we do to mitigate that impact.

6 And I'm not sure -- I haven't -- where did  
7 he go? There you are. I was trying to look for  
8 you to make some kind of eye contact and I can't  
9 find you.

10 So I believe, and Brian can back me up on  
11 this, I believe a school is considered a sensitive  
12 receptor, and that Kit Carson School will be one  
13 of the areas that we would really look at closely  
14 on how the noise will be affecting safety.

15 Your comments are duly noted as far as the  
16 proximity of the station to the school, and I  
17 imagine we'll have to address that in the safety  
18 and security part of the document.

19 That's all I can add. Brian?

20 BRIAN PORTER: I have no comments.

21 LEONARD DIAS: About the safety issue also, with  
22 roads being closed and not knowing exactly where  
23 the road is closed, again response time for  
24 sheriff and fire department who take care of Kit  
25 Carson School are going to be greatly diminished.

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1 When a kid gets hurt or sick, we need to respond  
2 immediately.  
3 BRIAN PORTER: I understand.  
4 TONY BARBA: Next presenter is Kings County  
5 Water District, Mr. Don Mills.  
6 DON MILLS: Members of the board and  
7 authority representatives, my name is Don Mills.  
8 I'm general manager of Kings County Water  
9 District.  
10 Us water folks were kind of drug kicking  
11 and screaming into this process at a later date.  
12 Thankfully, Cheryl Lehn set up a meeting about a  
13 year ago.  
14 We asked the representatives some of the  
15 specific questions and then waited for their  
16 answers, and hearing none we finally got contacted  
17 by URS, by a nice young fellow named Matt Corvy, I  
18 think.  
19 I arranged a meeting for him of ditch  
20 company general managers, district general  
21 managers, and some representatives of Kings River  
22 Conservation District on water impacts and what we  
23 see and how can they start addressing those  
24 issues.  
25 In that meeting, one of the things was

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1 asked -- we're lucky at some of these ditches  
2 that we can tell the existing railroad folks that  
3 we were here first, and they don't like that, and  
4 I'm sure you don't like to hear that. But some of  
5 the ditches have been here 150 years.  
6 And so as we were going over -- now we're  
7 going to plumb them and pipe them under the  
8 existing alignment, how does that work for our  
9 construction equipment, our ditch tenders, our  
10 spray rig equipment, our sloping, all the daily  
11 trips and yearly trips that we do when we come up  
12 to the fence and then have to go backtrack and  
13 find a way around to get to the other side of the  
14 ditch.  
15 So those costs can all be calculable, and  
16 we are getting in to those calculations, but one  
17 question we ask that hasn't been answered yet was,  
18 well, we can't calculate those costs until we find  
19 out where the overpasses are going to be.  
20 So we need to know that at some point,  
21 because on one little ditch system if there is  
22 only an overpass at Excelsior Avenue, our  
23 equipment has to go 5.8 miles to get to the other  
24 side of the hundred foot fence, and those are  
25 forever costs.

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1 Like I say, we were here first. We're  
2 going to be burdened with those costs, and we can  
3 calculate those, it's no issue, but one of the  
4 things I wanted to know was then how does the  
5 authority calculate the one-time mitigation or  
6 compensation for that, what formula is there, or  
7 is there any. So that's a question that's still  
8 out there.

9 The actual plumbing, talking to Matt with  
10 URS, that's easy to design. The flow capacities,  
11 once we have an alignment, can be calculated.

12 If the alignment keeps changing, the flow  
13 capacities aren't the same in every section of the  
14 ditch. So at some point we need to know exactly  
15 what that is.

16 Another concern is, of course, liability  
17 issues. I hope somebody else besides us is going  
18 to be liable for that pipe under that ditch or  
19 under that rail line. Because if something  
20 happens to it in 50 years, none of us want the  
21 liability.

22 The other side of the liability is if we  
23 have a ditch break on that system right now, our  
24 insurance carrier might have to go out and buy  
25 cutting hay or some corn or something from that

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1 individual farmer that we flood.

2 If that ditch breaks in the future and we  
3 flood your easement and your right-of-way causing  
4 some damage, is that a liability that is on the  
5 ditch system?

6 We have plenty of critters out there that  
7 cause those things, so sometimes it's an act of  
8 nature.

9 So where the overpasses are was one of our  
10 main concerns.

11 The other thing in talking to Matt about  
12 the overpasses and how much dirt they will  
13 require, how much dirt will be required to put the  
14 train system in, and my little light bulb went on for  
15 groundwater recharge.

16 And my calculation, Kevin talked about it  
17 a little, if there is an overpass every mile,  
18 there is 160 acres field of dirt, three to four  
19 feet deep needed for every mile of train track and  
20 overpasses, and that's a tremendous amount of  
21 soil.

22 The little groundwater recharge light bulb  
23 went off in my brain and said, geez, maybe those  
24 are extra sinking basins that we could use this  
25 year.

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1 But then following that conversation with  
2 him, busting my bubble, he said the compaction  
3 quotient on this alignment is going to be much  
4 higher than Caltrans.

5 And so we have sandy loam soils here, and  
6 I'm not sure any of it is going to meet the  
7 compaction quotients that you folks need.

8 So in that case, if the dirt is not going  
9 to be locally mined, then it just shows that it's  
10 going to have to be mined from sites very far away  
11 that the compaction is accessible or is acceptable  
12 to the rail authority.

13 The public works director also talked  
14 about the Corcoran mitigation site of Kaweah Delta  
15 Water Conservation District. That was a  
16 mitigation site we purchased to -- and this only  
17 makes sense to federal folks, why we had to  
18 purchase that.

19 And I have been involved 20 years. I'm  
20 also chairman of the Kaweah Delta Water  
21 Conservation District.

22 So I worked on that project for 20 years,  
23 and we finally got it done in '04. And why we had  
24 to buy that was because the dam that we enlarged  
25 by 30 percent now causes less land to be flooded.

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1 And so we had to buy land to flood at  
2 certain times, to keep the Pacific fly way healthy  
3 and attract shorebirds, and we had some burrowing  
4 owl issues.

5 So even though you've moved the alignment,  
6 it's really not our call. That site was okayed by  
7 us Army Corps of Engineers, in conjunction with US  
8 Fish and Wildlife, to be an operational mitigation  
9 site for certain criteria on that project.

10 And as long as US Fish and Wildlife are  
11 happy with the alignment, that it still attracts  
12 the birds, it still serves its purpose, then we're  
13 happy campers, too. But if US Fish and Wildlife  
14 says this is no longer a functioning site, the  
15 project is done, now you have to go out and find  
16 another one, that's a real issue for Kaweah Delta  
17 Water Conservation District and the five local  
18 sponsors.

19 Other than that, you know, the existing  
20 rail lines, we've got crossings under them, and  
21 we've got along fine all these years in doing  
22 that. And now we'll have a new one that will  
23 cause some issues.

24 But in going back to possibly the spirit  
25 that I heard of keeping it along existing

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1 corridors of transportation, it seems to me the  
2 new alignment when you see it come into Kings  
3 County veers away from the old rail line and then  
4 goes off through farm land.  
5         And others have spoke to those issues. I  
6 am wondering if there is a percentage of land in  
7 Kings County that is along the new alignment along  
8 existing corridors and a percentage that is not,  
9 and I'd be interested in knowing what that would  
10 be. I think that's it.  
11         TONY BARBA: Thank you, Don.  
12         JEFF ABERCROMBIE: Don, was there something  
13 specific in the questions that you wanted to see  
14 addressed? I mean, the idea that the authority is  
15 responsible for making sure that your impact, whether it's  
16 for constructing the new pipelines or culverts  
17 underneath the rail as well, I think those are  
18 very clear, that the authority has got to take  
19 that into account, as well as some of the  
20 maintenance issues and whatnot.  
21         I don't have an answer with regards  
22 to forever costs, but duly noted here.  
23         But out of that, I guess I was trying to  
24 figure out exactly if there was something specific  
25 you were most concerned about.

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1         (Inaudible)  
2         JEFF ABERCROMBIE: Is that something you can  
3 address, Brian?  
4         (Inaudible)  
5         TONY BARBA: Thank you. We'll now open it for  
6 the public. Anyone wishing to come and speak and  
7 kind of -- I think a lot of your questions have  
8 been answered. John?  
9         LARRY SPIKES: Or at least questions have been  
10 asked on their behalf. I don't know that we have  
11 answers yet, but I understand your point,  
12 Mr. Chair.  
13         GLEN RIDER: My name is Glen Rider. I show up  
14 here quite frequently.  
15         If we look at this as a local county issue  
16 only, it's like looking at it with blinders on  
17 because this whole project is much larger and has  
18 much larger ramifications than what we see right  
19 here in the county. It looks to me like just what  
20 is here in the county is a huge bucket of worms  
21 anyway.  
22         How we're going to possibly solve all  
23 these things and keep everybody happy doesn't seem  
24 likely at all.  
25         So I think that everybody has to consider

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1 this better look at a broader scope of where this  
2 came from, what it's going to be designed to do  
3 since you, I'm sure, can see that we're dealing  
4 with a subject here that has no logical reason.

5 We're going to spend money as a federal  
6 government, I should say, for something that we  
7 don't want here in this county, and we can't see  
8 logically why we should have taxpayers foot the  
9 bill, or actually I think I should say taxpayers  
10 credit line foot the bill since we don't really  
11 have the money anyway.

12 So you need to look further to see what  
13 this is all about, and it's -- it isn't just to  
14 get people from LA to Frisco. It's much larger  
15 than that.

16 And I don't think I should go into it  
17 right here, but if anybody is interested I  
18 probably would be persuaded to do so. Thank you.

19 TONY BARBA: Thank you, Glen. John?

20 JOHN LEHN: Mr. Chairman, members of the  
21 board, thank you for the opportunity.

22 Point of clarification, I guess, of the  
23 earlier statement.

24 Mr. Abercrombie I think suggested that  
25 there may be an occasion where the BNSF Railway

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1 would be adjusted so it would be more closely  
2 aligned to high speed rail.

3 While that may or may not be well and  
4 good, our biggest concern to the economic  
5 development corporation is what impact that could  
6 potentially have as it relates to those that are  
7 receiving rail traffic off of that, particularly  
8 the industrial parks, but other grain offloading  
9 facilities and so on.

10 So just a point of clarification. We're  
11 not necessarily objecting to it moving unless it  
12 moves to the detriment of someone who has an  
13 existing business along that rail.

14 JEFF ABERCROMBIE: We have talked with BNSF, and  
15 they're very clear and very protective of their  
16 business, and they have been agreeable to working  
17 with some of the sitings and some of the spurs,  
18 but for the most part we are going over or around.  
19 So it's duly noted, and, yes, we have to  
20 keep those operative. We have similar concerns up  
21 and down the valley.

22 TONY BARBA: Anyone else? Manny?

23 MANUEL CUNHA: Thank you. There is no way I  
24 cannot miss the opportunity.

25 Manuel Cunha. Mr. Tracy, Jeff, I have

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1 never met you, Brian, I have met you at Madera,  
2 when the French investor who spoke that was there,  
3 one of the buyers or investors, made a very good  
4 comment to me because we couldn't ask them  
5 questions, if you remember. I asked him how much  
6 farming pesticides you put on, chemicals? Oh,  
7 less than one percent for the entire farming.  
8 Well, they don't feed the world. Okay? I  
9 was just kind of surprised at that hearing that  
10 you did not allow us to ask them questions,  
11 because that's a close system there. Just because  
12 they were bidders, couldn't be bidders on the  
13 project, but I think it would have been a  
14 beneficial thing for all of us to know, let's  
15 don't compare Spain, Italy, France, and even a  
16 country that is totally devastated right now  
17 called Tokyo with California agriculture.  
18 I think the rail authority is trying to  
19 compare that, and I'm disappointed that Van Ark is  
20 trying to compare California San Joaquin Valley  
21 agriculture like the rest of the world. If it  
22 was, they would feed the rest of the world. Okay?  
23 So, let me get on to the subject. Thank  
24 you, very much, for allowing me to be here today  
25 and allowing for you to be here as well for the

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1 county.  
2 A lot of questions are brought up by the  
3 redevelopment agency. My question to you three  
4 gentleman, including you, Tom, when are we going  
5 to get the answers?  
6 I brought questions to you in June and May  
7 and April of '10, and I still haven't got the  
8 answers. I did get some answers.  
9 As a former college professor, if a  
10 student turned in a paper like that, I would have  
11 given them an F for the response of my questions.  
12 Okay? That's how terrible they were by your  
13 agency. Okay? I was disappointed. Very  
14 disappointed.  
15 Our industry is a 30-some-odd billion.  
16 This valley is a \$16 billion industry. The  
17 largest employer. Seven jobs out of ten is ag.  
18 Kings County is one.  
19 But let me go on something, Jeff, that you  
20 said which I think is an important point. You  
21 have a beautiful map out there. I want to thank  
22 you folks who did get me a map, finally, after  
23 nine months. So I appreciate that. Because we  
24 didn't have a map really to go by, so we didn't  
25 know if you were going on the Nevada State line,

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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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1 taking out Vegas or, you know, the Grand MGM with  
2 the rail. I wasn't sure until I saw a map.

3 But your map shows that you leave out of  
4 Fresno County, Laton, before it gets to Laton on  
5 farm land to the east. You never get back on the  
6 rail until you get past Corcoran.

7 So if I look at all that prime farm land,  
8 there is no collaboration with the rail of  
9 Burlington at all. You're not next to Burlington,  
10 next to us, excuse me. That's a Warren Buffet's  
11 train.

12 But you do not touch any of the existing  
13 corridors. You do not. You go right through all  
14 the prime farm land, the easiest to get to, the  
15 less mitigation, less money.

16 That's a concern that you folks haven't  
17 even addressed, and you've had that for the entire  
18 ten months of the economics.

19 The vortex. Have any of you ever had to  
20 be sued by an environmental group that is just out  
21 to raise havoc because we raise cows?

22 We use biodiversity types of crops,  
23 biogenetics, and we're sued for everything. If  
24 one piece of chemical gets on that train and is  
25 swabbed in San Francisco by some person, tomorrow

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Kings County Exh. A-1

1 at Sacramento I will see legislation that says  
2 we're not going to be able to spray within a half  
3 mile of that track.

4 For any of you three gentleman to think  
5 that what the ag commissioner said is absolutely  
6 true. We're not going to wait for your train for  
7 us to spray. Mother nature tells us what we need  
8 to do because of all types of problems we have  
9 with pests, all types of conditions.

10 But to think that that vortex is not going  
11 to pick up that spray, you and I better go back to  
12 college because it is. It's going to move it  
13 somewhere on somebody's crop or on somebody's  
14 train.

15 And you haven't given us the information  
16 on that at all. You have not tested it. As we  
17 referred to it in air modeling, we're going to  
18 model it, we're going to see what that is  
19 upstream, downstream. You haven't even done that.  
20 You haven't gotten me any information for less  
21 than one percent of the spraying that goes on in  
22 France.

23 And, oh, by the way, I understand China is  
24 bidding on the track, too. I understand China  
25 wants to help pay for it in the valley. It would

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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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1 be pretty hard for them to buy farm land.  
2 But they don't own their farm land. The  
3 farmers don't own their land in China. So when  
4 somebody tells me the farmers are happy with it in  
5 China, I can see why they're happy.

6 But ten months have gone by. Now, we're  
7 into April when we first were invited, when we  
8 found out about this in February of '10, of what  
9 you guys were doing. Or the authority. Not you  
10 gentlemen, but the authority. No impact -- no  
11 input, I mean, from us.

12 Everyday we ask questions, and we don't  
13 get answers. The EIR is going to come out. You  
14 delayed the EIR from March to, what, June because  
15 of maybe going through Fresno now at ground level  
16 versus elevation, referred to on stilts. I don't  
17 think you like those terms. Columns, telephone  
18 poles, whatever you want to call it.

19 But you delayed the EIR because of that  
20 impact technology, because of cost, but yet you  
21 don't -- what the development agency brought up  
22 today, all of those questions should not have been  
23 up today. They should have been asked months and  
24 months ago.

25 And I agree with legal counsel 100

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1 percent. Just because we're a small county, poor  
2 by other counties in this valley, that the federal  
3 government -- that the rail authority thinks they  
4 can just slam through our counties and devastate  
5 our communities, a school district -- did  
6 anybody -- Tom, did you answer the question about  
7 what the property values are going to do and  
8 people are going to abandon that little community  
9 because of this high speed rail?

10 No, the question was, well, we'll see if  
11 we can maybe move it, or put up barriers for  
12 sounds and those things.

13 I respect that, but what about what it's  
14 going to do to the community? Would you like it  
15 going through your house, and your development,  
16 and your town?

17 No, you wouldn't, nor would you Brian or  
18 Jeff. You wouldn't, either. Just like the  
19 farmers and our communities don't like it tearing  
20 up their farm land and losing all the jobs.

21 You haven't given me a job. You say 20  
22 miles -- no, 12 miles per one mile of farm land  
23 destructed or damaged. No way, gentleman. No  
24 way.

25 I know what the regulations are in this

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1 basin. There are some folks in the audience that  
2 are sitting in the front row that work for  
3 congressional people and assembly people. They  
4 know what the regulations are that when we went to  
5 their office and we talk about the Environmental  
6 Protection Agency, the endangered species act, the  
7 water quality act, they know what type of  
8 regulations are coming at our industry, especially  
9 agriculture.

10 But you're going to meet, and we're going  
11 to meet, but with no answers. I haven't gotten  
12 any answers to my questions, which is the  
13 agriculture industry, not Manuel Cunha.

14 And I want to make a note on the record.  
15 It isn't Manuel Cunha that is raising hell in this  
16 basin, because everybody says it's me. I wish I  
17 was that powerful, I'd be really excited, I'd be  
18 worth a lot of money, man. I'd go to DC and get  
19 real high powered lobbying funds or dollars.

20 But it's not. It's the entire community  
21 in this basin that are concerned. It's the ag  
22 industry that is concerned. You've met with us 60  
23 times, and that's been said. But, Jeff, meetings  
24 are meetings. Meetings that are meaningful and we  
25 give constructive and we give answers every time.

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1 I serve on the immigration subcommittee, a  
2 very small issue, not a contentious issue at all,  
3 but, you know what, we sit down in the room and we  
4 come up with the answers and questions.

5 When I can sit with the UFW across the  
6 hallway or right next door, I can ask \*\*\* what  
7 happened in 1970, and she would today say I can't  
8 believe you're actually sitting across the table  
9 from Arturo Rodriguez, but we have to, because  
10 we're coming to a meeting to have answers and get  
11 answers and questions asked.

12 This thing has not happened. You're not  
13 giving us the answers. We're coming down to June,  
14 and we're coming to July.

15 But the county counsel is 100 percent  
16 right, gentlemen. You're not any better than any  
17 of us. Not you, gentlemen, but the authority.

18 And to think that you're getting federal  
19 money and you can do what you want, it ain't gonna  
20 happen. It's taxpayers' money from this state as  
21 well. The people of California said we want a  
22 high speed rail, go down an existing corridor.  
23 I-5 has been discussed, but some of the big cities  
24 don't want it because we don't get to fly through  
25 the big cities, so passengers from Fresno will be

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1 able to shop at Nordstrom in Los Angeles. I'm  
2 excited about that. Knowing where I'm going to  
3 stop in Los Angeles and rent a car. But the cost.  
4 All of those issues.

5 The last thing I'll say, which there isn't  
6 a time limit, and, Mr. Barba, thank you very much  
7 for allowing me, is that you need to have an open  
8 door policy, and you don't.

9 You're not giving our sheriffs, our  
10 police, our county health department, our schools  
11 what they need to know.

12 I want my children to be safe. Just like  
13 you, Brian, want your child when it has a problem  
14 at the school that that ambulance can get there.

15 Or if we have some whack job into a school  
16 that the police can get there to take care of the  
17 problem.

18 But if something goes through your school  
19 and you can't get there and you are going to have  
20 a 15-minute delay, I wonder if you're going to be  
21 happy, knowing that your child and the police  
22 aren't going to get there now for 15, 20, 30  
23 minutes. Think about it. If your kids are grown  
24 up, their kids' kids.

25 So let's allow the system to be true.

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Kings County Exh. A-1

1 Because it's not. I am disappointed.

2 Today is April, and I haven't gotten my  
3 answers for my industry, for the jobs.

4 You're talking about high speed rail jobs,  
5 temporary jobs. You're going to devastate the  
6 communities. When you talk about the millions or  
7 thousands of jobs, hundreds of thousands of jobs.

8 The last thing, the rating bureau of the  
9 United States may help your problem because we're  
10 broke. The United States is broke. And yet we're  
11 going to build something we don't even have the  
12 money in this state to match. But I'm going to  
13 take the money away from schools to give to some  
14 high speed rail. I'm going to take the money from  
15 my law enforcement to give to high speed rail.  
16 I'm going to let prisoners go so I can give the  
17 money to high speed rail in the State of  
18 California.

19 And, by the way, all the sex offenders,  
20 I'm going to have to let them go, too, so there  
21 goes our good schools, they're really safe now  
22 because we don't even have the law enforcement to  
23 deal with it just to give high speed rail its  
24 matching funds, and none of you gentleman have  
25 presented what Van Ark should be talking about,

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1 where is the funds going to come from, who is  
2 going to pay for this eventually. The government  
3 is broke, the state is broke, is not going to  
4 match your part.

5 And the last thing will be for the  
6 counties. Some of the cities want it, but they  
7 don't care how it gets to their city. They don't  
8 care how it leads out of their city, what  
9 devastation it causes to the ag communities or to  
10 rural communities.

11 Case in point. Fresno is excited by the  
12 high speed rail. How it gets there, it doesn't  
13 care. How it leaves, it doesn't care. Because no  
14 one has stated in the Fresno discussions what's  
15 the impact south of Fresno to the rural  
16 communities of Kings County or even Kern County.

17 So I want to thank you, gentlemen. This  
18 is not on you three at all, but I'm disappointed  
19 that I can't get answers for our industry, for our  
20 communities. I live in these communities. But I  
21 also represent my ag industry.

22 And in my organization, called the Nisei  
23 Farmers League, I'm not going to let you devastate  
24 some of my oldest members that are 90 years old  
25 for you to just come through with some high speed

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1 rail and just chunk them out. It ain't gonna  
2 happen, gentlemen. We'll have a fight.

3 But I would hope that you respond and  
4 respect what legal counsel said, because you do  
5 have a responsibility to follow the law. You're  
6 not above the law.

7 Thank you, very much, Mr. Barba for having  
8 this today.

9 TONY BARBA: Anyone else?

10 JOHN TOS: I'm John Tos. I've been here  
11 before, and I think you I met you folks before,  
12 too.

13 I came here a little over a year ago, not  
14 knowing how the city and how the county would  
15 react to a plea from farmers. I had no idea how  
16 this was going to turn out.

17 It has turned out wonderfully. I have got  
18 to compliment our city, and I have got to  
19 compliment our county and you folks that have  
20 stepped up to the plate and recognized the people  
21 that are going to get hurt in this, farmers up and  
22 down the county here, not only in this county, but  
23 I'm sure in the other places, too.

24 We're just little potatoes, and as a  
25 community we have rallied together to stop a

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1 foreign force imposing themselves on us unwilling  
2 partners.

3 Like Manuel said, up and down the state  
4 and our country we're broke, but we're looking for  
5 jobs.

6 Why don't we take this money, if there is  
7 money, and put it to work fixing our roads.

8 As I stated the other day, 20 percent of  
9 our bridges in ten years are going to be red  
10 tagged. Why don't we fix those?

11 And as we speak, we farm out there where  
12 the river takes its course, and the water is going  
13 to the ocean.

14 To give you an idea in perspective how  
15 much has gone to the ocean, the Kings River is  
16 sending enough water to the ocean on a daily basis  
17 to take care of the city the size of Visalia for  
18 one year. Think about that. And the Kings River  
19 is small potatoes up and down the State of  
20 California.

21 We have our priorities in the wrong spot.  
22 The good Lord gives us rain in abundance not very  
23 often, and we're squandering it. I wonder what  
24 God is thinking about us. I'm sure it's not very  
25 good.

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1 So, to sum it up, I can get philosophical  
2 here, I guess, and all that kind of good stuff,  
3 but you guys got a tiger by the tail in Kings  
4 County. You really do. And as I said before,  
5 we're not against high speed rail. We're against  
6 high speed rail in our county. You need to go to  
7 I-5, you need to go to Highway 99, where it was on  
8 the ballot when we voted a few years ago. You  
9 have totally dissected from that, and we are a  
10 tiger over here in Kings County. Thank you.

11 TONY BARBA: Thank you, John.

12 We'll now close the public comments, and  
13 in keeping with the coordination process, we're  
14 demanding that the high speed rail authority  
15 address the results and resolve the conflicts that  
16 have been presented here today.

17 Before we close this meeting today, we  
18 would like to set a date within the next 45, 60  
19 days for our next meeting where the high speed  
20 rail authority will have an opportunity to tell us  
21 how the conflicts and issues raised today will be  
22 resolved. Please pick a date between June the 6th  
23 and June the 24th.

24 JEFF ABERCROMBIE: We'll start with the technical  
25 working group on the 27th of April -- 26th of

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1 April would be a good date to start with.  
2 LARRY SPIKES: I think what we're looking for is  
3 another date to come back into this process with  
4 answers to the questions that were raised here  
5 today specifically, and, of course, I mean, you  
6 need to probably talk with others about what dates  
7 are available. We understand that. But I think  
8 we'd like you to respond accordingly within the time  
9 frame suggested by the chairman.  
10 JEFF ABERCROMBIE: Could you give me those dates  
11 again, Mr. Chairman?  
12 TONY BARBA: Between June 6th and June 24th.  
13 LARRY SPIKES: And we anticipate that would be  
14 for the release of the draft EIR, right?  
15 JEFF ABERCROMBIE: Correct.  
16 JEFF ABERCROMBIE: At that point in time, we will  
17 have the admin draft complete. We will be able to  
18 address some of the details that are specifically  
19 in that document.  
20 LARRY SPIKES: And we certainly would not be  
21 speaking -- at least in my own mind, I don't think  
22 the county would be opposed to you having a  
23 meeting specifically with Mr. Gatzka and his staff  
24 to go over all the information to make sure that  
25 those questions are understood so that when they

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1 can be responded to it would be as clear as  
2 possible as to how we would address those issues  
3 before we come back into this setting. So I think  
4 that would be appropriate.  
5 JEFF ABERCROMBIE: What I would like to do is see  
6 if we can set something up either around the 26th or  
7 shortly thereafter for the community development.  
8 LARRY SPIKES: Okay.  
9 LARRY SPIKES: That would be great.  
10 TONY BARBA: Okay. Having that in mind, we  
11 have completed the meeting, and I will now adjourn  
12 the meeting.  
13 (Proceedings concluded.)  
14 \_\_\_\_\_  
15  
16  
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1 STATE OF CALIFORNIA     )  
                                  )     ss.  
2 COUNTY OF TULARE        )  
  
3             I, Danette M. Hendrix, a Certified  
4 Shorthand Reporter in the State of California,  
5 holding Certificate No. 6412, do hereby certify  
6 that WIT NAME, the witness named in the foregoing  
7 deposition, was by me duly sworn; that said  
8 deposition was taken Tuesday, June 28, 2011, at  
9 the time and place set forth herein.  
  
10            That upon the taking of the deposition,  
11 the words of all parties present were written down  
12 by me in stenotype and thereafter transcribed by  
13 computer under my supervision; that the foregoing  
14 is a true and correct transcript of the testimony  
15 given by the witness.  
  
16            I further certify that I am neither  
17 counsel for, nor in any way related to any party  
18 to said action, nor in any way interested in the  
19 result or outcome thereof.  
  
20            Dated the DAY day of MONTH, 2011, at  
21 Tulare, California.  
  
22  
23  
24                             Danette M. Hendrix, CSR #6412  
25

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1   WORKSHEET  
2   DANETTE M. HENDRIX, CSR 6412  
3  
4 CASE NAME: Case  
5 DEPOSITION OF: WIT NAME  
6 TAKEN ON: June 28, 2011  
7 NUMBER OF COPIES: Number  
8 NUMBER OF PAGES: Number  
9  
10    BILLING  
11 O&I BILLED TO: Attorney  
12 COPY BILLED TO: Attorney  
13  
14    EXHIBITS  
15  
16  
17  
18    MAILING  
19 ORIG MAILED TO: Attorney  
20 COPY MAILED TO: Attorney  
21 SPECIAL HANDLING: None  
22  
23  
24  
25

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F.12  
June 7, 2011 Coordination Meeting Transcripts

1  
2 BEFORE THE BOARD OF SUPERVISORS  
3 IN AND FOR THE COUNTY OF KINGS  
4  
5  
6  
7 Re:  
8 STATE OF CALIFORNIA )  
9 HIGH SPEED RAIL AUTHORITY )  
10  
11  
12 Hanford, CA  
13 June 7, 2011  
14  
15  
16  
17  
18 SECRETARY'S TRANSCRIPT  
19 OF  
20 PROCEEDINGS VIA DIGITAL RECORDER  
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33 ANGELA BRASOV, SECRETARY TO THE CAO  
34 KINGS COUNTY GOVERNMENT

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1 APPEARANCES  
2  
3 TONY BARBA, Chairman, Kings County Board of Supervisors  
4 DEB WEST, Assistant Administrative Officer, Kings  
5 County  
6 JEFF ABERCROMBIE, Central Valley Area Program Manager,  
7 California High Speed Rail Authority  
8 DOUG VERBOON, Supervisor, Kings County  
9 COLLEN CARLSON, County Counsel, Kings County  
10 DAVE ROBINSON, Sheriff, Kings County  
11 LARRY SPIKES, Chief Administrative Officer, Kings  
12 County  
13 RICHARD VALLE, Supervisor, Kings County  
14 RICHARD FAGUNDES, Supervisor, Kings County  
15 TIM NISWANDER, Agricultural Commissioner, Kings County  
16 JOE NEVES, Supervisor, Kings County  
17 KEVIN MCALISTER, Public Works Director, Kings County  
18 JIM KILNER, Fire Chief, Kings County  
19 LEONARD DIAS, Board President, Kit Carson Elementary  
20 School District  
21 HARRY VERHEUL, Former Public Works Director (Retired),  
22 Kings County  
23 BARRY MCCUTCHEON, Board President, Kings County Water  
24 District  
25 DIANA PECK, Executive Director, Kings County Farm  
26 Bureau  
27 JUSTIN MENDES, Senior Field Representative, Assemblyman  
28 David Valadao  
29  
30  
31

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1  
2 HIGH SPEED RAIL COORDINATION MEETING  
3 Hanford, CA  
4 JUNE 7, 2011  
5  
6 TONY BARBA: They are out in the parking lot so it  
7 will be a few minutes before they get here, so as soon  
8 as they get here we'll get this meeting going.  
9  
10 TONY BARBA: June 7, 2011, time and place for the  
11 meeting of the Special meeting of the California High  
12 Speed Rail Authority and ourselves, Coordinating  
13 Committee meeting. Roll Call please:  
14  
15 CLERK TO THE BOARD: Joe Neves, Here, Richard  
16 Valle, Absent, Doug Verboon, Here, Tony Barba, Here,  
17 Richard Fagundes, Here.  
18  
19 TONY BARBA: We will now stand and join in the  
20 Pledge of Allegiance please (Pledge recited). Thank  
21 you. Ok we are going to do this a little differently;  
22 we are going to open unscheduled appearances after we  
23 have the discussion between the Rail Authority and the  
24 Coordinating Committee. So I am going to open it up  
25 and let Deb West.  
26  
27 DEB WEST: Thank you Mr. Chairman, Members of the  
28 Board. Deb West, Assistant CAO for Kings County. If I  
29 could have the projector turned on. Alright this is  
30 our High Speed Rail Government to Government  
31 Coordination meeting. This is the second meeting that  
32 we have held. Our first meeting was held April 19<sup>th</sup> and  
33 with your Board and the audience's indulgence, I would  
34 like to go over some of the topics that were brought up

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1 at that April 19<sup>th</sup> meeting. These were the things that  
2 we are identifying as potential impacts to Kings County  
3 and I will go over each of them as they were brought  
4 up. First was from the Sheriff's Office, Dave Putnam,  
5 Kings County Assistant Sheriff, talked about the  
6 increase on the number of service calls that might  
7 happen due to the rail being here and the station being  
8 here in Kings County. The increase in 911 calls, the  
9 increase in the number of inmates and the need for  
10 additional detentions staff, which roads might be  
11 blocked and what that might cause in terms of a delay  
12 in emergency response. Whether the High Speed Rail  
13 might be a target for terrorism and how we would be  
14 able to respond with that with our existing resources.  
15 That an increase in theft or services calls might  
16 happen because of the construction phase of the build  
17 out and a place for the homeless to congregate as a  
18 potential additional impact at the new site of the  
19 rail... (thank you) station. I just completely went  
20 blank. From the Fire Department, we had Chief Kilner  
21 here who is concerned about potential road closures as  
22 well and increased response times. Asked what would  
23 the emergency responder procedures be aboard the train  
24 so that if something happened while the train was  
25 enroute what would be, while they were traveling  
26 through Kings County, what would our response be and  
27 what would the response be in the train. What would a  
28 derailment or vehicle versus high speed train require  
29 from existing County resources and how would the  
30 alignment impact our existing station on Houston Ave  
31 which is station number 4? From the Ag Commissioner,  
32 there were remainder parcels of land and what would be  
33 by required by state law regarding future management of  
34 the properties needs to be developed so it is not to

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1 add regulatory workload from the Ag Commissioners  
2 perspective. The number and frequency of rail  
3 crossings available to customers or constituents has  
4 the potential of increasing mileage and labor costs for  
5 travel time. Pest detection trapping program has a  
6 specific gridline system that is used to determine trap  
7 placements and due to the requirements of the trap  
8 placings, the rail route being proposed has the  
9 potential of increasing the travel time and distances  
10 involved with the placement or deployment and servicing  
11 of traps by the location or frequency of the rail  
12 crossings. Potential pathways for quarantined pests  
13 that arrive in the County, who will be checking for  
14 that? Potential economic impacts of the right-of-way  
15 needed, it is estimated that over 12 acres would be  
16 necessary in right-of-way and the value in crops if you  
17 used an average of approximately \$5600 an acre would be  
18 a loss of about \$68,000 per linear mile length of track  
19 for the County or an average acre cost, if an average  
20 cost \$6500 and using those gross values above, the Ag  
21 Commissioner presented the University of California  
22 multiplier of \$3.50 to the local economy per \$1 of  
23 gross value of ag production. The lower end of the  
24 scale in the loss of the local economy would be  
25 \$237,000 per mile of track or using the higher gross  
26 value, a loss of \$275,000 per mile of track. So on an  
27 annual basis, Kings County could lose anywhere from  
28 \$11.8 million to upwards of \$13.8 million to the local  
29 economy with the loss of agriculture. From the  
30 Community Development Department, Greg Gatzka,  
31 Community Development Director identified that we need  
32 project-level detailed information. 30,000 foot  
33 project-level details do not give us the information  
34 that we need regarding impacts to our community. We

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1 talked about impacts to farmers, communities,  
2 residences and the people of this County in terms of  
3 the loss of prime ag land and production. The impacts  
4 to the dairy industry, impacts to at least 21 ag  
5 residences, disruption of County circulation, impacts  
6 to emergency services and impacts to top energy  
7 production sites. In addition, impacts to agricultural  
8 supporting industries. Impacts to air quality to  
9 increased vehicles in the County for the high speed  
10 rail station which will directly hamper Kings County's  
11 ability to comply with AB32. In drafting our 2035  
12 General Plan we worked with the State Attorney  
13 General's Office to ensure we are going to meet the  
14 provisions of AB32 and work towards greenhouse gas  
15 reductions. This project has the potential to increase  
16 that in directly hampering Kings County's ability to  
17 comply with AB32 if we have increased vehicle miles  
18 from outside travelers coming into to this county with  
19 no local offset. Our local impacts of the high speed  
20 rail are going to hinder our local plans, our local  
21 policies and our local efforts to comply with all of  
22 the state changes that come down through the  
23 legislature such as AB32 and SB375 regarding  
24 sustainable communities. We have moved towards smart  
25 growth principals in our General Plan Update.  
26 Recognizing all of this, CEQA is the cornerstone of  
27 this project and requires that you do a full evaluation  
28 of all potential impacts. From the Public Works  
29 Department, Kevin McAlister, the Public Works Director  
30 mentioned the closed Hanford and Corcoran landfills,  
31 they are near the proposed alignment, specifically that  
32 no pile should be driven through the cap or an  
33 embankment constructed on or near those sites.  
34 Designated flood ways, there are two designated flood

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1 ways that cross the preferred route, one along cross  
2 creek and the other along Kings River. Encroachments  
3 in the designated floodways have been an ongoing  
4 concern for both Kings County and the Central Valley  
5 Flood Protection Board and a source of at least one law  
6 suit against the County. Regulations require a permit  
7 for any "project that proposes to work in a regulated  
8 stream designated floodway on a federal flood control  
9 project levy, slopes or within 10 feet of the levy  
10 tow". Such activities might include but are not  
11 limited to boat docks, ramps, bridges, sand and gravel  
12 mining, placement to fill, fences, landscaping and  
13 irrigation facilities. He also brought up the  
14 shorebird mitigation site, regarding the Lake Kaweah  
15 Enlargement Project. Traffic circulation issues due to  
16 road closures and construction activities and what  
17 those impacts might be on County roads. From Kit  
18 Carson School, Leonard Dias, presented items that they  
19 felt were potential impacts for the Ponderosa area.  
20 Potential decline in enrollment for the school halting  
21 future growth, a loss of new building permit fees. The  
22 effects on their bus routes, negative impact of land  
23 investment, property values being affected, noise and  
24 the psychological barrier from the school that the  
25 railroad would create. And lastly, we had testimony  
26 from Kings County Water District, Don Mills.  
27 Additional permit costs having to work around the road  
28 closures. These additional yearly costs would be  
29 incurred forever. So how would one time mitigation  
30 costs be calculated was a question. Need to have pipe  
31 or culvert ditch crossings under the rail lines which  
32 could be anywhere from \$100,000 to \$300,000 depending  
33 on the size of the canal and the maximum water flow.  
34 Who has the liability for a canal under the rail line

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1 was a question brought up. Liability for flooding  
2 fenced easement areas. There are currently 9 canals  
3 that will be crossed in the Kings County Water District  
4 boundaries and again Mr. Mills also brought up the need  
5 to address the Kaweah Delta Water Conservation District  
6 mitigation site. So overall, those were a summary of  
7 the items that we went through, we followed up with a  
8 letter to the High Speed Rail also listing those in a  
9 summary form and then asking for this meeting as a  
10 follow-up for the High Speed Rail folks to have an  
11 opportunity to present their proposed resolutions to  
12 the County's stated concerns.

13  
14 TONY BARBA: Thank you. High-Speed rail do you  
15 have resolution to these questions?

16  
17 JEFF ABERCROMBIE: Chairman Barba, thank you for  
18 inviting us here from the council. We are back today to  
19 discuss these in regards to the project. We appreciate  
20 the opportunity to come back and address your comments  
21 and your questions. I want to remind you that the  
22 California High Speed Rail Authority is actively  
23 coordinating with all the communities, planning  
24 partners, stakeholders, residents regarding the project  
25 and we are fulfilling the requirements of CEQA and  
26 NEPA, the state environmental laws. I cannot however  
27 jump ahead of the state and federal processes today but  
28 I am happy to sit down with you and your staff to walk  
29 through some of the elements you brought forth.  
30  
31 We are committed to keeping the County engaged and  
32 informed of the details as much as possible. The draft  
33 document that we have is accumulation of years of  
34 analysis in working with community and staffs. I

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1 mentioned at our previous meeting the number of  
2 meetings that we have put forth since 2007. That was  
3 not officially recorded in our meeting but I will  
4 transcribe it here with regards to making sure it is in  
5 the official record and it starts, the list that I had  
6 noted, started all the way back in April 2007 with a  
7 Kings- Tulare Tech working group and went on in May  
8 with a County, Kings County Ag Commissioner meeting  
9 with other stakeholders in Kings County on the 4<sup>th</sup>. A  
10 Fresno- Kings - Tulare Joint CAG later that June. In  
11 November, another Technical Advisory Group meeting.  
12 Again in April, with Kings County's CAO and so on. I  
13 won't read all of the list. We recognize that the  
14 exchange of potential project impacts and potential  
15 mitigation measures are valuable to informing the  
16 environmental analysis. I must be clear though that  
17 the authority does not agree with the legal provisions  
18 Kings County has cited regarding the Federal Land  
19 Policy Management Act or ISTEA and they are directly  
20 applicable to this project. And we do not agree with  
21 your view for legal basis for coordination outside the  
22 NEPA/CEQA process. That being said, the current  
23 process that you are imposing or trying to impose to  
24 work with your staff is greatly limited our ability to  
25 discuss project level details on a government to  
26 government basis. Indeed several of the meeting  
27 requests that we have made with the County Departments  
28 have been denied based on this definition of  
29 coordination. So I will go thru as much of this as I  
30 can but the Draft Environmental Document will be out at  
31 the end of the July and all of your details, I am sure,  
32 the concerns will be fully addressed in there and we  
33 are happy to meet again, meet with your staff with the

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1 issue but they can not be released prior to that in a  
2 public forum.

3  
4 So, I am going to start with the idea of one of  
5 the questions that generally get asked is the idea of  
6 I-5 and the idea of I-5 was looked at in the  
7 programmatic document in 2005 and it was ruled out for  
8 the primary basis of it does not meet the purpose and  
9 need of the projects and that is to link communities  
10 with a transportation option. That was very definitive  
11 in the document. Also in the 2005 document, it was  
12 very clearly select the BNSF corridor for the alignment  
13 between Fresno, well for the Environmental Document in  
14 2005, programmatic called it between Sacramento and  
15 Bakersfield. That document also recognized the  
16 potential impacts to the City of Hanford and  
17 recommended a west bypass to the City of Hanford. The  
18 document did however go on to say because of the desire  
19 to have a station in the Kings - Tulare area and that  
20 being proposed in towards the City of Visalia that our  
21 project level documents, environment documents should  
22 address the 99 corridor and review them. That was done  
23 primarily through the Visalia - Tulare plan regarding  
24 stations and it evaluated numerous alignments that  
25 tried to address 99 and then rejoin the BNSF. Again  
26 those went through the public process that was actually  
27 in most instances more than what you would in a normal  
28 sequence. They then shared with the public well in  
29 advance of our draft doc it is considered of the idea  
30 it being an alternative analysis shares that build up  
31 to our Environmental Draft. In analyzing the 99/UPR  
32 line, the project listed greater residential impacts to  
33 communities. Some 3500 acres of residential  
34 communities within a quarter mile compared to 2600

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1 almost 2700 of BNSF conflicts with the SR 99 and UPRR  
2 with regards to constructability to determine the  
3 project impractical. That was again from the Visalia -  
4 Tulare - Hanford Station Study of 2007. And the NEPA  
5 404 integration process April 2011 is another citation  
6 on that. With regards to the information requested by  
7 the emergency services at the meeting, there was a  
8 number of questions that we answered at the time. One  
9 of these, what I proposed at the time was that our  
10 threat vulnerability consultant meet with the staff and  
11 to gather and make sure that they were engaged in the  
12 overall building of the threat and vulnerability  
13 analysis plan the authority has under works. That  
14 meeting was cancelled after trying to be set up. These  
15 are the type of questions we asked, we would like to  
16 ask and engage the Sheriff and the Emergency services  
17 on. With regards to would you consider vandalism such  
18 as graffiti a significant issue in your jurisdiction?  
19 Scrap metal theft from railroads is increasing  
20 nationally per FTA and TSA reporting. Has your  
21 jurisdiction seen an increase of these types of crimes?  
22 Please tell me about your Department's organizations  
23 regarding sectors, posts, districts. Do you have a  
24 railroad property activity within your jurisdiction?  
25 What type of routine patrol coverage do you have in the  
26 areas along the alignment? Are they one or two person  
27 crews? These are a sampling of the questions we would  
28 like to engage your emergency units on.

29  
30 DOUG VERBOON: Are you asking us questions? Or  
31 are you answering questions from the last time you were  
32 here?

33

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1 JEFF ABERCROMBIE: These are the information that  
2 will allow us to take into account what the County  
3 needs for their emergency services in a comprehensive  
4 overall plan.

5  
6 COLLEEN CARLSON: What are those questions?  
7 Because we do have people here that might be able to  
8 answer them.

9  
10 JEFF ABERCROMBIE: Well there is approximately 22  
11 questions.

12  
13 DAVID ROBINSON: I would like to point out that he  
14 said that the meeting was cancelled but I don't know if  
15 he was referring to a recent e-mail that I received?

16  
17 JEFF ABERCROMBIE: We had tried to make contact  
18 from our and I don't remember the gentleman's name  
19 offhand because I don't have it but it was regarding  
20 these types of questions from the threat and  
21 vulnerability assessment.

22  
23 DAVID ROBINSON: Mr. (inaudible?)

24  
25 JEFF ABERCROMBIE: I believe that is who it was.

26  
27 DAVID ROBINSON: of Charleston, South Carolina?

28  
29 JEFF ABERCROMBIE: Uh-huh.

30  
31 DAVID ROBINSON: Yeah, there was no meeting set  
32 up. He did make contact with me and I asked him if it  
33 was going to be through the coordination process that  
34 was upcoming here. He beat around the bush but

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1 ultimately he said no it was not. So I told him that  
2 we were going through that process and as soon as I  
3 received authorization from that process, I would be  
4 happy to work with him.

5  
6 JEFF ABERCROMBIE: Thank you for the  
7 clarification. I don't have Peter on the line so I do  
8 not know if it would be productive to go through all of  
9 these questions. It would be productive though, if you  
10 would allow that discussion to take place.

11  
12 LARRY SPIKES: Well let me, if I may Mr. Chairman,  
13 just to clarify, I think it was stated last time, Mr.  
14 Abercrombie, that there is no problem with meeting with  
15 staff to clarify the issues but the answers need to  
16 come back in this forum in our estimation. And any new  
17 questions actually that needed to be raised here too  
18 was what our position was. I think you and some staff  
19 members did meet with Mr. Gatzka and his staff on some  
20 of these issues.

21  
22 JEFF ABERCROMBIE: Uh huh

23  
24 LARRY SPIKES: But I think that our position has  
25 been clear from the beginning. We are trying to  
26 respect this process in terms of having staff meet with  
27 you to clarify any issues surround the questions the  
28 were raised, we want the answers to come back here and  
29 any new issues to come back here through this process  
30 as well. And so I think we have been consistent in  
31 that regard. So I think you've raised, you have 22  
32 questions, having to do with looking what Kings  
33 County's definition is as far as what, like graffiti  
34 and other issues, I think that has been raised now we

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1 will be happy to, the Sheriff, I know, will meet with  
2 you and others to go over those issues and we can get  
3 clarifications of what they mean and then the answers  
4 will need to be brought back here. I think that would  
5 be the concept. But correct me if I am wrong counsel  
6 but that is the way we would approach it.

8 RICHARD VALLE: So Mr. Spikes, one the questions I  
9 had based on his opening comments is he said that he  
10 has offered meetings to several different Kings County  
11 Departments and those offers were declined. You are  
12 saying that there were declined you want the questions  
13 and answers to take place here only in front of the  
14 public?

16 LARRY SPIKES: Well what we suggested was, again,  
17 the meetings taken place consistent with the concept  
18 under coordination that new issues should be raised  
19 here, answers should be brought back here, and  
20 clarification of the questions raised is being taken  
21 place with staff outside of this environment.

23 RICHARD VALLE: So based on that, that's why some  
24 meetings were held and some meetings were not held?  
25 Even with the invitation?

27 LARRY SPIKES: Well for instance, there was a  
28 meeting I think to discuss the possibility of going  
29 over with the Public Works Department proposed  
30 alignments and we said we needed to bring that up here  
31 and that probably oversimplified what the process was  
32 as far as what that meeting was about. But the concept  
33 is we raised specific issues that were outlined earlier  
34 and we were going to meet with them and we did meet

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1 with them in certain cases to get clarification on  
2 those issues but if they wanted to broach new subjects  
3 we suggested that needs to come back here.

5 RICHARD VALLE: Cause I ask in the spirit of  
6 progress, where if this gentleman is saying he has 22  
7 questions here for the County and in attempts were made  
8 to get that done prior to today and then have those  
9 addressed with the possible solutions or at least  
10 feedback that is what I'd like to have seen and heard  
11 today versus coming today and saying here is the list  
12 and then the folks here that want answers you know  
13 looks like they are going to leave without those  
14 answers.

16 DOUG VERBOON: Well you know in the spirit of  
17 progress, this is a coordination meeting and High Speed  
18 Rail needs to be made accountable of all questions that  
19 were asked last meeting and they need to answer those  
20 questions to the Board on record and then there are  
21 more people here that have more questions that need to  
22 be asked and they can come back next time and answer  
23 those questions again at the next meeting. That is the  
24 only way the coordination meeting is going to work. It  
25 is not of, help them get it done, they need to be  
26 accountable to Kings County cause we are in charge  
27 before that rail comes through our County we need to  
28 have all the answers.

30 RICHARD VALLE: Yeah, no I get that, I believe I  
31 stand with you in support but I can understand how some  
32 questions come about from our questions. It seems like  
33 if that is what is happening and we are raising  
34 concerns and they want to address them effectively.

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1  
2 COLLEEN CARLSON: That is the reason we had a  
3 follow up meeting with Planning because we realize that  
4 our questions raised questions that we had information  
5 that could possibly help them to answer the questions  
6 and resolve our concerns. So Planning did meet twice  
7 to provide any information that they had regarding the  
8 questions that were already raised in this forum.  
9  
10 RICHARD VALLE: Ok  
11  
12 COLLEEN CARLSON: And that's the offer is out there  
13 as well. So today that long list of questions we  
14 provided as much additional information as we could and  
15 new we are waiting for response on how they took that  
16 information and how they are going to use it to help  
17 them resolve the issues that we raised.  
18  
19 TONY BARBA: Ok That's it.  
20  
21 RICHARD VALLE: That's all I had sir.  
22  
23 DOUG VERBOON: Ok, Do you want to leave us a list  
24 of questions and we can respond in 30 days or so to  
25 those questions that you have?  
26  
27 JEFF ABERCROMBIE: Certainly  
28  
29 DOUG VERBOON: Will that work?  
30  
31 JEFF ABERCROMBIE: Terrific  
32

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1 DOUG VERBOON: And that goes to the Sheriff  
2 correct or is that total for all the people for the  
3 meeting we had last time.  
4  
5 LARRY SPIKES: Well Mr. Abercrombie, Do you have  
6 the 22 questions?  
7  
8 JEFF ABERCROMBIE: Yes I do.  
9  
10 LARRY SPIKES: Did you want to put them on the  
11 record so we can then have a basis upon on which we can  
12 take from there, work with staff and bring it back?  
13  
14 JEFF ABERCROMBIE: Right there. I can certainly  
15 read them if what you would like.  
16  
17 LARRY SPIKES: Well that is what I was thinking.  
18  
19 JEFF ABERCROMBIE: Three general questions:  
20 First what would you like to see incorporated in the  
21 design to enhance security for both the railroad and  
22 communities along your proposed alignment. Second what  
23 policy challenges do you anticipate, excuse me,  
24 policing challenges do you anticipate? Three, do you  
25 have any other questions? Department agency  
26 information, please tell me about your department's  
27 organization regarding sectors posts, districts. Do  
28 you currently have railroad property/activity within  
29 your jurisdiction? What types of routine patrol  
30 coverage do you have in the areas along the alignment  
31 are they one person or two person patrols? What is the  
32 longest time for response to any point along the  
33 alignment for both suspicious activity calls as well as  
34 emergency response calls? How long do you anticipate a

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1 backup second unit would arrive, would take to arrive  
2 at these locations? Do you have explosive detection  
3 K9s? If so, how many? When do they work? Are they on  
4 call? Are there any dead spots for radio  
5 communication within your jurisdiction along the  
6 alignment or in the area of the proposed alignment? Do  
7 you have a portable command post, bus, truck, van or  
8 other and if so is it capable of traveling to any point  
9 along the alignment? Do mutual agreements exist  
10 between your agency and adjoining agencies for  
11 equipment, K9 and other resources? Do you anticipate  
12 persons attempting to trespass and or cut railroad  
13 fences so they can traverse the alignment which may  
14 block their previous travel route? Do trespassers  
15 currently use this technique to traverse properties  
16 within your jurisdiction? Is your area a recognized  
17 route for volumes of high traffic of human traffic to  
18 pass through? Are there any areas along the alignment  
19 where hunting is permitted? If so, please identify the  
20 seasons?

21  
22 AUDIENCE: Laughter.

23  
24 JEFF ABERCROMBIE: No I am reading. I am reading.  
25 It could be all. Are there any suspected hangout  
26 locations for juveniles along the alignment? Will the  
27 alignment go through any areas that have a high level  
28 of illegal drug activity, any other illegal activity,  
29 type of activity? Do you experience random acts of  
30 vandalism in any areas along the proposed alignment  
31 including the rural areas such as discharging firearms  
32 at signs or buildings? What do you think the impact on  
33 crime will be to your jurisdiction during construction,  
34 during operations? Scrap metal theft from railroads is

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1 increasing nationally as per FTA and TSA reporting, has  
2 your jurisdiction seen an increase in these types of  
3 crimes? Would you consider vandalism such as graffiti  
4 a significant issue in your jurisdiction? Do you think  
5 it will increase once the railroad is built? What do  
6 you consider will be the most frequent crime or  
7 condition on railroad property within your  
8 jurisdiction? Do you have a homeless problem in any of  
9 these areas, sectors or districts and how does your  
10 department address those issues? What types and  
11 frequencies of crime occur in your agency sectors,  
12 posts, and districts, adjacent to the proposed  
13 alignment?

14  
15 LARRY SPIKES: Well thank you that is helpful  
16 because I appreciate the fact that your concept would  
17 be let's talk about those outside of this environment  
18 but as you know while there is a disagreement about the  
19 applicability of the coordination process we intend to  
20 stick with that and so that's why we are trying to  
21 create a record and not have meetings outside of the  
22 record keeping availability so that we can go over  
23 those questions. Now a number of those questions  
24 obviously are directly related to what was raised last  
25 time. And so the extent then if there are any new  
26 questions now they are on the record and it seems to me  
27 that it would be perfectly appropriate and I know the  
28 Sheriff was over there I couldn't quite tell if he was  
29 writing down all the questions but I think he is taking  
30 notes on all of those so we can move forward and maybe  
31 get those responses coordinated and we can come back  
32 here and bring the appropriate response on behalf of  
33 the County's position as well as high speed rail

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1 authority. I think that is helpful to move forward on  
2 those particular issues.

3

4 RICHARD VALLE: Mr. Chair, Can I make a comment?

5

6 TONY BARBA: Yes

7

8 RICHARD VALLE: So Mr. Spikes are you directing a  
9 timeline that we will respond to these questions are  
10 you prepared to do that today?

11

12 LARRY SPIKES: I think at the end of this meeting  
13 we would certainly again strongly suggest and actually  
14 we would demand another meeting to come back and get  
15 these questions answered. I don't have a specific time  
16 frame in mind but it needs to be soon because clearly  
17 information they're going to be releasing under CEQA  
18 and NEPA is coming very quickly.

19

20 RICHARD VALLE: I think, I ask that because  
21 clearly a lot of the folks here in the chambers today  
22 have concerns about their farmland and their homes and  
23 you know the State, well the Commission just put the  
24 ball in our court under the umbrella of bureaucracy to  
25 give us this many questions for us to address so I  
26 suggest that we answer those in a very timely manner,  
27 get the ball back in their court so we can move forward  
28 with one of the real issues here at hand, at least the  
29 issue that I am seeing highlighted as it relates to the  
30 east side of the County and ag land.

31

32 LARRY SPIKES: That should not be a problem.

33

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1 COLLEEN CARLSON: I did just want to point out  
2 though that we are here because we raised similar  
3 questions, we raised these safety issues. We raised  
4 the issues that intersections would be interrupted. We  
5 raised public safety issues and we're wondering how  
6 they are going to resolve those instead of bringing  
7 back resolutions, they bring back a whole list of more  
8 questions. I understand some of those but I am still  
9 waiting for the answers as to how they are going to do  
10 that other than another study. How they are actually  
11 going to resolve the concerns that are created by the  
12 line.

13

14 RICHARD VALLE: But let's keep our end of the  
15 bargain up by answering those questions...

16

17 COLLEEN CARLSON: Absolutely.

18

19 RICHARD VALLE: Because I do know also that the  
20 folks who traveled last week to Sacramento, they were  
21 at the podium in front of the Commission and they laid  
22 out lists of questions that they wanted answers to and  
23 so as we show the respect that we are going to answer  
24 these, we also want the respect back from your folks to  
25 the questions that these folks here asked and they  
26 raised. You know, so they don't feel like that they  
27 just traveled to the Capitol, went to the podium, got a  
28 minute to speak and then walk away without the answers  
29 to their questions. I know what that feels like as I  
30 have done it there as I have went up there for the  
31 fight for water and traveled with Ms. Peck and with our  
32 groups to do that fight as well so it is always good to  
33 come back and have and feel like there is some progress  
34 and answers to your questions so I'm urgently

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1 responding to you so we got responded to with the same  
2 timely, proficient manner.  
3  
4 JEFF ABERCROMBIE: Well again, respectively, there  
5 are answers that I cannot give because it is part of  
6 the Admin's draft and it will be released in July.  
7 Some of the questions that I answered with regards to,  
8 for example, specifically the Sheriff, but it also  
9 addressed the Fire Chief's concerns with regards to  
10 response times and what not and the map that we had  
11 provided and what I discussed at the time, was again  
12 that there were crossings at the intersections, the  
13 roads that presently exist that are only approximately  
14 four road closures up the very north of the county and  
15 only one of them requires out of direction travel of  
16 over two miles. And those details I'd be happy to  
17 share but I cannot share in this forum.  
18  
19 With regards to the Fire Station Training Facility,  
20 again, I mentioned at the last meeting that we are  
21 certainly willing to try to adjust that particular  
22 overhead crossing as necessary. However, again, that  
23 has to be in a discussion where we sit down and  
24 understand the purpose and needs and what might be most  
25 workable for the Fire Department. The idea that the  
26 facility could be relocated, the idea that overhead  
27 could be modified by either pushing it south or using  
28 retain fill or something, those are options though that  
29 are really only worked out but once we understand, one  
30 the cost of the facilities, what is workable and what  
31 isn't workable with the Fire Commanders, their response  
32 for that particular area so we are, the Authority is  
33 awful hamstrung trying to do that on an on going basis  
34 in this manner.

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1  
2 DOUG VERBOON: Do you have any answers today at  
3 all?  
4  
5 AUDIENCE: (Applause and laughter).  
6  
7 DOUG VERBOON: I didn't do that to be a smart  
8 aleck, I just want to know, if you don't have the  
9 answers, we have people here that have more questions  
10 and concerns and if we could just, if you can tell when  
11 you're going to answer those questions, we can have  
12 more questions come at you right now.  
13  
14 JEFF ABERCROMBIE: Supervisor Verboon, the  
15 answers I have, I don't think expect that you or  
16 perhaps those that are gathered here will find them in  
17 detailed enough information. Again, reiterate the  
18 things I most often discussed last time in regards to  
19 details and what we need to do. For example if you  
20 consider my response to what we would do with the  
21 training facility inadequate than I have no answers for  
22 you with regards to that because those for one, at a  
23 fifteen percent design, those details aren't worked  
24 out. And, but they are one of, for example, the  
25 roadways are our most flexible feature of the system  
26 and I think can easily accommodate the needs and so I  
27 believe it is an answer and I believe it is a solution,  
28 we just need to figure out which one is right for the  
29 County and for that matter of those three that I just  
30 mentioned, moving the overcrossing slightly to the  
31 south, placing it on retain fill or relocating the  
32 station, I would accept any input at this time. I mean  
33 that is coordination, that is what we sit down and do,

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1 that is what we've sat down and done with cities and  
2 counties up and down the line.  
3  
4 DOUG VERBOON: Do you want to go ahead and turn it  
5 over to maybe have comments from the public.  
6  
7 LARRY SPIKES: Well what I have suggest first, is  
8 the fifteen percent design phase; did you have that  
9 available to share with the Board at this point?  
10  
11 JEFF ABERCROMBIE: That is part of the  
12 Administrative Draft. It will be out in the draft  
13 document. I will be happy to meet with the Board and  
14 review the fifteen percent design but I cannot do it in  
15 public.  
16  
17 DOUG VERBOON: Well you are taking people's homes  
18 and land, but you can't tell them when you are going to  
19 do it or how you are going to do it?  
20  
21 JEFF ABERCROMBIE: We certainly will. that's when  
22 the draft environmental document comes out, that is  
23 when the public comment period is and that is part of  
24 the process is, yes.  
25  
26 LARRY SPIKES: Ok, so that is what I wanted to  
27 clarify. Mr. Abercrombie, what you are saying is the  
28 issues that were raised and the issues that I know you  
29 and your staff met with Mr. Gatzka on, your position is  
30 you're not going to answer those questions in this  
31 environment but instead you have to wait till the  
32 NEPA/CEQA documents are out. Is that essentially what  
33 you are saying?  
34

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1 JEFF ABERCROMBIE: That is correct.  
2  
3 LARRY SPIKES: OK.  
4  
5 AUDIENCE OUTBURST: (Inaudible).  
6  
7 JEFF ABERCROMBIE: No that is not true.  
8  
9 DOUG VERBOON: So we need to ask more questions  
10 now Mr. Spikes?  
11  
12 LARRY SPIKES: I would suggest that if that does  
13 conclude the High Speed Rail Authority's response to  
14 the original questions, we did have on the agenda  
15 another round of additional information and questions  
16 and allow the opportunity for those that previously  
17 raised questions and I know Greg Gatzka has some. So I  
18 think that we'd just as soon, at this point, unless Mr.  
19 Abercrombie disagrees and there is more he has to say,  
20 I suggest we move on and do that at this point in time.  
21  
22 DOUG VERBOON: But we'll have the answers  
23 eventually?  
24  
25 JEFF ABERCROMBIE: Yes  
26  
27 DOUG VERBOON: Or there will be no train, correct?  
28  
29 JEFF ABERCROMBIE: I don't get your inference.  
30  
31 DOUG VERBOON: You'll answer the questions that we  
32 had before, eventually at the appropriate time,  
33 correct?  
34

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1 JEFF ABERCROMBIE: Correct, those questions will  
2 be answered in the draft.  
3  
4 DOUG VERBOON: Before there is a train?  
5  
6 JEFF ABERCROMBIE: Correct  
7  
8 DOUG VERBOON: Ok  
9  
10 RICHARD FAGUNDES: When are these people going to  
11 get answers to their questions in regards to taking  
12 their property and the impacts that they have. They  
13 come here for answers and we have yet to get answers.  
14  
15 DOUG VERBOON: Because they are asking us all the  
16 time and you know, we don't have the answers so you are  
17 on the spot.  
18  
19 JEFF ABERCROMBIE: I understand.  
20  
21 RICHARD FAGUNDES: They have been rudely treated  
22 where they have gone and it is just unfair to these  
23 people who have come here. They have homes, they have  
24 third generation properties here. They need answers,  
25 they want answers. These people are very fair, they  
26 just want answers and you are not giving them answers  
27 and that is all we've asked. This is what this is  
28 supposed to be. A coordination meeting answers and  
29 questions and we are not getting them. And I don't  
30 understand a coordination meeting, where I came from,  
31 questions and answers, and supposedly have answers, a  
32 system so extravagant and so costly, you should have  
33 answers not just from one day to the next. And I would  
34 like to see these people have answers. It is just

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1 frustrating to me and even them more so to come here.  
2 They are concerned, you can see this or they would not  
3 be here and I would appreciate it if we could get some  
4 answers some way or another. You've got to have  
5 answers. You can't just put on the system this  
6 extravagant and this expensive, just thinking from  
7 month to month.  
8  
9 JEFF ABERCROMBIE: We will provide every answer I  
10 can.  
11  
12 TONY BARBA: You know these people have taken time  
13 out of their busy day to be here and not getting any  
14 answers, I just don't understand it. You also have a  
15 meeting tonight at 5:00 right? Now is there going to  
16 be any difference then than we've got here?  
17  
18 JEFF ABERCROMBIE: Well, again, you know what the  
19 Board is asking is for Admin Draft details which I  
20 cannot release. The Authority cannot release because  
21 it is part of the CEQA process in which CEQA/NEPA  
22 process and those are not released ahead of the draft  
23 environmental document. The Draft Environmental  
24 Document is just that it's a draft it is open to the  
25 public comment, that is why we have a public comment  
26 period. Those public comments are supposed to be  
27 addressed, resolved as much as possible. Again, sent  
28 back and looked back in terms of what can be resolved  
29 to the best fashion for the majority of all those  
30 concerned so it's a process that respects the rights of  
31 people to comment but it also in this case, I have to  
32 be able to guard the legality of it in terms of when  
33 information is released and when it is not.  
34

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1 RICHARD FAGUNDES: Then they haven't got a right  
2 to get answers to their livelihood also?

3

4 JEFF ABERCROMBIE: I've tried to give as best  
5 answers as I could with regards to it. With regards to  
6 specific right away questions and specific individual  
7 property we are precluded for the most part to not  
8 enter into any type of negotiation or arrangement with  
9 regards to that until there is a selected alignment at  
10 the end of the environmental document process. That is  
11 what precludes us from engaging in an individual basis  
12 on what an actual resolution specific to their needs  
13 would be. We've tried to address it numerous times  
14 with regards to what the process would be like, what  
15 things the Authority or any government agency has to  
16 consider with regards to securing property for a public  
17 works project. But individual details, specifics can't  
18 be done until there is an official alignment and we  
19 have an official finalized environmental document.  
20 That is when that process begins, it cannot begin  
21 before.

22

23 COLLEEN CARLSON: Mr. Abercrombie, are you  
24 indicating then that within the administrative, well  
25 not the administrative draft but the draft that goes to  
26 the public of the environmental document, that each and  
27 every question that was raised in this forum and others  
28 is going to be identified in the document and an answer  
29 or comment or response given? Is that what you are  
30 saying?

31

32 JEFF ABERCROMBIE: All of those questions are to  
33 be answered in the environmental draft document and

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1 I'll take a gander here and that is our mission to  
2 accomplish is that not correct?

3

4 COLLEEN CARLSON: Can you answer hypothetical  
5 questions such as, I was looking at the 2007 alternates  
6 analysis and the opening paragraph of it indicated that  
7 all of the alignment would be grade separated and so it  
8 seems to me like I've heard in just the various  
9 different meetings that I have had that there are going  
10 to be lots of areas at grade, so what that does is it  
11 creates the question that the Sheriff and the Fire have  
12 for example about if its different than what the needs  
13 analysis said and if in fact the intersection will be  
14 affected because the track will be at grade, how do you  
15 intend to respond generally to that in different  
16 communities. I mean will we have to travel miles  
17 around and I think those are the kind of general  
18 questions that people are asking that would answers  
19 would be really great even if it wasn't specific to 12<sup>th</sup>  
20 avenue and Hwy 43 or whatever.

21

22 JEFF ABERCROMBIE: Colleen, let me first say that  
23 when we say grade separated, we don't mean aerial or on  
24 the ground. What we mean by grade separated means is  
25 that you will not have a road and the high speed train  
26 at the same elevation like you have in many cases with  
27 BNSF and you have gates and a crossing that stops when  
28 the train comes by. Grade separated means that the  
29 County road or city road would go over or under the  
30 high speed rail.

31

32 TONY BARBA: Or kill it?

33

34 JEFF ABERCROMBIE: Excuse me?

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1  
2 TONY BARBA: Or kill the road.  
3  
4 JEFF ABERCROMBIE: Or in the case it is mutually  
5 acceptable, we would cul-de-sac the road or provide  
6 some other means to make that loop. And it almost,  
7 like I said in terms of Kings County, of the five roads  
8 that we think that we have impact where we would be  
9 closing a portion thereof, only one results in out of  
10 direction travel of over two miles and then it's like  
11 2.2 miles. So for the most part, no I think the  
12 County, the Sheriff what not, they will have all the  
13 access as necessary. Most of our crossings are two  
14 miles apart. Not all, some are closer some might be a  
15 little more and that's the engagement we need, we seek  
16 to have on the County Road Department level is from the  
17 standpoint of, if they don't want it at Jersey Avenue,  
18 it's more important to have it somewhere else, on  
19 Excelsior or something then that is where we will put  
20 it. You know from that standpoint to answer your  
21 question you won't be driving miles and miles and miles  
22 out of the way and grade separated means that the road  
23 will either go over or under us. There will be no, no  
24 crossing that are at the same elevation for safety  
25 reasons.

26  
27 TONY BARBA: We have our Ag Commissioner has...

28  
29 LARRY SPIKES: If I may Mr. Chair, I guess at this  
30 point, we are going to open it up for a repeat  
31 appearance, if you will, of any of those departments  
32 that brought questions before to put on the record  
33 additional questions so I'm assuming that that would be  
34 the point starting right here so I just wanted to make

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1 that clear already. Well I think, I know for instance,  
2 Mr. Gatzka has an opportunity but I think the Ag  
3 Commissioner, alphabetically you are first on the list  
4 anyway.

5  
6 TIM NISWANDER: Thank you, Tim Niswander, Kings  
7 County Agricultural Commissioner. Just for the record,  
8 I wanted to point out that part of the presentation  
9 that was given previous; the \$11 - \$13 million annual  
10 loss to agriculture is a gross revenue loss to the  
11 crops. The multiplier is multiplied times that so the  
12 annual revenue loss to the Kings County economy would  
13 be more in the neighborhood of \$100 million annually  
14 not the 11 - 13 million that was just the growers loss  
15 of annual revenue. The thing that I want to say about  
16 this project is that the San Joaquin Valley is a living  
17 being. That comments I have heard about going through  
18 urban areas, sometimes rail go through blighted areas  
19 of an urban community where there is no life in that  
20 community anymore and they can destroy buildings, they  
21 can acquire the property but when you take out farm  
22 land, farm land is a living breathing entity, it's a  
23 renewable resource that provides food for this country  
24 and to a certain extent to a lot of our foreign  
25 neighbors, we export a lot of commodities out of this  
26 County. So you cannot do a one time purchase. I've  
27 heard in the Assembly Hearing in Madera couple months  
28 ago that this is a traditional public works project and  
29 should be treated as such. It may be a traditional  
30 public works project but in the State of California  
31 there is any number of laws and regulations that have  
32 been placed on books. As a regulatory agency I can  
33 tell you, since 1970 or since 1973 there have been an  
34 enormous amount of regulations that have been drafted

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1 and new laws created that growers and people in urban  
2 areas, everybody that lives in this state has to comply  
3 with. And so, what I want to say about a coordinated  
4 meeting is Mr. Abercrombie, Public Works doesn't know  
5 my job and I don't know theirs. I don't know the  
6 regulations that the Planning Department works under  
7 but I know they have regulations, they don't know mine.  
8 We are individual specialists and to meet with us  
9 individually is a divide and conquer approach to this.  
10 What was raised by our Public Works, who knows about  
11 grading and grade level above grade level and what not  
12 and knows the difference between Cal Trans compaction  
13 and a railroad compaction rate, brought to my mind ok  
14 where is the soil or what kind of material are you  
15 bringing in to do that grade separation? In my world  
16 where I work, I am concerned where the soil is coming  
17 from, what's in it and what effect it's going to have  
18 on surrounding agriculture not just in Kings County but  
19 in the San Joaquin Valley collectively because as  
20 people move, they bring with them the pest or diseases  
21 or whatever it is that they came in with. So that was,  
22 I guess, an additional question I have is what kind of  
23 material, where is it coming from that will help  
24 establish that grade separation? I don't know if that  
25 is addressed in your CEQA document. Thank you.

26  
27 TONY BARBA: Was it Greg that was.

28  
29 LARRY SPIKES: Well before we go on down the list,  
30 I guess if we could take them up alphabetically, the  
31 next would be Community Development Director Greg  
32 Gatzka.  
33

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1 JEFF ABERCROMBIE: If I may interject for the  
2 moment. If I feel I can answer these as we go are you  
3 open to just doing it as it happens.

4  
5 LARRY SPIKES: Do you have an answer as to where  
6 the fill is going to come from?

7  
8 JEFF ABERCROMBIE: The document as written per the  
9 environmental if you do you want to answer it directly,  
10 please correct me if I am wrong, I will let Alexandra  
11 introduce herself but we are setting it up as  
12 commercial sites. Other than that we do not have a  
13 specific location. Is there something different  
14 Alexandra that you want to bring? Ok. So in response  
15 to your question, the Authority took the course that,  
16 well, a lot of freeway projects for example, are built  
17 cut and fill. Which means some portions of the roadway  
18 they are in a depressed section and the reason they do  
19 that is because they can dig out all that dirt out and  
20 do the next mile or two as an elevated section with  
21 embankment. Okay, it's called balancing your jobs and  
22 such. That has a larger environmental footprint  
23 because of it with regards to what you have to excavate  
24 and so on. The Authority took the course that it would  
25 be better environmentally for ag and others to rely on  
26 commercial sources.

27  
28 TONY BARBA: Is it hot in here.

29  
30 JOE NEVES: That is just there for looks Doug that  
31 don't work.

32  
33 DOUG VERBOON: It don't work? Open a window.  
34

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1 TONY BARBA: Gatzka are you ready.  
2  
3 GREG GATZKA: Thank you Chairman, members of the  
4 Board, Mr. Abercrombie for coming back. Greg Gatzka,  
5 Community Development Agency Director for the County.  
6 And this is, there is obviously a lot more major issues  
7 at stake with this project than I think even some of us  
8 realize since it has been moved over towards Kings  
9 County. And just to start off, the initial thing,  
10 being a dedicated public professional and seeing the  
11 basically disturbing way that this whole entire project  
12 is being conducted in Kings County is very upsetting.  
13 I've actually been up to the State Authority Board and  
14 seen how the Authority Board, the Executive staff and  
15 down end of the staff have been dealing with this  
16 issues directly. I've had meetings with Mr.  
17 Abercrombie and his consultants and so what I want to  
18 do in the presentation is not only present some  
19 questions for the Authority staff but also to help the  
20 community understand through a little bit of education  
21 what this is all about. Some of the things that they  
22 may not completely understand and...  
23  
24 UNKNOWN: Ok thanks  
25  
26 GREG GATZKA: Just to kind of start off, back on  
27 June 2 about 20 residents from Kings County made their  
28 way to Sacramento to give public testimony. They were  
29 the voice and the face of Kings County and throughout  
30 those processes we've been denied any recognition of  
31 the issues that are actually going on here. There is a  
32 disconnect between the consultants, the staff, the  
33 Executive staff going up to the Authority Board. Mr.  
34 Abercrombie, what I want to offer today is that we have

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1 been coordinating with out adjacent county, Tulare  
2 County, the cities around here, there is a potential  
3 viable alternative that goes back towards 99 and the  
4 programmatic EIR and you have local buy in, including  
5 the local agencies around here to work with you on  
6 that. So as I go through my presentation there's going  
7 to be a lot of criticism of what you are doing here but  
8 there is an opportunity for you to really consider  
9 working with us and looking at how can you make that  
10 work? How can you tie it in to Visalia who is willing  
11 to donate land to accommodate the urban growth and  
12 infrastructure, connect it back to the 99 corridor  
13 where your prop 1A bond funds are going to tie to?  
14 They have the airport, hotel capacities commercial  
15 growth potential, ridership potential, all that is  
16 beneficial to this project. That is the one and main  
17 thing I want to lend to you by bringing yourself to  
18 this meeting. Take away that one message because there  
19 is a lot of issues that you are going to be faced with  
20 here in Kings County and I will present some additional  
21 information that your environmental work is going to  
22 be faced with a lot of challenges that obviously based  
23 on our meeting, a lot of those have not been fully  
24 addressed. One of the things that most people don't  
25 realize is, who are they actually dealing with. What I  
26 have done is presented pictures of the Authority Board.  
27 These are the people that we have gone out and seen how  
28 they operate Mr. Van Ark. And then under them you have  
29 the Authority staff and that is Mr. Abercrombie who is  
30 here. These are state appointed officials, State  
31 elected, I'm sorry, state hired CEO and Mr. Abercrombie  
32 is a state employee as well, everybody else is  
33 consultant contract individuals. Throughout this whole  
34 process, we've a number of turnovers with individuals

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1 not only in the Authority Board but also on the staff.  
2 What is the consistent main thing that has been through  
3 that has been the consultants that have been working on  
4 it? I've had meetings with EIR professionals working  
5 on this as well with Mr. Abercrombie. A number of the  
6 other consultant staff so we do know some of the issues  
7 that is going on in their EIR and we have a lot more  
8 questions. The unfortunate thing is during those  
9 meetings they are looking for answers from us to polish  
10 up the document. That is not what we are here for. We  
11 are here to actually have our issues and concerns  
12 addressed for the residents who live in Kings County.  
13 So part of that what we really need to understand is  
14 also what are we dealing with in the process and just,  
15 I want keep it brief but I've got video clips, just  
16 real brief from how former Chairman now, Mr. Pringle  
17 had dealt with Diana Peck, his statements, CEO Van  
18 Ark's statements, stating that this coordination  
19 process, they don't acknowledge it. The issues in  
20 Kings County are being addressed and then the Project  
21 Manager on the consultant saying he has worked with  
22 Kings County's local governments, counties, cities,  
23 groups, stakeholders and the issues are being  
24 addressed. That is basically bologna. We are here on  
25 the ground floor trying to work with the potential  
26 impact that this project is going to bring to County  
27 residents and these statements are misleading. They  
28 are flat out misleading so if we can briefly go and  
29 just take a snippet so that is in the public record  
30 because those meetings are being held outside of this  
31 County Board Chambers. If we got sound.  
32  
33 (Sound issues)  
34

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1 RICHARD VALLE: Can we have Ms. Peck come to the  
2 podium and do the voice over.  
3  
4 JEFF ABERCROMBIE: This is, I think already a  
5 matter of public record, and it was a part of the Board  
6 meetings correct? I'm based on what I know...  
7  
8 GREG GATZKA: It wasn't (inaudible) not in the  
9 forum in Kings County.  
10  
11 GREG GATZKA: Unfortunately we probably won't be  
12 able to get the sound working.  
13  
14 JOE NEVES: It says volume off in the corner now  
15 so do you have. I think the mute is off now so what is  
16 the volume there Chuck?  
17  
18 AUDIO OF DIANA PECK: The Authority does not feel  
19 that the provisions cited in the federal (inaudible)  
20  
21 AUDIO OF CURT PRINGLE: I have no idea what you are  
22 talking about.  
23  
24 AUDIO OF DIANA PECK: You as the Authority agree  
25 that with for our review on the legal basis on this  
26 effort of coordination. I just wanted to question you  
27 on that.  
28  
29 AUDIO OF CURT PRINGLE: I have no idea what you  
30 are talking about and in fact, all you heard throughout  
31 the course of today is coordination with various local  
32 government entities. You can talk to any of the  
33 counties that are your neighbors and if in fact Kings  
34 County and in this specific regard and if you're the

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1 spokesperson for the elected officials for Kings County  
2 that is great.

3

4 AUDIO OF DIANA PECK: No, I'm not. I am actually  
5 a witness to the process.

6

7 AUDIO OF CURT PRINGLE: They should, in fact, send  
8 me a note that they don't feel that they are being  
9 heard. I would also like to just hear and...

10

11 GREG GATZKA: Where to send the note to the...

12

13 DOUG VERBOON: Yeah, he needs a note Mr.  
14 Abercrombie.

15

16 GREG GATZKA: Now we want to give you a little  
17 snippet from CEO Van Ark:

18

19 AUDIO OF ROELOF VAN ARK: It's a pity that King  
20 County people are not here and I obviously am not happy  
21 and we will continue to reach out to Kings County.  
22 Just so that the Board knows, between March 2007 and  
23 March 2011, I see (inaudible) has met with Kings County  
24 and the City of Hanford and government officials and  
25 collectively about 50 times. There are lists and lists  
26 we have made this lists available. High Speed Rail has  
27 also met with many other Kings County individuals and  
28 groups who have expressed interest to meet during that  
29 time. Kings County's Board of Supervisors have sent us  
30 a few letters, May the 6 and May the 18<sup>th</sup> and they  
31 requested something that they refer to as coordination.  
32 According to the Federal Land Policy Management Act,  
33 and the Highways' Provision in Intermodal Surface  
34 Transportation Efficiency Act. The Authority does not

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1 agree that legal basis applies to our particular  
2 project although it is very similar to what we are  
3 doing, in any case, in our outreach efforts for CEQA  
4 and NEPA and there is no question in our mind. We will  
5 intensify and continue to reach out to Kings County and  
6 the in particular the agricultural community in Kings  
7 County.

8

9 GREG GATZKA: And then one last one with the  
10 consultant staff that gave their presentation that that  
11 May 5<sup>th</sup> Authority Board meeting.

12

13 AUDIO OF AUTHORITY CONSULTANT STAFF: Turning now  
14 to the Hanford/Kings County are, we consulted with all  
15 the local agencies with agricultural interests and also  
16 with the federal and state resource agencies. We're  
17 recommending that the alignment be shifted both north  
18 and south of the proposed Kings/Tulare station and the  
19 north is...

20

21 GREG GATZKA: That is good, that is just to drive  
22 the point that in their Authority Board meetings, the  
23 Authority, Executive staff and the consultants have all  
24 indicated that they've worked with us and they have  
25 done everything they need to here and yet unfortunately  
26 when Mr. Abercrombie also comes here we don't have any  
27 additional answers to our questions. Those two don't  
28 match up. This Authority Board has been identified in  
29 the media as a quasi-independent, not quasi-  
30 governmental or quasi-democratic or anything of that  
31 nature. The actions that this Authority has  
32 demonstrated is not accountable to the local  
33 communities or the stakeholders that are going to bear  
34 the brunt of this project and that includes mainly here

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1 in Kings County. The impacts are not completely  
2 addressed and I know that for a fact from seeing some  
3 of the releasable information that were done supposedly  
4 in our meeting. Although you can't speak to it Mr.  
5 Abercrombie, I can because I am not under any  
6 confidence to not talk about that although your request  
7 and submittal to me for the GIS data, we've held to  
8 your request to not release that despite the fact that  
9 we do want to get that information out to the public to  
10 people who are potentially going to be impacted but  
11 we've held to your request not to release it anymore.

12  
13 JEFF ABERCROMBIE: If I may interrupt, I also said  
14 that if you had a specific request that you refer them  
15 to me so that we could deal with it.

16  
17 GREG GATZKA: And we do have your name, your phone  
18 number and your e-mail listed on our front counter.

19  
20 JEFF ABERCROMBIE: Thank you.

21  
22 GREG GATZKA: So High Speed Rail Authority, the  
23 impacts that are going to be potentially significant  
24 here in Kings County, I am going to tell you flat out.  
25 The financial devastation that will do to the rural  
26 agricultural county here is something that I don't  
27 believe that we can bear especially given all the other  
28 impacts that we are dealing with, with the State, with  
29 the economy and everything else. So if you look at  
30 this project, the Authority Board, the decisions that  
31 are being made, the leadership on this project has  
32 failed to closely work with Kings County. It shifted  
33 over here. It failed to work with local stakeholders  
34 before those critical decisions were being made by

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1 staff and consultant recommendations because right now  
2 there is only one alternative and that one alternative  
3 is to come through Kings County. That means that  
4 critical decisions have been made to come here and  
5 according to Mr. Abercrombie, he said he'd probably be  
6 going overboard if he said they had enough flexibility  
7 to move that one mile from their existing alignment.  
8 What that tells us is most of these meetings; most of  
9 these discussions are nothing more than polishing up  
10 their environmental document because they are not  
11 willing to consider another alternative that looks at  
12 less impacting alignments that maybe even veer out of  
13 Kings County. Again, I want to reference that there is  
14 another opportunity to work with us because in the  
15 programmatic EIR there is another alignment that veers  
16 over to 99. However again, the reality is, the High  
17 Speed Rail staff has told us that they don't have any  
18 time to consider the other alignments. Reason being we  
19 are the critical first segment to that rail alignment  
20 construction and because of the ARRA funding timelines  
21 that they've got to make construction happen in 2012,  
22 it's a make or break with this one alignment that they  
23 have chosen. So why aren't we getting answers? Mr.  
24 Abercrombie even mentioned, they only have 15% of the  
25 design work done. Any project that would be submitted  
26 to any of us, county or city, let's take, for instance  
27 a dairy, you had only 15% of that design done for that  
28 dairy facility, we're going to kick it back to you and  
29 say come back until you can tell us what the full  
30 project details of that are. The turn over with the  
31 key staff and board members I've mentioned to you, that  
32 has caused a disconnect with who has historical  
33 information on decisions that have been made to switch  
34 that alignment. This is the largest State project but

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1 yet it doesn't have any High Speed Rail experienced  
2 staff, State staff on board. They've hired consultant  
3 staff. So now you know where the experience is based,  
4 it is based out of consultants. Even Mr. Pringle's  
5 mention in his response to Diana Peck, they are a part-  
6 time Authority Board that doesn't have enough time to  
7 review all the documents that came up including  
8 documents that come from this very Board. So the  
9 bottom line, who are the experienced individuals, it is  
10 the consultants and their recommendations that are  
11 consistent read throughout this whole big scheme  
12 project of the High Speed Rail. That accelerated  
13 timeline, I mentioned, the ARRA funds, this Fresno to  
14 Bakersfield segment has to be started in 2012 otherwise  
15 they lose those billions of dollars. They have put  
16 that on the backbone of Kings County. And Kings  
17 County, and I have grabbed this term from another Board  
18 member from another county, he called this ground zero  
19 and that was an interesting reference but we are  
20 considered ground zero but yet we are not given the  
21 same amount of time and consideration in alternatives  
22 that other segments are being done because we have been  
23 identified as the first segment. So as right now, San  
24 Jose and Merced and areas like that are being  
25 considered with a possible another alignment along  
26 highway 152 or other areas that are being considered,  
27 we are not because we are the first segment that has to  
28 be completed. So this assumes that the consultants are  
29 going to do all the work that is needed to make that  
30 project and that environmental review document meet  
31 muster with legal challenges but let me tell you the  
32 end result, they are playing a high-risk gamble with  
33 public taxpayer dollars because this is a tax payer  
34 funded project, state and federal tax money is going

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1 into this. We are not talking about a private  
2 development; we are not talking about private capital.  
3 They are venturing out on that being devoted toward it  
4 later down the road, but right now we are talking about  
5 taxpayer money that is being used on this and if it is  
6 being used wisely or is it pitting agencies against  
7 each other because of the potential impacts and the non  
8 answers that are coming out to know how is that going  
9 to impact those communities that it's going to ride  
10 through. One of the things that we recognize is and  
11 trying to understand this why as statewide project did  
12 it not follow the same kind of guidelines or processes  
13 that other projects have and typically whenever you  
14 have a large regional project you have it go through  
15 the COGS, and why? Because the COGS are representative  
16 of elected officials from the counties and cities that  
17 actually have a say and participate in those projects  
18 that are going to be coming thru their jurisdictions  
19 and either be beneficial or lay impacts. Example, San  
20 Joaquin Valley Blueprint, State looks to see if they  
21 can coordinate land uses for more efficiency thru out  
22 the State we engaged in that as Kings County  
23 participated with the other San Joaquin Valley  
24 counties. That was all channeled and funded through  
25 the COGS, climate action plans same thing there. State  
26 highway projects such as the 198 that connects Tulare  
27 and Kings County. Those go through the COGS first for  
28 decisions but yet the High Speed Rail project has  
29 completely bypassed for any decision making because  
30 they are not willing to release any of project level  
31 information. The agencies the High Speed Rail project  
32 is willing to share with is on the federal side, Army  
33 Corps of Engineers and U.S. EPA. They are making  
34 decisions in terms of environmental impacts and other

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1 things that are high priority to them that are changing  
2 and moving the alignment. So what this process ends up  
3 having for the local level it has a lack of public  
4 transparency and accountability to where that project  
5 is going to be designed and approved coming thru Kings  
6 County. So my coming back to the High Speed Rail staff  
7 is how can such a large state transportation project  
8 avoid and sidestep important local processes and ensure  
9 local jurisdiction have an opportunity to have  
10 meaningful say in how this project gets planned?  
11

12 In terms of some of the impacts that Kings County have  
13 brought up some in the past presentation, I am going to  
14 go on into a little more detail in a few, a few of  
15 those but this one has really been brought to light  
16 with a lot of the residents that have been coming not  
17 only in my office but I am sure many of yours. The  
18 property owners that are going to be impacted by this,  
19 they are already impacted. The property owners right  
20 now that have been identified on some of the alignment  
21 corridors right now are already impacted because of the  
22 downturn of the economy, their housing values, their  
23 property values are lower than what they probably  
24 bought into it or they can't deal with the banks right  
25 now because if the banks see that there is a possible  
26 alignment, state alignment going through it, the bank  
27 won't lend them any money. There is no viable use of  
28 that property when it is a state project that has got  
29 its eyes on it. So the banks, the economy and then if  
30 the High Speed Rail decides to pay these individuals  
31 out and takes their homes away and pay fair market  
32 value and if one of those individuals and I know there  
33 are some because they have come and talked to us. They  
34 are not only going to lose their home, their

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1 livelihood, if they've got acreage but they are also  
2 going to be left with bank debt because if market value  
3 doesn't cover their entire cost of what they bought  
4 that house 5 or 8 years ago they are left to have to  
5 pay the bank back the rest of it. Property value,  
6 financial impacts, what we did is we identified all the  
7 properties, parcels I should say that are crossed over  
8 by the High Speed Rail. Now this is the entire parcel  
9 that is included in that, not just the individual piece  
10 or segment but there is a potential to disrupt that  
11 property tax valuation to the county. We've calculated  
12 that using the Assessor's data and that is \$110 million  
13 dollars assessed property tax on those properties that  
14 alignment over it. To the County, if you assume 1%  
15 that's equivalent to \$1,100,000. That is equivalent to  
16 about to 1/3 of what we lost to the state and  
17 subvention takeaway from the Williamson Act. So for  
18 Kings County so if we lose 1,100,000 out of property  
19 tax, that is looking at potential of a loss of 1/5 of  
20 the Sheriff's field operations. The property tax  
21 implications on this is a direct financial impact to  
22 the County, to the communities and to the livelihood of  
23 Kings County and the residents and people who live  
24 here. So you have a compounded impact not only on the  
25 agricultural production loss, the ag support industry  
26 loss, sales tax loss but also you've got property tax  
27 loss.  
28

29 JOE NEVES: And that's annual, that's not one time,  
30 that's annual?  
31

32 GREG GATZKA: That's annual. And that's the map  
33 that we used, using the high speed rail alignment, to  
34 identify the specific parcels in the county. You can't

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1 really see the light blue but you can see the alignment  
2 going thru there. We've presented this to you before  
3 in the past. The ag production value that we've  
4 identified from our field crop, orchard and vineyard,  
5 GIS data we estimated that was approximately \$3,002,008  
6 I'm going off of what the Ag Commissioner presented  
7 last time 3.5 multiplication for sporting industries  
8 another 28 million. This doesn't even include the milk  
9 production valuation that comes from that. But then  
10 you add that on top of the property tax valuation now  
11 you are looking about another \$50 million worth of  
12 impacts to Kings County. Dairy industry impacts, Ag  
13 Commissioner's report just came out, indicating that  
14 milk was the #1 commodity in Kings County again. Kings  
15 County ranks 11<sup>th</sup>, 11<sup>th</sup> in the state for total ag. 2009  
16 milk represented 1,000,320,000, million, (discussion).  
17

18 LARRY SPIKES: You said 1,000,320,000

19  
20 GREG GATZKA: You've got me corrected. So if you  
21 look at the High Speed Rail project, it cuts right  
22 through the main dairy belt of Kings County. Kings  
23 County has worked very hard to bring the dairy industry  
24 to become a home in Kings County and a lot of those  
25 dairies, including our waste water areas, have located  
26 around a certain belt that this high speed rail cuts  
27 right through. So those impacts to the dairy industry,  
28 in talking to the high speed rail staff and their EIR  
29 consultant, they've informed us that they have to make  
30 these dairies whole that are going to be impacted. The  
31 unfortunate thing, is that they don't understand our  
32 processes here. The County has to have dairy permits  
33 authorized and approved by the County before that whole  
34 can be done. That process can take anywhere from 8

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1 months to years depending on the environmental  
2 controversies that they are faced with: having to deal  
3 with Regional Water Quality Control, the Air District  
4 and a whole host of other regulatory agencies and  
5 regulations. That right there in itself presents a  
6 lack of understanding on their consultant side, staff  
7 side, of knowing what they really are impacting in  
8 Kings County.  
9

10 We're at the point to where their EIR and EIS was  
11 supposed to be released back in March but yet they've  
12 stated that they are only doing value engineering. How  
13 can you do value engineering when you haven't really  
14 fully looked at the major impacts that you're going to  
15 do to a County that you're going to run through. So  
16 the processing timelines, the studies, the management  
17 plans, the compounding regulatory requirements all  
18 really have not been taken into account in that  
19 document. And again there is the math that we produced  
20 for you at the last meeting. You can't see the, you  
21 can see the green with the dairy facility, the  
22 wastewater distribution area, as you can see the  
23 alignment almost criss-crosses right through one of the  
24 main parts of the dairy belt of Kings County. That  
25 goes to our next issue. We were made aware that the  
26 alignment goes right over the Baker Commodities. As  
27 you recall back in 2006 with heat waves that we had  
28 here and one of the facilities kind of going offline.  
29 We were faced with a crisis situation, to where an  
30 emergency declaration had to be done by the County to  
31 deal with the cow carcasses due to the heat. Now what  
32 has not been answered by the High Speed Rail Authority,  
33 other than putting their alignment right over the top  
34 of Baker Commodities, is how are they going to replace

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1 that facility or how are they going to keep it  
2 operational throughout this whole entire project and  
3 process? Because, let me put this into perspective;  
4 this is a major issue that has potential cumulative  
5 impacts that I don't think the high speed rail has even  
6 considered the enormity of it. Baker Commodities,  
7 Darling International, these are facilities that  
8 process it. One is in Kings County and ones in Fresno  
9 and then you have the other Baker Commodity in Kerman.  
10 Those support Kings, Tulare, Kern and parts of Fresno  
11 County for the whole entire dairy industry. So the  
12 whole entire dairy industry is counting on services  
13 from three individual facilities to take care of the  
14 carcasses that are resulting from that industry, that's  
15 necessary, we don't have any other mechanism to take  
16 care of those operational factors that have to be  
17 counted for dairy industries to survive. There are a  
18 number of processors and we didn't even get into  
19 looking at how many milk production processors but just  
20 here locally, we've got Leprino Foods, Marquez Brothers  
21 and others. If dairy industries are impacted you have  
22 a rippling effect across an economic industry of food  
23 processors and other things. High speed rail doesn't  
24 see the big picture with the multiple ripple effect of  
25 these potential impacts. So there is the alignment and  
26 the red dot that you can see right there in Kings  
27 County is Baker Commodities, up towards Fresno and the  
28 blue dot right up there is Darling International and  
29 the other Baker Commodity right there. Just out of  
30 curiosity, when my staff was working with this, they  
31 actually said why the heck didn't they put another  
32 alignment over by 99 and veer along the side of the  
33 communities. That is just a curiosity from my staff.  
34 Because that's originally what Prop 1A was intended to

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1 do was to move it over towards 99. But as you can see  
2 that blue line moves way the heck away from 99 and only  
3 veers back over towards it when it wants to connect to  
4 the City of Fresno. Here is a critical piece to the  
5 puzzle. I mentioned to you that there is three  
6 facilities, Darling International is having major  
7 challenges, they are right next to the City of Fresno.  
8 Fresno has had major urban growth, residential growth  
9 surrounding it. Here is an actual article that just  
10 got released about a month ago indicating the  
11 environmentalist and the community interest groups are  
12 out in full force to deal with that facility. If that  
13 facility goes offline, even despite the high speed  
14 rail, the dairy industry could be potentially impacted  
15 by one of these main supportive facility goes offline.  
16 You add the High Speed Rail factor into it and if they  
17 go offline, let's say for a month or two; you have now  
18 put a major hurt on the entire dairy industry within  
19 the San Joaquin Valley down here in central and  
20 southern. So economies of scale, what I want to  
21 mention to you is, in some of the issue that the high  
22 speed rail are proposing in terms of impacts, the  
23 counties that are going to really benefit from it are  
24 the major urban centers, you got Bakersfield, you've  
25 got Fresno, you've got the alignment over there and  
26 you've got larger urbanized counties that have a  
27 greater economic base but now I want to mention to you  
28 is that Kings County is much more smaller, rural  
29 agricultural in nature. All of the financial impacts  
30 that I've mentioned to you can have devastating impacts  
31 to Kings County because we don't have the diversity,  
32 the enormity of the industries and the other financial  
33 backings like the County of Fresno and County of Tulare  
34 have. So in Kings County, this potential project has

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1 the potential for significant greater financial burdens  
2 on the smaller communities here in Kings County. Just  
3 to mention to you and you are fully aware of this as  
4 the Board, Kettleman City, one of our unincorporated  
5 communities, 1400 residents, we've been struggling to  
6 fix the contaminated water issue, and the County has  
7 devoted \$3,000,000 towards that and still we don't have  
8 enough money to finish the completion of that. If we  
9 are impacted financially by this high speed rail with  
10 no compensation for it, we are looking at deteriorating  
11 revenues and resources for the County to deal with our  
12 unincorporated communities and that in terms of the EIR  
13 is going to need to be addressed in terms of  
14 environmental justice because it is withering away the  
15 County's ability to deal and address those issues and  
16 our low-income and impoverished, disadvantaged  
17 communities. Now the EIR and EIS process, Mr.  
18 Abercrombie mentioned it to you and he beat me to it.  
19 All their staff has indicated that they are only  
20 finished fifteen percent of the design work. With  
21 fifteen percent what that means for an EIR or EIS  
22 process that ever came to us, you better have put a  
23 heck of a lot more information and massive amount of  
24 impacts in there because you haven't answered all the  
25 questions of what that project is. So their EIR, EIS  
26 was supposed to be released in March, that assumes that  
27 they have dealt with most of the issues in relation to  
28 this project and I've mentioned they've only halted it  
29 based upon on their release, on public information  
30 release because of value added engineering. They have  
31 indicated to us that they are going to complete 30% of  
32 the design work before bids are released and that the  
33 remaining 70% will be designed and built by  
34 contractors. That means that 70% of that design work

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1 is to be figured out later on down the road after the  
2 EIR and EIS has been completed. 15% of any large scale  
3 project is not sufficient information to adequately  
4 review all potential environmental impacts and that is  
5 a requirement under CEQA. So any projects submitted to  
6 the County in this manner would be determined  
7 incomplete if we were to have that. We would never  
8 pass that to the Planning Commission or the Board of  
9 Supervisors because there's too many unanswered  
10 questions. So in terms of the high speed rail timeline  
11 and process, this is directly off their website, (go  
12 ahead and put those on Chuck) They've indicated that,  
13 back in 2009, they did the scoping for the EIR/EIS. I  
14 don't think we recall ever seeing a full project  
15 description for this. To give us an idea at what we  
16 were would be looking at so that we could adequately  
17 participate in the scoping process to identify  
18 potential impacts. They are right now in what they  
19 call the Alternatives Analysis Stage. As of 2010 where  
20 it is listed there that is where they are working on it  
21 but they are working to try to get to that Stage 3  
22 which is that Draft EIR/EIS. Which, once they release  
23 it, it is no longer about answering your questions, it  
24 is about sharing the document with you and getting 45  
25 days to get your comments, our comments incorporated in  
26 there so they can address it before they finalize it.  
27 That is what we are looking at in terms of the EIR/EIS  
28 process. All these informational meetings that are  
29 going on even if the meeting is going to happen  
30 tonight, the public testimony isn't going to change any  
31 of this. All it's going to do is add additional input  
32 for them to polish up the document. It is not going to  
33 change any alignments. Their staff has indicated that  
34 they can't veer it away otherwise it's going to miss

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1 the timeline. All these meeting and these events that  
2 we've had are meaningless. That's very disturbing in  
3 terms of the public process that is using tax payer  
4 dollars. The AB32 requirements under greenhouse gas,  
5 this obviously was a very serious impact that was  
6 brought to their attention at the last meeting. So  
7 much so and I am not under any confidentiality from our  
8 meeting with Mr. Abercrombie but immediately when we  
9 discussed that they immediately said they needed to  
10 contact the Attorney General, this is a serious issue  
11 and they need to get in touch with Assemblywoman  
12 Galgiani. That right there told us that they had a  
13 major issue in the environmental doc that hadn't been  
14 addressed. They came back to us in the next meeting  
15 and indicated that from their EIR consultant, don't  
16 worry that issue has been taken away because your  
17 County is going to have 15% reduction in the air  
18 emissions through the vehicles miles traveled. That is  
19 a number that is pulled out of a hat. I can tell you  
20 that all the traffic that is going to be reduced from  
21 the high speed rail primarily is going to be from the  
22 99 and I-5 corridors where they are talking about  
23 vehicles miles traveled between SF and LA or LA and  
24 Sacramento. Kings County is not on the 99 corridor.  
25 We only have a very small portion on the Interstate-5  
26 corridor. So what are they are assuming with the  
27 number that they pulled out, is that they're assuming  
28 that a lot of the Kings County residents are making  
29 travels and trips to LA and San Francisco and instead  
30 they are going to jumping on the high speed rail to go  
31 and do that instead. The counties that are going to be  
32 getting a benefit from it are Fresno, Tulare, and Kern  
33 counties. And why, because they have 99 and I-5, not  
34 that Tulare County has I-5 but they have those major

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1 corridors that are going to be benefiting from the  
2 reduced vehicle miles traveled on those highway  
3 corridors thereby reducing the air emissions in those  
4 counties. Kings County is not. So despite what the  
5 rail staff has indicated to us, we don't agree with it.  
6 We are going to fully look at that issue when it does  
7 get released in the EIR and we are going to question  
8 the heck out of any of their assumptions that they've  
9 got because they are jumping to a lot of assumptions  
10 based on assuming what Kings County residents do and I  
11 think you can look to the audience right here and they  
12 can tell you that is not realistic. What we have  
13 pulled out of our General Plan, just to give you  
14 another factor is that in 2006, when we did the General  
15 Plan just on the Interstate-5 corridor, since we do  
16 have a little segment, we have 34,000 average daily  
17 trips on that Interstate corridor. It is projected to  
18 go in 2035 to 53,000 so even though the high speed rail  
19 reduces it by 15,000 which is approximately 7,900 it  
20 still does not adequately address even the Interstate-5  
21 issue that we have that we going to still have  
22 increased volumes of traffic and air emission just from  
23 interstate travel alone. That is not even Kings County  
24 generated travel and air emissions that is something  
25 that we inherit here as having part of I-5 in the  
26 County. In terms of other impacts, electricity  
27 generation, this is obviously a very big one that we  
28 haven't even hardly touched on, but since we are  
29 working closely with Southern Cal Edison with their new  
30 Mascot Substation and then working with their staff and  
31 with their executive officer who has informed us that  
32 they are struggling to meet the state demands for  
33 renewable energy. They are required to have a 1/3  
34 portfolio of renewable energy in there. And they even

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1 indicated to us that if residents buy in to electrical  
2 cars, plug it into their home, those homes will  
3 generate twice the amount of electrical need that  
4 Southern Cal Edison doesn't even think they can keep up  
5 with. So if you look at just that one little factor  
6 and now you plug an electrical train line into the  
7 system now it is going to rely on PG& E and Southern  
8 Cal Edison when they are under the gun to make  
9 renewable energy work in the State of California and  
10 they are not allowed to make all these less efficient,  
11 air emitting, polluting, substations that use gas or  
12 oil. This high speed rail has not addressed the  
13 question of where is the electrical energy is going to  
14 be coming from and how are those companies in  
15 California going to be addressing it and that goes back  
16 to, Are we going to see more solar projects being  
17 needed to be developed because now we have another  
18 issue? They are going to need to address the  
19 cumulative impacts of the renewable energy on  
20 agricultural issues because having hosted a number of  
21 solar projects in Kings County, we are faced with a  
22 growing concern over the loss of productive  
23 agricultural land and that places additional pressure,  
24 we've got a compounding issue on our agricultural  
25 industry. Species mitigation, a lot of the solar  
26 projects we've been dealing with, we've had to deal  
27 closely with the Department of Fish and Game, US Fish  
28 and Wildlife and we have found out that any project  
29 that creates a permanent barrier prevents critical  
30 species from being able to cross across it and we have  
31 heard nothing from the high speed rail because now they  
32 are talking about a major barrier across the whole  
33 entire county. But if the high speed rail is going to  
34 be able to side step that then why aren't all the other

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1 projects that we having to deal with in California not  
2 getting that same benefit. In terms of relocating  
3 residents, we know the Ponderosa subdivision is one  
4 that is going to get run over and one of the statements  
5 that the high speed rail staff has indicated to a lot  
6 of these property owners is we'll relocate you.  
7 Unfortunately in Kings County, we don't have a lot  
8 rural residential land. We've actually had a  
9 moratorium on it because it doesn't rely on urban  
10 services with city or special district water and sewer  
11 service. So although we recognize the plight to them,  
12 right now we currently don't have the resources to  
13 accommodate them to help them even get relocated  
14 because of the limited land. Total in the County we  
15 have 1122 acres total of rural residential designated  
16 land. With all that said, the things that come to mind  
17 on this, that I have been seeing in the media over and  
18 over again, project mismanagement, financial  
19 mismanagement of taxpayer money. They've obviously got  
20 concern for the large cities with Fresno and  
21 Bakersfield but it fails in good faith to engage in the  
22 local communities and it fails to leverage local  
23 government financial resources that could save scarce  
24 taxpayer dollars. This goes back to my offer to you,  
25 Mr. Abercrombie, Visalia has offered to provide land,  
26 you have local buy-in to assist you to look critically  
27 at that alternative and if you really want to be a  
28 leadership role in this project, since you have  
29 inherited, how can you work with local agencies to  
30 build momentum for something that is going to be  
31 successful here? We do offer that to you. What I have  
32 shown to you in the Authority meetings and other ones,  
33 there is an apparent misrepresentation of Kings County  
34 and the residents and the concerns there. So overall

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1 again it goes to my first statement, this is a very  
2 disturbing process that I have been witnessing first  
3 hand and the last thing that I want to go back to is  
4 when another adjacent County Board member said that we  
5 were ground zero here to the Authority Board, what he  
6 was mentioning wasn't what came to mind to me and when  
7 I saw Mrs. Elise Oliveira go up and actually give  
8 public testimony. She is the voice and representation  
9 of what we are as Americans and just if I can read this  
10 to you because I think this is something that a lot of  
11 people are passionate about. But in America we hold  
12 dearly our societal structure of governance that is the  
13 very fabric of our democratic nation. The public's  
14 voice and governmental processes is what governs our  
15 country, states and communities. When those inherent  
16 rights are taken away, it becomes a very threat to what  
17 we as Americans hold dear. The manner in which this  
18 project has been conducted and continues to be  
19 conducted threatens to take away that very foundation.  
20 Almost 10 years ago, an east coast city was threatened  
21 with taking away American rights and now in Kings  
22 County we have been identified as ground zero. Which  
23 according to the way that this process has been  
24 handled, and the way that it is only doing  
25 informational and lack of information based on this  
26 meeting today, threatens to destroy the lives and the  
27 communities here in Kings County but yet there is no  
28 say in this entire process. In terms of where those  
29 impacts are going to be or the alignment. So the first  
30 critical segment to be built, the agricultural  
31 community here in Kings County is ground zero for the  
32 High Speed Rail Project that is planning to slam  
33 through the prosperity of this hard working community  
34 with little regard to those who have invested their

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1 lives here in Kings County. Agriculture here serves as  
2 a bread basket to the nation and the world and we are  
3 fortunate enough to have some pre-warning of this  
4 impending threat but as the authority representatives  
5 have said, the decision is made to come through Kings  
6 County, and you have not the opportunity to change  
7 that. Ms. Elise Oliveira I think is an inspiration to  
8 all of us that she took the time to go up there and  
9 when I saw that when Ms. Peck provided it to me, I  
10 needed to finish the statements with this because that  
11 is what's at stake. This process is completely  
12 avoiding looking at the real impacts and the people  
13 that they are going to impact from that. That is all I  
14 have. Thank you.

15  
16 JEFF ABERCROMBIE: I only heard one question in  
17 that and so if there was others, you can please repeat  
18 it. But one was, how can the high speed rail side-step  
19 government processes and laws that the locals are held  
20 to and we are not side-stepping laws. He mentioned the  
21 idea that a barrier to wild-life movement is something  
22 that we would be ignoring. By all means, that is not  
23 correct. That is addressed in the environmental  
24 document. But I would like to start first with, also  
25 with the misconception that the COGS have not been  
26 involved and that the Kings County has not been  
27 involved. I have mentioned previously and Greg elude  
28 to the fact that in the scoping in 2009 and the  
29 approach to that, that Kings County was not involved  
30 and that is an incorrect statement. I read to you some  
31 of the meetings backdating back to 2007. I'll continue  
32 some of those meeting in 2008. There was a, in April,  
33 and I think is about where I left off 2008, Kings  
34 County CAO. April - 2008, Kings County Human Services

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1 Director, Allison Picard, 2008 - April again,  
2 Supervisor Alene Taylor, 2008 - April Kings County  
3 Supervisor Tony Barba, April -2008 Supervisor Joe  
4 Neves.

5  
6 JOE NEVES: You better say that one right, I am  
7 not in a good mood... Neves.

8  
9 JEFF ABERCROMBIE: Neves, my apologies. Again in  
10 April, Kings County CAO, Kings County Planning Director  
11 in April, Bill Zumwalt, Kings County Assessor, Ken  
12 Baird, again in April Larry Spikes, Kings County  
13 Supervisor Tony Oliveira. June 2009, Bill Zumwalt,  
14 again as well as County CAO. March, a study session  
15 with, looks like most of the Board here. So you know,  
16 it sounds good to say that you were not involved but  
17 you know and maybe that has not led to your  
18 satisfaction obviously and I understand that and that's  
19 why I am here. But I think it's incorrect to say we  
20 have not been out there trying to work with the County.  
21 With regards to, in fact, one of the items I have been  
22 tasked with since the June 2<sup>nd</sup> Board was, what was done  
23 in Kings County in terms of a report that documents the  
24 history? And in that process one of the things that I  
25 began with which makes total sense is is the 2005  
26 Environmental Document. Now if the Board has one, I  
27 would appreciate it but I could not find a comment from  
28 neither the City of Hanford or Kings County with  
29 regarding that document when it was published and  
30 released and before it was recorded as an environmental  
31 document selecting the 2005, in 2005 the BNSF  
32 alignment.  
33

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1 DOUG VERBOON: At that time, the alignment was  
2 where?

3  
4 JEFF ABERCROMBIE: BNSF which was done  
5 specifically through Kings County. They made reference  
6 and I made reference to it earlier the idea of a west  
7 side bypass of the city of Hanford. That was in 2005.

8  
9 DOUG VERBOON: Whatever.

10  
11 JEFF ABERCROMBIE: I did not find a document.  
12 That doesn't mean one wasn't made. I just said I could  
13 not find it.

14  
15 DOUG VERBOON: But you have moved your alignment  
16 so it's a little more ...

17  
18 JEFF ABERCROMBIE: And part of that movement of  
19 alignment was based on comments that we received in  
20 coming to Kings County. That the west side was not an  
21 appropriate place, there was directions that it would  
22 be, you know, part of that being the west side when the  
23 programmatic document discussed it, was there would be  
24 no station. Um, and again, they did mention we  
25 continue further study because there was a need or a  
26 request for a station and hence we did the Visalia,  
27 Tulare - Hanford study. At which point we looked at,  
28 again ruled out going through the City of Hanford but  
29 went to the west as well as all the other alignments we  
30 looked along 99. It's not that we have not taken those  
31 into account, and it's not that we want to force  
32 anything; there was a lot of motivation to make 99  
33 work. In that study, they came up with the east  
34 Hanford and that what was recommended. Again, later, I

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1 don't remember the exact date, the supplementary  
2 analysis went through again because of concerns over  
3 agriculture, could it be done possibly downtown Hanford  
4 again without the impacts that we thought were going to  
5 be there. That study was put together report and went  
6 back to the Board again and it was there were  
7 significantly more impacts in that direction. The  
8 Authority Board did charge us with, again trying to  
9 mitigate, ag land impacts, that are bisecting ag land,  
10 in which case we are at the present alignment,  
11 generally speaking with regards to running farther up  
12 and down 7 ½ rather than connecting in diagonally much  
13 farther south. So, while we, you know, haven't moved  
14 it out of Kings County, we have tried to listen and do  
15 the best that we could work as a statewide system. Mr.  
16 Gatzka refers to the 99 and that being a potential  
17 solution. I stated this last time; I am open to  
18 potential solutions. Yeah, the hour is late but the  
19 part of the problem that we are faced with is if it is  
20 just to say it's on I-5 that does not work because it  
21 does not fit the purpose and needs of the project. And  
22 if it's 99, we have given extensive study to 99 and it  
23 is being looked at with regards to EPA and Army Corp as  
24 the watchdog for the project and they will at some  
25 point either give us a concurrence that was correct or  
26 not and if they tell us it's not well I suppose that's  
27 a different story. We think we have done our due  
28 diligence and appropriately documented the impacts. As  
29 a statewide system or in this particular case as a  
30 system that is running from Fresno to Bakersfield.

31  
32 TONY BARBA: So as it sets right now, there is no  
33 hope for these people to get re-alignment, realigned?  
34

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1 JEFF ABERCROMBIE: Um, Chairman Barba, when I came  
2 on to the project in February, one of my first meetings  
3 was with the Ponderosa community. (Inaudible audience)  
4 That wasn't my first meeting? (Inaudible audience).  
5 My first meeting? I came down to um the church and  
6 Aaron, Rebecca, I don't remember who all was there in  
7 terms of rattling off and being always a little nervous  
8 when I am up in front of a microphone, I am not going  
9 to be able to rattle them all off. But Jerry Fagundes  
10 and so on. You know, I understood what they were  
11 asking. I understand their concerns. I went, I spent  
12 a fair amount of effort myself to look at and ask the  
13 team to look at various alignments. In fact, even  
14 recently, I asked them to look at something for me and  
15 the distance along 7 ½ or the corridor was about 38,000  
16 feet. All the other alignments that I could come up  
17 with trying to mitigate not hitting dairies dead on and  
18 things like that, the best I could do that is 20,000  
19 square feet along the section, 20,000 linear feet along  
20 the section. 23,000 linear feet along the section  
21 line. I am open to ideas. But one of the things I do  
22 not want to do is pit one portion of Kings County  
23 against another portion of Kings County. I am trying  
24 to be sensitive to that aspect because every time the  
25 Authority does move it, someone else is impacted and I  
26 can't fix all of that, I am truly sorry. And yes, in  
27 terms of Kings County, if you had an alignment that you  
28 thought was something that we could work with, I would  
29 happy to sit and listen to it but partly because of the  
30 nature of pitting one neighbor against another, this is  
31 not the place to do that, to have that discussion.

32  
33 TONY BARBA: Well, we realize that.  
34

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1 DOUG VERBOON: Should we go ahead and move to  
2 comments to the public?  
3  
4 TONY BARBA: Ok, I think we will go ahead and ...  
5  
6 LARRY SPIKES: Well, Mr. Chair, actually, I  
7 mean, I don't know if there are any other comments from  
8 the Fire Chief or the Public Works Director or the  
9 Sheriff or we also, as you know, on previous  
10 discussions, we had Kit Carson Elementary School  
11 District, Kings County Water District and I know those  
12 entities are here today as well. So I just want to get  
13 those off the list if anybody has anything else to add  
14 from the Sheriff or the Fire Chief, or the Public Works  
15 Director. I don't ... If that's not ...  
16  
17 KEVIN MCALISTER: As far as Public Works is  
18 concerned, I want to reiterate what I stated at the  
19 last meeting. Those concerns are still on the record  
20 and I have been provided with no information from the  
21 High Speed Rail Authority. (Inaudible).  
22  
23 LARRY SPIKES: Ok, So Mr. Chairman, I just, I'm  
24 sorry Fire Chief.  
25  
26 JIM KILNER: The other thing I wanted to talk  
27 about our Station 4 is also a FAA approved heliport.  
28 So you have to worry about the flight patterns as well.  
29 So to go over it will be difficult.  
30  
31 JEFF ABERCROMBIE: Um.  
32  
33 UNKNOWN: Did you know that?  
34

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1 (Laughter)  
2  
3 JEFF ABERCROMBIE: What information I don't have  
4 is if we are needing to raise or relocate the PG&E  
5 power lines, we have in some locations, provided we  
6 don't have to bother those, because we are on the  
7 opposite side, we do not see that impacting your flight  
8 patterns. But again, that is something that does need  
9 more thorough investigation.  
10  
11 LARRY SPIKES: And I think you do know, you are  
12 aware Mr. Abercrombie, that SCE is proposing a new  
13 substation and power lines along that 7 ½ corridor as  
14 well.  
15  
16 JEFF ABERCROMBIE: Correct. They're at  
17 Grangeville and it was in our study alignment and at  
18 that point, please record these as answered questions  
19 if you may please. So that we don't have to revisit  
20 them next time I am here.  
21  
22 COLLEEN CARLSON: It is all being recorded.  
23  
24 JEFF ABERCROMBIE: Well that recorded and marked  
25 as answered are two different things. Now as far as  
26 the substation, yes, we are aware of it and at this  
27 point in time, being that the alignment at that point  
28 is elevated and Grangeville is underneath, we don't  
29 believe there is an impact. Now again, the details  
30 have to be finalized.  
31  
32 LARRY SPIKES: Ok. The only other two that we had  
33 from previous conversation were Kit Carson Elementary  
34 School and Kings County Water District and after that I

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1 would submit that your Board would, after you take  
2 those comments if they have any, you can open it up for  
3 the public comment.

4  
5 TONY BARBA: Ok. Kit Carson, do you have anything  
6 to add?

7  
8 LEONARD DIAS: I would just (inaudible)

9  
10 LARRY SPIKES: If you... and please identify  
11 yourself. I think we have let some of those slide but  
12 we need to identify for the record.

13  
14 LEONARD DIAS: I'm Leonard Dias, I am the School  
15 Board President for the Kit Carson Union School  
16 District. I know at our last meeting we'd asked about  
17 the possible effects of our bus routes for closure of  
18 the roads and what we were going to have to do. Our  
19 schools have been impacted greatly already with the  
20 financial crisis of the State as I mentioned before.  
21 There ARE several things that we don't think we brought  
22 before was the dust factor as well as the train being  
23 so close to the school district. How much dust is  
24 going to be brought up. You are going to run across  
25 farmland. All that dirt will now be flying. I know  
26 they said that going 220 miles an hour does not create  
27 a vortex or anything like that but I want to know also,  
28 I think we mentioned also about Lacey Boulevard being  
29 cut off because that was just connected for the school  
30 and for the community of Ponderosa because they were  
31 going to blocking off Highway 198 from us crossing,  
32 going to cross our bus route and they said that would  
33 be a route for the school buses to go and we have also  
34 been promised a stop light at that 43 and Lacey

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1 Boulevard. So now if the train is coming through  
2 there, how often is the train going to be coming  
3 through that whatever the crossings are going to be,  
4 how do we mitigate that with our bus routes? How long  
5 are they going to be waiting at the bus routes at each  
6 intersection for those buses that are going to be held  
7 up at those intersections and how far? We still don't  
8 know how far that is going to be. When we met with  
9 your representative before, we asked a few questions  
10 and this is what makes it very confusing for us as a  
11 school district is originally we were told that that  
12 route from Grangeville on was going to be above grade  
13 level actually be elevated because then the farmers  
14 could still farm underneath it. That is what we were  
15 told in that meeting and now we are being told no it  
16 will all be at ground level. So we haven't really  
17 gotten any straight answers on that aspect. We are now  
18 blocking off our, like I said our psychological  
19 barrier, from being on the other side of the tracks.  
20 By losing the homes in Ponderosa, we are losing a great  
21 amount of income to our school. That is how we get  
22 paid is the kids in the seat. How are we going to be  
23 compensated for no kids there. We are already, we've  
24 been very good in keeping our finances well despite  
25 what the State does to us. But I am not sure how the  
26 school can take losing how ever many children we are  
27 going to lose in this. And this is another question I  
28 have to ask. We're in the middle of a water project  
29 with Kit Carson School having to go from the City of  
30 Hanford into our district to provide water with lower  
31 arsenic levels. As part of that process, we've had to  
32 deal with the Kit Fox, the Burrowing Wwl and some  
33 special hawk that goes there and we were told there  
34 that if we are doing construction. Now we are putting

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1 a whole pipe in the ground and covering it. During  
2 that construction, if we come across one of the  
3 Burrowing Owl things, we have to stop construction,  
4 wait till the baby owls are gone and then go back over  
5 it and make sure it is all put back the way it is  
6 supposed to be. Obviously the train can't do that.  
7 So, I mean, it just seems that, very strange that we  
8 are not, we are being held at different rules than you  
9 guys are. And then I'd like, I know a lot of the  
10 questions that my community as Kit Carson had, were put  
11 on comment cards at the last meeting we had. I'd like  
12 to know, those comments cards where are they? Where  
13 are those questions being answered at? Because we have  
14 yet to hear back on those comment cards. I know the  
15 community had come to me and said we haven't heard  
16 anything back from this meeting. So that is all I've  
17 got.

18  
19 TONY BARBA: Ok, Thank you.

20  
21 JEFF ABERCROMBIE: I would have to defer and check  
22 with our outreach guys, staff with regards to the  
23 cards. Now, Leonard who said it was going to be at  
24 grade?

25  
26 LEONARD DIAS: Rebecca did.

27  
28 JEFF ABERCROMBIE: No, no, I think you.

29  
30 LEONARD DIAS: At the last meeting at the school,  
31 said well no it's too expensive to go up and it's  
32 going to be down.  
33

1 JEFF ABERCROMBIE: In certain sections, that is  
2 correct. The section between Grangeville, from  
3 Grangeville, approximately Grangeville to somewhere  
4 around or past Baker Commodities, if I have my say is  
5 elevated. So as far as the buses, there will be no  
6 delay. As far as turning off  
7

8 UNKNOWN: Off of Grangeville, No Bart said that  
9 Lacey was going to be closed. That (inaudible) was  
10 going to be elevated and Lacey was closed.

11  
12 JEFF ABERCROMBIE: That.

13  
14 AUDIENCE: inaudible

15  
16 LARRY SPIKES: Mr. Chair, please, Mr. Chair, if we  
17 could, we need to, comments need to be directed to your  
18 Board or Mr. Abercrombie. I appreciate your concern  
19 but we need to keep it orchestrated that way, sorry.

20  
21 TONY BARBA: Alright.

22  
23 JEFF ABERCROMBIE: Regarding Lacey that is a,  
24 being that we are elevated, the issue really becomes a  
25 matter of Caltrans and 43 and traffic and such and what  
26 the Department of Transportation will allow and whether  
27 that is what Bart refers to, in terms of our  
28 consultants. Caltrans has shared that concern with me  
29 about the location of Lacey with regards to the  
30 proximity to the on and off ramps. The County has also  
31 shared with me their proposal, there at least, the  
32 solution that Lacey Blvd could swing out to the north,  
33 in that vicinity and provide a little more distance

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1 between that future intersection and the freeway ramps.  
2 But that is not a high speed rail issue.

3

4 TONY BARBA: (inaudible) wouldn't be elevated?

5

6 JEFF ABERCROMBIE: All the, the, the tracks will  
7 be elevated.

8

9 TONY BARBA: The tracks will be elevated.

10

11 JEFF ABERCROMBIE: The County roads should not be  
12 impacted from that standpoint. Okay in terms of us  
13 being cut off again, it's grade separated and so on.  
14 The environmental document does talk about dust and I  
15 know it's been mentioned but the studies are done are  
16 about 10 feet away. You have a wind speed of roughly  
17 about 10 miles an hour from the train. In terms of the  
18 aerodynamic. You know, Mr. Dias also mentioned that  
19 they had to stop for endangered species. And inferring  
20 that we would not have to and I don't believe that is  
21 going to be the case. We are constrained by such laws  
22 as well and when those Swenson's Hawk or Burrowing Owls  
23 are in the area, much like Caltrans had to do when they  
24 deal with federal money all the time, they are impacted  
25 in their construction. So...

26

27 HARRY VERHEUL: My name is Harry Verheul and I am  
28 retired recently as Director of Public Works. But it  
29 seems to me this whole process is being rushed. I  
30 guess there is \$2.3 billion dollars that is designated  
31 to put it here, ground zero and this legislative  
32 analyst report. I don't know if any of you have seen  
33 it but it suggests that there be a request to the feds  
34 to ease up on those requirements so maybe there is some

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1 time to look at alternatives. We've got some qualified  
2 engineers that can help look at alignments. We don't  
3 know what the minimum rate is, we don't know how far it  
4 would take to deviate, get around things but I just  
5 wondered if your Board's asked or if the state's asked  
6 the feds to go easy so we can take a reasonable amount  
7 of time?

8

9 JEFF ABERCROMBIE: The Board has, the federal has  
10 reiterated that no, the monies, in terms of the LAO  
11 report, it is not going to be able to be moved. That  
12 was something the Board sent us just within the last  
13 week or so.

14

15 HARRY VERHEUL: It's a real shame.

16

17 JEFF ABERCROMBIE: The federal Rail.

18

19 HARRY VERHEUL: Political thing that gets kudos  
20 for putting money here. At any rate that is a personal  
21 opinion.

22

23 TONY BARBA: Ok who do we have the Water  
24 District.

25

26 LARRY SPIKES: Yeah, I don't see Don Mills,  
27 though, I saw him earlier but I don't think he is here.  
28 Is he...

29

30 AUDIENCE: Inaudible.

31

32 LARRY SPIKES: Oh, yes sir. Please come up.

33

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1 BARRY MCCUTCHEON: Mr. Chairman, Board, my name is  
2 Barry McCutcheon, I currently serve as the President of  
3 the Board of the Kings County Water District. In  
4 listening to this today and I am a little confused in  
5 the sense that it is my understanding that the  
6 questions that we put forth would be answered. On  
7 April 19<sup>th</sup> from this meeting our manager gave you a list  
8 of questions of what our concerns were and I haven't  
9 heard anything answered and I was just wondering is it  
10 supposed to be there is just supposed to mail us a  
11 letter and let us know what they've found or is it  
12 supposed to come before this body at this meeting  
13 today? And those questions being answered, I don't  
14 know.

15  
16 TONY BARBA: They were...

17  
18 DOUG VERBOON: Yes, it was supposed to be today.

19  
20 TONY BARBA: Today, yeah

21  
22 DOUG VERBOON: We are still waiting.

23  
24 AUDIENCE: Laughter.

25  
26 JEFF ABERCROMBIE: The, you have your first  
27 question was additional permanent cost due to having to  
28 work around road closures. And the idea of it being an  
29 additional yearly cost. (Inaudible) have building  
30 overcrossings at each of the current county roads.  
31 Does that address that concern?  
32

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1 BARRY MCCUTCHEON: Well I believe our concern,  
2 also is that the cost that are going to be from here on  
3 out.

4  
5 JEFF ABERCROMBIE: Well, I mean, the way the  
6 question is worded is for road closures and what we are  
7 saying is that there is no road closures.

8  
9 BARRY MCCUTCHEON: Well

10  
11 JEFF ABERCROMBIE: And again, we'd be happy to sit  
12 down and go through the maps with you with that  
13 regards.

14  
15 DOUG VERBOON: You don't drive down the roads

16  
17 JEFF ABERCROMBIE: Now if you are saying ditch  
18 tender, then that's in terms of, not, I took it from  
19 that standpoint. Those are things, yeah, we need to  
20 work out whether it's an impact fee or a mechanism to  
21 make sure that those are accounted for. But in terms  
22 of a road closure, we have none. You know the other  
23 question that you mentioned was is a pipe or ditch  
24 crossing under the rail line and who would be  
25 maintaining them? Part of that again goes back to who  
26 do you want to maintain them? It is ...

27  
28 AUDIENCE: Laughter

29  
30 JEFF ABERCROMBIE: For example if it is your  
31 desire to maintain them and us pay an impact fee that  
32 is perfect, we are open to that. If you feel that you  
33 would rather us maintain them, we would be accept,  
34 willing to work with that too. I, what the point is

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1 being is, I, in just in asking the question, doesn't  
2 tell me what the Water District prefers to do in terms  
3 of how they operate and what they feel responsible for  
4 in terms of that. The idea of how often you go through  
5 and so on. It may be more beneficial from your  
6 standpoint to do it from the standpoint of you  
7 maintaining it and us (inaudible). Obviously, you  
8 know, structurally, if there is an issue, that is our  
9 responsibility, that is not what I am referring to but  
10 the idea of whether there is a grillage at the front  
11 that helps keep the debris out of the channel or what  
12 not. The point is engaging in a very detailed  
13 discussion, you know, at a staff level enables us to  
14 determine exactly what needs to be put into the design  
15 and then so that it accommodates the appropriate means  
16 of maintenance and appropriate to make it as easy as  
17 possible. And what we want to do is be able to sit  
18 down on a very staff-orientated level to talk about  
19 that. Like I said, there is a variety of ways to skin  
20 a solution but our preference is to meet what your  
21 needs, not to try and put any of these agencies in a  
22 box and say the Authority size fits all.

23  
24 COLLEEN CARLSON: Did you try to meet with them  
25 regarding these questions, Mr. Abercrombie?

26  
27 JEFF AMBERCROMBIE: Based on the lack of  
28 interaction with, in terms of being able to talk about  
29 solutions and what not, with my and meeting with Greg  
30 and the resulting inability to meet with the road  
31 department and not, no, I have not pursued.

32

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1 COLLEEN CARLSON: Greg and the County have nothing  
2 to do particularly with the Water District. They are a  
3 separate public entity.

4  
5 JEFF AMBERCROMBIE: Terrific.

6  
7 DOUG VERBOON: I think the question was the long  
8 term effect and who pays the expense for you know when  
9 you drive the canal and you put a railroad track in the  
10 middle of it, now you don't drive the canal anymore.  
11 You have to go to both sides. You service the canal at  
12 least six times a day. Who pays for that long-term  
13 expense and how are they compensated for it? The canal  
14 job, the ditch sitters are going to do their jobs but  
15 now you put something in the middle of their project  
16 and it is going to be an expense to them forever. So  
17 how do they get compensated and what are your answers?

18  
19 JEFF AMBERCROMBIE: Part of that will depend on the  
20 cost. It could be feasible that the Authority  
21 construct an overcrossing or an undercrossing at any  
22 given location. If the cost was enough that in terms  
23 of (inaudible) it might be in the Authority's best  
24 interest to do that. If it again it is from the idea  
25 of some sort of impact fee that we can do that or  
26 shared use agreement or I don't, we are open and  
27 willing to talk about what fits your needs.

28  
29 BARRY MCCUTCHEON: Mr. Chairman, I would like to  
30 say that I am still confused. I haven't heard any  
31 answers to our questions. It was my understanding that  
32 at this meeting we would hear answers to our specific  
33 questions. It has been mentioned by Mr. Abercrombie  
34 many times today well I have only heard one question or

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1 I didn't hear any questions. Well I haven't heard any  
2 answers to our questions and I thought like I said it  
3 was supposed to hear it today but I am not hearing it.

4  
5 TONY BARBA: Apparently not.

6  
7 BARRY MCCUTCHEON: By the way, just to help Mr.  
8 Abercrombie out, the Kings County Water District deals  
9 with water, not the roads and not that kind of stuff.  
10 The rail will intersect about nine water, about nine  
11 bodies of water and I just wanted to let you know.

12  
13 AUDIENCE: Applause.

14  
15 JEFF ABERCROMBIE: The notes say road closure, so  
16 I am just reading the notes.

17  
18 COLLEEN CARLSON: Ok so I guess we are moving on  
19 to public comments.

20  
21 TONY BARBA: John, oh Diana.

22  
23 DIANA PECK: Is it ok, do you have an order.

24  
25 COLLEEN CARLSON: John was just raising his hand.

26  
27 DIANA PECK: No ok.

28  
29 DIANA PECK: Thank you, thank you Chairman Barba  
30 and members of the Board. My name is Diana Peck, I'm  
31 the Executive Director of the Kings County Farm Bureau.  
32 There are just a few issues that I want to address here  
33 today and I am going to start with one of them which is  
34 the law that he referred to. He mentioned earlier

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1 today that they, the State high speed rail authority,  
2 the law stated in the Federal Land and Management and  
3 Policy Act does not apply to their project. And I  
4 would like to ask him did you get a waiver from the  
5 Department of Justice, the Federal Department of  
6 Justice to prove that it does not apply? Is that, who  
7 informed you that it does not apply?

8  
9 JEFF ABERCROMBIE: Who informed me that it was not  
10 apply was our legal team and discussions with them.  
11 Now if you have other citations or a basis that is  
12 different than what you've have already cited, we would  
13 be happy to look at it.

14  
15 DIANA PECK: Ok, I just wanted to share with you  
16 that it is not your legal team that makes that decision  
17 it is a federal court system that makes that decision  
18 ultimately. And so I just want to share with you that  
19 just some information that Congress originally defined  
20 coordination in the Federal Land Management & Policy  
21 Act. This is the only federal statute where congress  
22 specifically set forth criteria as to the duties an  
23 agency must carry out under coordination. However even  
24 though coordination is not defined in the same detail  
25 as FLPMA, it is required in other natural resource laws  
26 and many critical regulations where congress ensured  
27 local priorities were to be considered when federal  
28 agencies prepare plans, policies and management actions  
29 that affect the local agency. Federal courts have held  
30 that if Congress defines a word in one statute and uses  
31 the same word in a sister statute then they intend the  
32 same definition to equally apply. Therefore criteria  
33 for coordination defined in the FLPMA applies to every  
34 federal statute where Congress directs the agency to

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1 coordinate. I want to also point out to you that  
2 coordination is a very simple term and to define it,  
3 there are five elements. There are five elements to  
4 coordination. The first is that you, the state agency  
5 must keep apprized of the local, state, local and  
6 tribal land use plan. That means you must do your  
7 research and find out how your project affects this  
8 local community. You did not do that. Then you must  
9 ensure that consideration is given to those local  
10 plans. This is done during your environmental impact  
11 report and environmental impact statement. Then you  
12 are supposed to assist in resolving those  
13 inconsistencies between the federal and non federal  
14 government plan. You are supposed to provide  
15 meaningful involvement of the local government  
16 including early public notice. And I want to stop  
17 right there because there has been a confusion about  
18 how you define local government. This right here is  
19 our local government. Our Board of Supervisors was  
20 elected by the people. They are the local government.  
21 Staff serves as experts and support and is directed by  
22 the local government. Therefore, when you meet with  
23 staff in their office outside this public forum you are  
24 not coordinating with all the agencies collectively nor  
25 are you coordinating with the local government. The  
26 responsibility rests on them to take care of their  
27 community. It does not rest on the staff. Ultimately,  
28 if they do not take care of their community, they will  
29 be voted out of office. They took this job as a public  
30 servant to care for their community. So when you  
31 decided that you would like to meet with staff and you  
32 believe that you are denied. You are not denied. The  
33 local government is simply dictating the terms of that  
34 meeting by asking you to meet with them and they have a

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1 right to do that under federal law. That is what they  
2 are doing. Then in your report, you must make your  
3 plans consistent with the local plans. You're supposed  
4 to show in your environmental document that when these  
5 conflicts have been raised and you have been made aware  
6 of them what alternatives have you studied that will  
7 avoid or resolve those conflicts. That is what we are  
8 asking you today is what alternatives have you studied?  
9 So I just wanted to make sure that you understand the  
10 law and that ultimately that decision rests in the  
11 federal courts whether or not this law applies to this  
12 project and to your agency. The next thing I want to  
13 point out is we are all human and as such, we respond  
14 to human behavior. Your arrogance and the arrogance of  
15 Mr. Pringle and Mr. Van Ark and the consistently rude  
16 comments in which you address us, I just want to let  
17 you know in case you weren't aware, it fires people up.  
18 It makes people want to apply the full court press on  
19 this project because you're not addressing us properly.  
20 This is exactly why we as citizens approached our local  
21 government because we realized we were completely  
22 impactful, unimpactful, to this project. As we  
23 continue to meet with you over the course of the last  
24 twelve months, we continue to get the eye rolling, the  
25 rude remarks and no answers. So we petitioned our  
26 local government to stand up for us because that is  
27 what they have been chosen to do. That is what they  
28 have been assigned to do actually. When you state the  
29 number of meetings, let's make it clear for the record.  
30 You said you make hundreds or sixty times or whatever  
31 it was and you kind of started listing there how those  
32 meetings were one on one. You with one government  
33 representative that is not coordination. As Mr.  
34 Niswander pointed out, that is a divide and conquer

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1 approach. You did not meet collectively with all of  
2 the organizations. I think in 50 or 60 meetings and we  
3 have a record of those, maybe there were 60 or 50  
4 people total whom you met with. Additionally, during  
5 the development of the original environmental impact  
6 document, the programmatic document, when you talk  
7 about all the meetings that we were allowed to be  
8 present at. I've talked to our neighbor counties and  
9 they all agreed that during that phase, nobody was  
10 under the assumption that a rail alignment was going to  
11 come through Kings County. The people present at those  
12 meetings that you speak of in 2007 and 2009 were  
13 government agencies pining for the rail to come through  
14 theirs. City of Visalia said they wanted that  
15 alignment. They said there was no conflict with the  
16 airport. They were offering up land as a donation for  
17 the station. They wanted that alignment along 99. And  
18 we in Kings County, the reason many of our agencies,  
19 including the Farm Bureau were not present at those  
20 early meetings was because we were under the  
21 assumption, our logical thought was why would it come  
22 through here? Obviously, it is going to go down a  
23 major transportation corridor where a bulk of the  
24 valley's population is located and where those cities  
25 are repeatedly coming to meetings asking for it. So,  
26 since we are going to keep putting those meetings on  
27 the record, let's get specific with who was present and  
28 what was, what were the content of those meetings?  
29 Which brings me to another reason why your meetings  
30 with staff don't suffice. There is no record of what  
31 is being said behind closed doors. This provides that  
32 public record. Ok and finally, the final thing about  
33 the 99 alignment. The reason we petitioned you to help  
34 us, help the citizens with this is because as you can

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1 see, with the current alignment as Mr. Gatzka has  
2 pointed out and all the agency directors here.  
3 There has not been substantial study that shows the  
4 true impacts, economic impacts, natural resource  
5 impacts, environmental impacts. There, it is  
6 insufficient. This alignment, so we're, it begs the  
7 question, how sufficient was the 99 alignment? How can  
8 we make a true comparison that this alternative is  
9 superior when it is apparent that they haven't done the  
10 proper research on this alignment? Now we are asking  
11 them, come before you, get the questions resolved,  
12 let's dig deep on this alignment, find out what the  
13 true impacts are and then let's make that comparison  
14 with the 99 corridor and let's really see on paper.  
15 Let's use science and not politics to determine which  
16 alignment is superior. That is what we are asking you  
17 to do. That is what we are asking you, our Board of  
18 Supervisors to do, is to hold them accountable and  
19 keep in mind Supervisor Valle that meetings with staff  
20 do not provide for the same thoroughness and public  
21 record that meetings here do. You are ultimately the  
22 authority, not the staff. They are here to help you  
23 make those decisions as they do beautifully with all  
24 the details because they are the experts. Okay. Thank  
25 you.

26  
27 JUSTIN MENDES: Mr. Chairman, Members of the  
28 Board, my name is Justin Mendes, Senior Field  
29 Representative for Assemblyman David Valadao. Through  
30 recent events, he is been a little frustrated and  
31 concerned and has provided a written statement which  
32 most of you have copies of today. To the California  
33 High Speed Rail Authority, I would like to begin by  
34 thanking Jeff Abercrombie and the High Speed Rail

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1 Authority for taking the time to visit Kings County  
2 today. Up to this point, the High Speed Rail Authority  
3 has done a poor job of engaging those of us in the  
4 Central Valley so I welcome the sudden interest and  
5 public discussion about this important project.  
6 Recently I have grown frustrated with the behavior of  
7 some of those involved with the High Speed Rail. Those  
8 of us who live in the Central Valley are proud of our  
9 history, will not be pressured, coerced or bullied by a  
10 group of people who seem to view us as little more than  
11 a speed bump along the way. I am referring  
12 specifically to Chairman Curt Pringle's treatment of  
13 Mrs. Diana Peck of the Kings County Farm Bureau. I  
14 believe Chairman Pringle's outburst was inappropriate  
15 but also reflective of the High Speed Rail Authority's  
16 apparent lack of respect or concern for many of my  
17 friends and neighbors in the Central Valley. Chairman  
18 Pringle has since apologized for his treatment of Mrs.  
19 Peck and I appreciate that apology and hope this will  
20 not be an issue in the future. Since being elected to  
21 the California legislature, I have watched the High  
22 Speed Rail Authority spend millions of tax-payer  
23 dollars trying to convince tax payers that this project  
24 is a good investment. With all do respect, you have  
25 failed miserably. Furthermore, the role out of this  
26 project and the resulting displacements of countless  
27 homes, businesses and properties along the Central  
28 Valley has been poorly executed and at times outright  
29 offensive. This project will destroy many acres of  
30 prime agriculture land, resulting in dramatic reduction  
31 in crop production and property tax revenue. At a time  
32 when we are faced with deep cuts to education and  
33 public safety, this loss of much needed revenue will  
34 hurt my constituents. Furthermore, a safe, reliable

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1 food supply is vital to our national security. This  
2 fact coupled with a world wide food shortage should  
3 lend a need for extreme caution of what the High Speed  
4 Rail Authority is attempting to do here in the heart of  
5 California agriculture. I ask that you take the time  
6 today to both listen to the concerns raised by many in  
7 this County and also make note of questions posed by my  
8 constituents, especially those whose homes and business  
9 will be adversely affected by the High Speed Rail.  
10 Please consider the significance of what is being asked  
11 of many in the Central Valley. To the Authority, these  
12 properties and businesses are nothing more than plots  
13 of land in rural California but to us they are much  
14 more. The businesses that you seek to displace are  
15 products of generations of blood, sweat and tears. Not  
16 to mention, millions of dollars in investment and  
17 future revenues. The homes this project will run  
18 through, our people in this County have raised their  
19 children, cared for their family and built their lives  
20 for generations past. Lastly considering our recent  
21 problems with access to water in the Central Valley, I  
22 have a difficult time supporting a billion dollar  
23 gamble when dedicating even a fraction of that money to  
24 water infrastructure could ensure a reliable water  
25 supply for years to come. For those of us in the  
26 Central Valley, water resources equal jobs and as much  
27 fun as the idea of a really fast monorail seems, I  
28 would much prefer protecting sustainable agriculture  
29 jobs that we have relied on for generations. On of my  
30 constituents, Jerry Fagundes, had this to say about his  
31 frustrations at being referred to as resident in  
32 letters from the High Speed Rail Authority. If you are  
33 going to take my land, at least know my name. That  
34 being said, I again thank you for taking the time to

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1 listen to and answer questions of the good people of  
2 Kings County.  
3  
4 DOUG VERBOON: That was good.  
5  
6 TONY BARBA: John...  
7  
8 \*\*\*Further of Public Comment\*\*\*

F.13  
February 25, 2011 California High Speed Rail Press  
Release

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California High-Speed Rail Authority

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Press Release

FOR IMMEDIATE RELEASE:  
March 30, 2011

CONTACT:  
Rachel Wall 916.384.8026

CEO ADDRESSES FARM BUREAU CONFERENCE  
*Commitment to plan win-win outcome for agriculture and high-speed rail*

MADERA – Today, Roelof van Ark, CEO of the California High-Speed Rail Authority, addressed farmers and agricultural leadership at a regional conference held by the Madera County Farm Bureau. The discussion addressed potential impacts to agriculture – both positive and negative – and mitigation measures to address the agricultural community's concerns. Mr. van Ark reaffirmed his commitment to open and honest dialogue with the community to develop shared solutions.

"I'm committed to working with the agricultural community to develop win-win situations. I will not remain in my office, rather I will be out here - in communities throughout the state and in the Valley - meeting with you, with agricultural groups and working together on this historic project," said van Ark. "Californians have said they want high-speed rail - a transportation system that will improve our mobility, increase our ability to compete economically and create new jobs at a time when we need them most - and it is our collective job to ensure we build this system while avoiding and reducing impacts on our precious resources and the Valley's economic powerhouse."

The presentation included an announcement that the Authority will initiate a high-speed rail agriculture working group to assist with and help guide the develop of the rail project.

"There are many international examples of productive agriculture operations and high-speed rail co-existing - high-speed rail is compatible with agriculture," remarked van Ark.

Initial infrastructure construction will begin in the Central Valley, the backbone of the system, in 2012 creating nearly 100,000 jobs over five years. In December of 2010, the Authority Board selected a 120-mile initial construction segment, which spans an area 20 miles north of Fresno and south to Bakersfield.

The California High-Speed Rail Authority is developing an 800-mile high-speed train system that will operate at speeds of up to 220 miles per hour, connecting the state's major urban centers, including the Bay Area, Fresno, Los Angeles and San Diego. The first phase of the project, San Francisco to Los Angeles and Anaheim, is projected to cost \$43 billion and will begin passenger service once the first operable segment (150-200 miles) is built, connecting the system to at least one major metropolitan center. The project is being funded through a voter-approved bond, federal grants and public-private partnerships.

More information about the Madera County Farm Bureau and a link to a video of today's event are available here

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F.14

August 16, 2010 Letter from U.S. Congressman Jim Costa, June 7, 2011 Letter from California Assemblyman David Valadao, July 20, 2011 Letter from California Senator Michael Rubio

Kings County Exh. A-1

[http://www.cahighspeedrail.ca.gov/pr\\_farmbureau.aspx.aspx](http://www.cahighspeedrail.ca.gov/pr_farmbureau.aspx.aspx)

7/21/2011

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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

**JIM COSTA**  
20TH DISTRICT, CALIFORNIA  
FAX: ccong@jimcosta.com  
WEB PAGE: www.jimcosta.com  
COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES  
CHAIRMAN  
SUBCOMMITTEE ON WATER AND POWER

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

August 16, 2010

COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON CONSERVATION, CREDIT, ENERGY AND RESEARCH  
SUBCOMMITTEE ON LIVELIHOODS, EXPORTS AND TRADE

COMMITTEE ON FOREIGN AFFAIRS  
SUBCOMMITTEE ON EUROPE  
SUBCOMMITTEE ON MIDDLE EAST AND NORTH AFRICA

Mr. van Ark & Chairman Pringle  
August 16, 2010  
Page 2

and vital industries across the area which I serve. As you know, the decisions made regarding the proposed routes will have a long lasting impact on the region. With so many variables at play, the Authority must do its due diligence and get this correct.

Thank you for your time and attention to this important matter. I look forward to your response and working with you to move the state's high-speed rail project forward in a way that is beneficial to all California residents.

Sincerely,  
  
JIM COSTA  
Member of Congress

Mr. Roelof van Ark  
CEO, CA High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

The Honorable Curt Pringle  
Chairman, CA High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. van Ark and Chairman Pringle,

As the original author of the high-speed rail bond that passed in California in 2008, I have been a strong supporter of the state's efforts to make high-speed rail in California a reality. Bringing a transportation project of this scale to fruition requires meeting a host of challenges, however, as you know, a fully realized 800 mile high-speed rail corridor serving over 80% of the state's population will pay dividends to the people of California and the Central Valley over the short and long-term.

Like many areas across the region I represent, Kings County has been involved in a discussion over the possible route alignments between the Fresno to Bakersfield portion of the project. Options debated include paralleling the Burlington Northern Santa Fe line, locating the route along Highways 43 or 99, and even positioning the train along I-5.

It is my understanding that the California High-Speed Rail Authority is currently moving forward on a report examining the Highway 99 route on the Fresno to Bakersfield segment of the project. With this in mind, I ask that you provide me with information regarding the status and scope of this study. I also strongly urge the Authority to initiate further consideration of this particular alignment as I believe that it has never been sufficiently reviewed in depth.

This particular route would provide multiple advantages to the corridor. Highway 99 is already heavily trafficked and would be ideal for making efficient use of a high-speed train. The state's ongoing involvement in its expansion and improvement also offers a number of cost-saving opportunities in terms of the project's construction. Additionally, the Highway 99 alignment is the most direct route and a viable solution to mitigating the impact on farm operations as well as to downtown communities. Given these reasons, it appears that locating the corridor along Highway 99 is the superior alignment option.

With all of the benefits high-speed rail would bring to the Central Valley and entire state, the Authority must continue to build on the progress it has made by working in a collaborative fashion with lawmakers, local governments, the business community, and all of those who would be impacted by the construction of the new rail system. This includes the farmers, communities,

cc: Dan Chin, Mayor - City of Hanford  
Kings County Board of Supervisors  
Jim Crisp, President - Kings County Farm Bureau  
Manuel Cunha Jr., President - Nisei Farmers League

WASHINGTON OFFICE:  
1212 LOCUSTWATER HOUSE OFFICE BUILDING  
WASHINGTON, DC 20016  
PHONE: (202) 225-3241  
FAX: (202) 225-8506

DISTRICT OFFICE:  
886 M STREET, SUITE 840  
FRESNO, CA 93721  
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DISTRICT OFFICE:  
2700 M STREET, SUITE 225  
SACRAMENTO, CA 95821  
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JUL-21-2011 14:31 From: SEN MICHAEL RUBIO 9163275989 To: 209 584 1614 P. 2 / 3 JUL-21-2011 14:31 From: SEN MICHAEL RUBIO 9163275989 To: 209 584 1614 P. 3 / 3

STATE CAPITOL  
SACRAMENTO, CA 95834  
916-651-4016  
DISTRICT OFFICES  
100 MARIPOSA MALL  
SUITE 2018  
FRESNO, CA 93721  
559-264-3070  
1122 TRUXTON AVENUE  
SUITE 100  
BAKERSFIELD, CA 93301  
805-335-2820  
101 N. IRWIN, SUITE 207  
HANFORD, CA 93230  
559-582-2800

California State Senate

SENATOR  
MICHAEL J. RUBIO  
SIXTEENTH SENATE DISTRICT



COMMITTEES  
BUDGET SUBCOMMITTEE #4  
CHAIR  
AGRICULTURE  
NUTRITION  
BUDGET & FISCAL REVIEW  
ENERGY, UTILITIES & COMMUNICATIONS  
HEALTH  
JOINT LEGISLATIVE AUDIT  
TRANSPORTATION & HOUSING  
VETERANS AFFAIRS

I look forward to your affirmative response of this important request on behalf of thousands of concerned residents and farmers in the Central Valley. If you should have any questions or concerns, please do not hesitate to contact my office in Sacramento at 916-651-4016 or Hanford at 559-582-2800.

Sincerely,

Michael J. Rubio  
State Senator  
Sixteenth District

July 20, 2011

Mr. Ray LaHood, Secretary  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
Washington, DC 20590

Mr. Joseph C. Szabo, Administrator  
Federal Railroad Administration  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Secretary LaHood and Administrator Szabo:

I am writing to request your immediate intervention in the federal support for the initial construction of the Central Valley segment of the California High Speed Rail Project. At present, the approved plan routes the high speed rail line from Fresno to Bakersfield.

As you know, there has been significant ongoing opposition to the preferred alignment chosen by the California High Speed Rail Authority (Authority), which would likely run the line right through many homes, farms and dairies east of Hanford, CA. I now respectfully request you to place a requirement in the federal funds that changes the alignment to the Highway 99 / Union Pacific corridor, since that alignment has the fewest impacts to homeowners, farmers and Central Valley communities.

As an elected official representing many communities along the proposed corridor in the Central Valley, this retroactive condition of any award of federal transportation funds to California would clearly highlight the need to run the high speed rail line along an existing transportation route on Highway 99. This condition—coupled with the existing federal requirements regarding construction timelines and the location of the high speed rail route in the Central Valley itself—is a logical next step in further ensuring that high speed rail in California remains a viable option for years to come.

Even though reservations have been expressed in running the high speed rail line along the Union Pacific's right of way near Highway 99, I firmly believe that that particular alignment will impact Central Valley communities least and far less than any alignment that cuts through the prime agricultural land that feeds the nation.

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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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California Legislature



DAVID G. VALADAO  
Assemblyman, 30th District

June 7<sup>th</sup> 2011

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

To the California High Speed Rail Authority:

I would like to begin by thanking Jeff Abercrombie and the High Speed Rail Authority for taking the time to visit Kings County today. Up to this point, the High Speed Rail Authority has done a poor job of engaging those of us in the Central Valley, so I welcome the sudden interest in public discussion about this important project.

Recently, I have grown frustrated with the behavior of some of those involved with the High Speed Rail. Those of us who live in the Central Valley are proud of our history; we will not be pressured, coerced, or bullied by a group of people who seem to view us as little more than a speed bump along the way. I am referring specifically to Chairman Curt Pringle's treatment of Mrs. Diana Peck of the Kings County Farm Bureau. I believe Chairman Pringle's outburst was inappropriate, but also reflective of the High Speed Rail Authority's apparent lack of respect or concern for many of my friends and neighbors in the Central Valley. Chairman Pringle has since apologized for his treatment of Mrs. Peck, and I appreciate that apology and hope this will not be an issue in the future.

Since being elected to the California Legislature, I have watched the High Speed Rail Authority spend millions of taxpayer dollars trying to convince taxpayers that this project is a good investment. With all due respect, you have failed miserably. Furthermore, the rollout of this project and the resulting displacement of countless homes, businesses, and properties along the Central Valley has been poorly executed, and at times, outright offensive.

This project will destroy many acres of prime agriculture land, resulting in dramatic reductions in crop production and property tax revenue. At a time when we are faced with deep cuts to education and public safety, this loss of much-needed revenue will hurt my constituents. Furthermore, a safe and reliable food supply is vital to our national security. This fact, coupled with a worldwide food shortage, should lend to the need for extreme caution at what the High Speed Rail Authority is attempting to do here in the heart of California agriculture.

I ask that you take the time today to both listen to the concerns raised by many in this county and also make note of questions posed by my constituents, especially those whose homes and businesses will be adversely affected by the High Speed Rail. Please consider the significance of what is being asked of many in the Central Valley. To the Authority, these properties and businesses are nothing more than plots of land in rural California, but to us, they are so much more. The businesses you seek to displace are the product of generations of blood, sweat, and tears, not to mention millions of dollars in investment and future revenues. The homes this project will run through are where people in this county have raised their children, cared for their family, and built their lives, for generations past.

Lastly, considering our recent problems with access to water in the Central Valley, I have a difficult time supporting what appears to be a billion dollar gamble, when dedicating even a fraction of that money to water infrastructure could ensure reliable water supplies for years to come. For those of us in the Central Valley, water resources equal jobs, and as much fun as the idea of a really fast monorail seems, I would much prefer protecting the sustainable agriculture jobs that we have relied on for generations.

One of my constituents, Jerry Fagundes, had this to say about his frustration at being referred to as a "resident" in letters from the High Speed Rail Authority, *If you're going to take my land, at least know my name.* That being said, I again thank you for taking the time to listen to, and answer questions of the good people of Kings County.

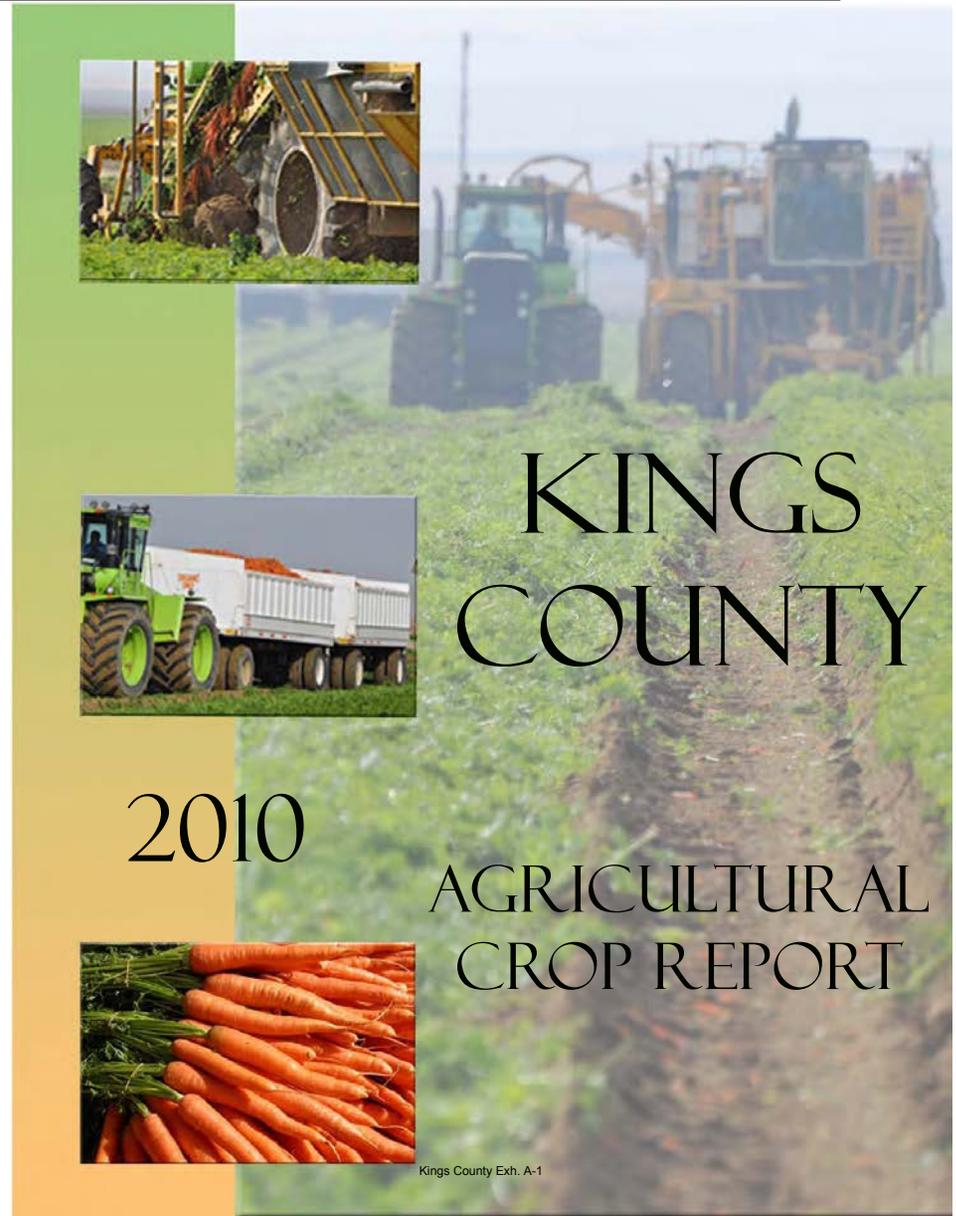
Sincerely,

Assemblyman David G. Valadao  
30<sup>th</sup> District

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F.15  
Kings County Agricultural Crop Report

Kings County Exh. A-1



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CARROTS AND CAT'S EYES



Department of Agriculture / Measurement Standards

TIM NISWANDER  
Agricultural Commissioner  
Sealer of Weights and Measures

May 24, 2011

Secretary Karen Ross  
California Department of Food and Agriculture  
And  
The Honorable Board of Supervisors  
County of Kings, California

The history of the domesticated carrot (*Daucus carota s.sp sativus*) is filled with both vagueness and heroics. Historical records of its origins are almost non-existent. It is believed that wild carrot (*Daucus carota s.sp. carota*) is the ancient ancestor of the domestic carrot, but scientists have never been able to produce a domestic carrot from years of wild carrot breeding. Hybridization of different *Daucus* subspecies is likely to have produced the orange carrot we know today. The earliest written history dates the carrot's origin about 5,000 years ago in the vicinity of Afghanistan. The cultivated carrot made its way into Europe around the 15<sup>th</sup> century and eventually into North America with the first English settlers in 1609. Despite its humble beginnings, the carrot played a part in one of history's biggest cover-ups.

At the beginning of World War II England began developing the use of radar to detect incoming hostile aircraft. By September of 1940 the first radar system was installed into a British warplane. This allowed the plane's on-board operator to detect and track enemy aircraft, then give directions to the pilot. Royal Air Force (RAF) pilot John Cunningham and radar operator Jimmy Rawnsley manned the newly equipped warplane. On November 19, 1940 the crew took down the first enemy plane with the aid of on-board radar. Cunningham and Rawnsley continued their success throughout the war with a record 20 confirmed kills during night time fighting.

Concurrently in 1940, food rationing began in England, but there was a large surplus of two crops: potatoes and carrots. Carrots weren't widely popular and it was up to the Minister of Food, Lord Woolton, to promote the vegetable to the public. He did so by informing them that John Cunningham and the rest of the RAF night fighters ate copious amounts of carrots to help them see in the dark. The public responded favorably to the campaign, especially due to the widely popular heroics of Cunningham who was nicknamed "Cat's Eyes" due to his ability to take down so many Nazi bombers in the dark. The campaign also served the higher purpose of covering up the RAF's radar technology from the Germans. It would seem unlikely that the Germans would believe that carrots gave the British pilots super-human abilities, but it is plausible since a similar theme existed in German folklore in which carrots were also used as a cure for jaundice, diphtheria, warts, and bedwetting.

Although carrots may not give you superior night vision, they can help maintain and improve eye sight for those suffering from vitamin A deficiency. Carrots are filled with a chemical called beta carotene, which is converted into vitamin A inside the body. Vitamin A is then synthesized to retinal, the chemical responsible for vision in the eye. Vitamin A deficiency is a major concern in developing countries; approximately 250 million preschool children are affected by it. Of these children, 250,000 to 500,000 go blind and half of them die within twelve months of losing their sight. Carrots are filled with other nutrients including vitamins B and K, dietary fiber, calcium, and potassium. Eating carrots can help lower cholesterol, promote healthier skin, and build stronger bones. One of the most important health benefits of the carrot is its powerful antioxidants. Antioxidants help fight cancer by neutralizing the free radicals associated with causing the disease.

As people become more aware of the outstanding health benefits carrots have to offer, their popularity remains strong. In the last 10 years carrot acreage in Kings County has more than tripled, to nearly 4400 acres. In California, carrots brought in nearly half a billion dollars from 62,000 harvested acres in 2009. This was nearly 85% of the total U.S. production, making California the top producer of carrots in the country. The U.S. was the third largest producer of carrots in the world following China and Russia, respectively.

In California there are five main carrot production areas: The central coast (Monterey County); the southern desert (Imperial and Riverside Counties); the high desert (Los Angeles County); the Southern San Joaquin Valley (Kings and Kern Counties) and Cuyama Valley (Santa Barbara and San Luis Obispo Counties). Carrots are grown year-round in California. They are always direct seeded using raw or pelleted seed that can range from 175,000 to 400,000 seeds per pound and are sown at a rate of 0.9 to 1.3 million seeds per acre.

Carrots are versatile and can be found whole, in juices, frozen or sliced. Baby carrots are a very popular snack among all ages because of their small, bite-sized shape and sweet taste. Kings County continues to produce millions of these healthy and tasty snacks each year. So the next time you are searching for a light and tasty bite, reach for the one that may give you "cat's eyes".

It is my privilege to submit to you the 2010 Annual Agricultural Crop Report for the County of Kings. This report contains statistical information on the acreage, yield and gross values in accordance with Sections 2272 and 2279 of the California Food and Agricultural Code. The numbers in this report are only gross values and do not represent net income or loss to producers.

The gross value of all agricultural crops and products produced during 2010 in Kings County was \$1,717,971,000. This represents an increase of \$397,708,000 (30.1%) from the 2009 value.

All crop categories increased in value. Apiary Products increased \$566,000 (9.5%) attributed to increased honey production and price. Field Crops increased \$136,868,000 (43.9) due primarily to increased cotton acreage and price. Fruit and Nut Crops increased \$65,682,000 (25.9%) due in large part to increased nut production and price, as well as increased cherry production. Livestock and Poultry increased \$14,908,000 (10.2%) due to more turkeys sold. Livestock and Poultry Products increased \$149,368,000 (35.7%) due to increased milk production and price. Seed Crops increased \$1,781,000 due to increased prices. Vegetable Crops increased \$28,535,000 (16%) due to increased processing tomato acreage and production.

My thanks and appreciation is extended to the many producers and organizations who contributed information for this report. This report was compiled and prepared by Robbie Coelho, Agricultural and Standards Inspector, Jason Perez, Agricultural and Standards Inspector, and Steve Schweizer, Deputy Agricultural Commissioner/Sealer, with assistance from Joan Vernon, Deputy Agricultural Commissioner/Sealer.

Respectfully Submitted,

Tim Niswander

680 N. Campus Drive, Suite B / Hanford, California 93230 / (559) 582-3211, Ext. 2830  
FAX (559) 582-5251 / e-mail: agstaff@co.kings.ca.us / website: countyofkings.com

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**COUNTY ADMINISTRATION  
 AG COMMISSIONER - SEALER PERSONNEL**

**Kings County Board of Supervisors**

Joe A. Neves..... District I      Richard Valle..... District II  
 Doug Verboon..... District III      Tony Barba..... District IV  
 Richard Fagundes.....District V

**County Administrative Officer**

Larry Spikes

**Agricultural Commissioner - Sealer of Weights and Measures**

Tim Niswander

**Deputy Agricultural Commissioner - Sealers**

Steve Schweizer      Joan Vernon

**Deputy Agricultural Commissioner**

Michael Silverman

**Agricultural and Standards Inspectors**

Tom Chambers      Vince Evans      Jimmy Hook      Rafael Perla  
 Robbie Coelho      Garen Goodreau      Michael Leoni      Alfredo Prieto  
 Bill DeRaad      Mario Gutierrez      Jason Perez      Robert Torrez

**Agricultural Computer Systems Coordinator**

Lynda Schrupf

**Agricultural and Standards Aides**

Scott Berry      Janet Eckles      Carey Smith      Jason Taylor

**Executive Secretary**

Jennifer Rios

**Account Clerk**

Nancy Dowd

**Office Assistants**

Linda Lavars      Sue Shanahan

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**FRUIT & NUT CROPS**

Crop	Year	Harvested		Production		Value	
		Acres	Per Acre	Total	Unit	Per Unit	Total
Almond	2010	14,376	1.00	14,376	TON	\$3,580.00	\$51,466,000
	2009	14,030	0.73	10,242	TON	\$3,340.00	\$34,208,000
Almond Hulls	2010			28,895	TON	\$103.00	\$2,976,000
	2009			20,351	TON	\$89.50	\$2,005,000
Almond Shells	2010			7,224	TON	\$16.60	\$120,000
	2009			5,088	TON	\$14.60	\$74,300
Apricots Fresh	2010	847	2.75	2,329	TON	\$2,810.00	\$6,544,000
	2009	671	2.93	1,966	TON	\$1,650.00	\$3,244,000
Cherries a/	2010	1,455	4.89	7,115	TON	\$3,950.00	\$28,104,000
	2009	1,427	2.09	2,982	TON	\$4,620.00	\$13,777,000
Firewood	2010			1,181	CORD	\$166.00	\$196,000
	2009			507	CORD	\$117.00	\$58,300
Grapes Raisin Varieties Fresh, Table	2010			138	TON	\$1,550.00	\$214,000
				3,443	TON	\$1,440.00	\$4,958,000
				604	TON	\$268.00	\$162,000
				174	TON	\$280.00	\$49,000
				4,359	TON		\$5,383,000
Grapes Raisin Varieties Dried	2009			27	TON	\$2,000.00	\$54,000
				4,385	TON	\$1,120.00	\$4,911,000
				604	TON	\$253.00	\$153,000
				444	TON	\$308.00	\$137,000
				5,460	TON		\$5,255,000
Grapes Table Varieties	2010	1,248	11.25	14,040	TON	\$1,260.00	\$17,690,000
	2009	964	11.11	10,710	TON	\$1,190.00	\$12,745,000
Grapes Wine Varieties	2010	3,784	12.72	48,132	TON	\$255.00	\$12,274,000
	2009	3,750	13.24	49,650	TON	\$284.00	\$14,101,000
Grapes Total	2010	6,947					\$35,347,000
	2009	6,656					\$32,101,000

**FRUIT & NUT CROPS**

Crop	Year	Harvested		Production		Value	
		Acres	Per Acre	Total	Unit	Per Unit	Total
Nectarines	2010	2,370	6.79	16,092	TON	\$1,050.00	\$16,897,000
	2009	2,273	5.47	12,433	TON	\$1,100.00	\$13,676,000
Peaches Cling	2010	782	19.76	15,452	TON	\$286.00	\$4,419,000
	2009	713	19.69	14,039	TON	\$403.00	\$5,658,000
Peaches Freestone	2010	3,098	6.21	19,239	TON	\$865.00	\$16,642,000
	2009	3,337	5.52	18,420	TON	\$1,100.00	\$20,262,000
Peaches Freezer	2010	203	17.11	3,473	TON	\$279.00	\$969,000
	2009	228	21.00	4,788	TON	\$285.00	\$1,365,000
Peaches Total	2010	4,083					\$22,030,000
	2009	4,278					\$27,285,000
Pistachios	2010	11,160	1.41	15,736	TON	\$4,680.00	\$73,644,000
	2009	10,579	1.52	16,080	TON	\$3,510.00	\$56,441,000
Plums	2010	2,671	5.09	13,595	TON	\$994.00	\$13,513,000
	2009	2,418	4.60	11,123	TON	\$1,270.00	\$14,126,000
Pomegranates Fresh a/	2010	208	1.79	372	TON	\$1,820.00	\$677,000
	2009						
Pomegranates Juice a/	2010	3,708	6.05	22,433	TON	\$295.00	\$6,618,000
	2009						
Walnuts	2010	11,554	2.09	24,148	TON	\$2,160.00	\$52,160,000
	2009	11,250	1.93	21,713	TON	\$1,680.00	\$36,478,000
Others b/	2010	821					\$8,830,000
	2009	4,086					\$19,965,000
TOTAL	2010	60,200					\$319,122,000
	2009	57,668					\$253,440,000

a/ Previously included in "Others"

b/ Includes apples, blackberries, blueberries, jujube, kiwifruit, oranges, pecans, persimmons, pluots, prunes, quince, strawberries and tangerines.

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**FIELD CROPS**

Crop	Year	Harvested		Production		Value	
		Acres	Per Acre	Total	Unit	Per Unit	Total
Alfalfa, Hay	2010	62,379	7.58	472,833	TON	\$136.00	64,305,000
	2009	62,423	7.71	481,281	TON	\$106.00	\$51,016,000
Alfalfa, Silage	2010	11,360	3.08	34,989	TON	\$29.20	\$1,022,000
	2009	5,361	4.80	25,733	TON	\$23.70	\$610,000
Alfalfa, Silage All Year	2010	2,188	30.00	65,640	TON	\$24.40	\$1,602,000
	2009	2,050	38.07	78,044	TON	\$19.80	\$1,545,000
Alfalfa, Stubble	2010	15,595				\$25.00	\$390,000
	2009	15,606				\$25.00	\$390,000
Barley, Grain b/	2010						
	2009	661	2.00	1,322	TON	\$175.00	\$231,000
Barley, Silage a/	2010	700	9.13	6,391	TON	22.00	\$141,000
	2009				TON		
Beans, Dry	2010	2,703	1.25	3,379	Cwt.	\$715.00	\$2,416,000
	2009	2,343	1.13	2,648	Cwt.	\$781.00	\$2,068,000
Corn Grain	2010	3,574	5.07	18,120	TON	\$165.00	\$2,990,000
	2009	3,866	4.37	16,894	TON	\$151.00	\$2,551,000
Corn Silage	2010	56,745	26.06	1,478,775	TON	\$34.60	\$51,166,000
	2009	63,232	26.99	1,706,632	TON	\$25.70	\$43,860,000
Cotton, Acala - Lint c/	2010	17,870	2.83	50,572	495 lbs.	\$553.00	\$27,966,000
	2009	8,442	3.33	28,112	495 lbs.	\$368.00	\$10,345,000
Cotton, Acala - Seed	2010			21,918	TON	\$284.00	\$6,225,000
	2009			12,165	TON	\$280.00	\$3,406,000
Cotton, Pima - Lint c/	2010	83,417	2.48	206,874	495 lbs.	\$897.00	\$185,566,000
	2009	59,584	2.94	175,177	495 lbs.	\$586.00	\$102,654,000

**FIELD CROPS**

Crop	Year	Harvested		Production		Value	
		Acres	Per Acre	Total	Unit	Per Unit	Total
Cotton Pima - Seed	2010			89,436	TON	\$276.00	\$24,684,000
	2009			75,851	TON	\$258.00	\$19,570,000
Oat, Hay	2010	4,329	2.45	10,606	TON	\$85.60	\$908,000
	2009	5,664	3.44	19,484	TON	\$76.20	\$1,485,000
Oat, Silage	2010	1,321	13.89	18,349	TON	\$22.50	\$413,000
	2009	1,129	9.78	11,042	TON	\$22.10	\$244,000
Pasture, Irrigated	2010	9,316				\$150.00	\$1,397,000
	2009	10,250				\$150.00	\$1,538,000
Pasture, Range	2010	248,430				\$13.20	\$3,279,000
	2009	232,933				\$4.50	\$1,048,000
Ryegrass, Silage b/	2010						
	2009	1,627	14.04	22,843	TON	\$23.10	\$528,000
Sorghum, Silage	2010	6,910	18.37	126,937	TON	\$27.70	\$3,516,000
	2009	9,160	16.58	151,873	TON	\$19.90	\$3,022,000
Sudan, Hay	2010	376	3.01	1,132	TON	\$109.00	\$123,000
	2009	529	3.34	1,767	TON	\$63.70	\$113,000
Sudan, Silage	2010	269	13.55	3,645	TON	\$35.90	\$131,000
	2009	1,275	11.25	11,344	TON	\$41.00	\$588,000
Triticale, Silage	2010	3,823	13.65	52,184	TON	\$22.40	\$1,169,000
	2009	5,167	11.55	59,679	TON	\$39.50	\$2,357,000
Wheat, Grain	2010	56,322	3.08	173,472	TON	\$203.00	\$35,215,000
	2009	41,545	2.86	118,819	TON	\$228.00	\$27,091,000
Wheat, Silage	2010	48,883	17.29	845,187	TON	\$25.70	\$21,721,000
	2009	54,233	17.86	968,601	TON	\$21.90	\$21,212,000

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**FIELD CROPS**

Crop	Harvested		Production		Unit	Value	
	Year	Acres	Per Acre	Total		Per Unit	Total
Wheat, Straw	2010	22,003	1.23	27,064	TON	\$67.60	\$1,830,000
	2009	25,399	1.50	38,099	TON	\$44.00	\$1,676,000
Others d/	2010	31,245					\$10,760,000
	2009	31,806					\$12,919,000
TOTAL	2010	689,758					\$448,935,000
	2009	644,285					\$312,067,000

a/ Previously included in Others

b/ Currently included in Others

c/ 495 lbs. = 1 bale

d/ Barley Grain, Corn Human Consumption, Corn Earldige, Forage, Hay-Other, Ryegrass, Safflower, Screenings, Sorghum Milo, Sugar Beets-Silage, Triticale Seed, Wheat Hay.



**WORLD WAR II  
 CARROT POSTERS**



**AGRICULTURAL EFFICIENCY...**

**PRODUCTION PER ACRE COMPARISON FOR MISCELLANEOUS CROPS  
 2010 - 1960**

Crop	2010		1960	
	Production/Acre	Unit	Production/Acre	Unit
Corn, Grain	5.07	Tons	1.78	Tons
Corn Silage	26.06	Tons	15.29	Tons
Cotton	2.54	Bales	1.81	Bales
Walnuts	2.09	Tons	0.72	Tons
Wheat	2.89	Tons	1.18	Tons

**VEGETABLE & SEED CROPS**

Crop	Harvested		Production		Unit	Value	
	Year	Acres	Per Acre	Total		Per Unit	Total
Melons, All a/	2010	1,121	20.82	23,339	TON	\$256.00	\$5,975,000
	2009	1,198	16.68	19,983	TON	\$294.00	\$5,875,000
Seed Crops b/	2010	1,478					\$7,433,000
	2009	3,990					\$5,652,000
Tomatoes, Processed	2010	38,357	54.60	2,094,292	TON	\$64.40	\$134,872,000
	2009	26,658	53.91	1,437,133	TON	\$71.80	\$103,186,000
Other c/	2010	12,430					\$65,618,000
	d/ 2009	8,671					\$68,870,000
TOTAL	2010	53,386					\$206,466,000
	d/ 2009	40,517					\$177,931,000

a/ Cantaloupes, specialty melons and watermelons.

b/ Alfalfa non-certified, corn, cotton certified, lettuce, onion and wheat.

c/ Asparagus, bell peppers organic, broccoli organic, carrots, carrots organic, cauliflower organic, corn sweet, garlic processed, garlic fresh, onions fresh, onions processed and tomatoes fresh.

d/ Revised

**ORGANIC PRODUCTION**

Kings County had 19 certified organic growers in 2010 producing on 12,158 acres. The following organic crops were produced in the county: almonds, apples, apricots, asparagus, beans, bell peppers, broccoli, carrots, cauliflower, cherries, dairy, figs, kiwis, nectarines, onions, peaches, pears, persimmons, pistachios, pomegranates, plums, pluots, quince, raisins, squash, processed tomatoes, walnuts, and wheat. The crop values are included in their respective commodity groups.



Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**INVENTORIES OF LIVESTOCK & POULTRY**

Item	January 1, 2010 Number of Head	January 1, 2009 Number of Head
<b>Cattle and Calves</b>		
All	340,000	312,000
Dairy Cows 2 Years and Over	165,000	175,200
Cattle and Calves on Feed	6,900	7,000
Other	168,100	130,000
<b>Sheep and Lambs</b>	9,747	9,288
Goats	8,596	8,557
Hogs and Pigs	118	122
Turkeys	2,570,806	1,108,727

**LIVESTOCK & POULTRY**

Item	Year	Number of Head	Total Liveweight	Unit	Value Per Unit	Total
Cattle and Calves a/	2010	199,805	2,275,058	Cwt.	\$56.90	\$129,451,000
	2009	231,341	2,292,901	Cwt.	\$57.20	\$131,154,000
Sheep and Lambs	2010	8,206	9,772	Cwt.	\$123.00	\$1,202,000
	2009	5,588	6,588	Cwt.	\$115.00	\$758,000
Turkeys	2010	2,470,105	50,859,570	lb.	\$0.60	\$30,516,000
	2009	1,108,727	23,998,300	lb.	\$0.60	\$14,399,000
Other b/	2010	25,465				\$248,000
	2009	30,115				\$198,000
<b>TOTAL</b>	<b>2010</b>					<b>\$161,417,000</b>
	2009					\$146,509,000

a/ Includes breeding stock value in total  
 b/ Includes chickens, goats, hogs, and pigs

“Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.” - Letter from Thomas Jefferson to George Washington (1787)

**LIVESTOCK & POULTRY PRODUCTS**

Item	Year	Total Production	Unit	Value Per Unit	Total
Eggs, Chicken Market	2010	2,068,575	Doz.	\$1.41	\$2,917,000
	2009	2,302,200	Doz.	\$1.46	\$3,361,000
Manure	2010	1,323,350	Ton	\$6.83	\$9,038,000
	2009	1,252,869	Ton	\$3.87	\$4,368,000
Milk, Market	2010	41,587,564	Cwt.	\$13.20	\$548,956,000
	2009	36,242,595	Cwt.	\$11.20	\$405,917,000
Milk, Mfg.	2010	262,423	Cwt.	\$14.39	\$3,776,000
	2009	297,981	Cwt.	\$11.94	\$3,558,000
Milk, Goats	2010	83,708	Cwt.	\$39.06	\$3,270,000
	2009	36,157	Cwt.	\$39.63	\$1,433,000
Milk Total	2010	41,933,695	Cwt.		\$556,002,000
	2009	36,576,733	Cwt.		\$410,908,000
Wool a/	2010	77,976	lb.	\$1.19	\$92,800
	2009	74,304	lb.	\$.60	\$44,600
<b>TOTAL</b>	<b>2010</b>				<b>\$568,050,000</b>
	2009				\$418,682,000

a/ Price does not include incentive

**Interesting Note...**

The most prolific milk producing cow the world has ever known, No. 289, lived in this county for 19 years and gave 54,070 gallons of milk - enough to fill more than eight 60-foot tanker trucks.

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**APIARY PRODUCTS**

Item	Year	Total Production	Unit	Value Per Unit	Total
Honey	2010	1,041,585	lb.	\$1.40	\$1,458,000
	2009	745,240	lb.	\$1.30	\$969,000
Beeswax	2010	12,030	lb.	\$2.20	\$26,500
	2009	9,075	lb.	\$2.27	\$20,600
Seed Alfalfa	2010	1,148	Colonies	\$32.00	\$36,700
	2009	5,221	Colonies	\$37.80	\$197,000
Tree Fruit/Nut a/	2010	36,266	Colonies	\$136.00	\$4,932,000
	2009	35,531	Colonies	\$133.00	\$4,726,000
Melons	2010	1,123	Colonies	\$27.50	\$30,900
	2009	1,498	Colonies	\$28.80	\$43,100
Vegetable Seed	2010	2,565	Colonies	\$25.00	\$64,100
	2009	945	Colonies	\$27.50	\$26,000
<b>TOTAL</b>	<b>2010</b>				<b>\$6,548,000</b>
	2009				\$5,982,000

a/ Almonds, apricots, cherries, pluots, and plums

**5 YEAR COMPARISON OF ACREAGE & CROP VALUES**

	2010	2009	2008	2007	2006
<b>Apiary Products</b>	<b>\$6,548,000</b>	\$5,982,000	\$5,511,000	\$6,263,000	\$5,415,000
<b>Field Crops Acreage</b>	<b>\$448,935,000</b> 689,758	\$312,067,000 644,285	*\$493,355,000 *700,727	\$427,716,000 643,563	\$364,106,000 695,489
<b>Fruit and Nut Crops Acreage</b>	<b>\$319,122,000</b> 60,200	\$253,440,000 57,668	*\$243,697,000 *55,744	\$316,357,000 60,914	\$252,347,000 53,438
<b>Livestock and Poultry</b>	<b>\$161,417,000</b>	\$146,509,000	\$147,892,000	\$184,193,000	\$161,497,000
<b>Livestock and Poultry Products</b>	<b>\$568,050,000</b>	\$418,682,000	\$677,468,000	\$696,074,000	\$417,994,000
<b>Seed Crops Acreage</b>	<b>\$7,433,000</b> 1,478	\$5,652,000 3,990	\$8,763,000 6,404	\$10,802,000 13,319	\$12,962,000 21,907
<b>Vegetable Crops Acreage</b>	<b>\$206,466,000</b> 51,908	*\$177,931,000 *36,527	\$160,051,000 40,674	\$120,447,000 35,608	\$74,865,000 29,675
<b>TOTAL</b>	<b>\$1,717,971,000</b>	*\$1,320,263,000	*\$1,736,737,000	\$1,761,852,000	\$1,289,186,000

\* Revised

**AGRICULTURAL QUICK FACTS**

Kings County is ranked 11th among California counties in agricultural production. (2009)

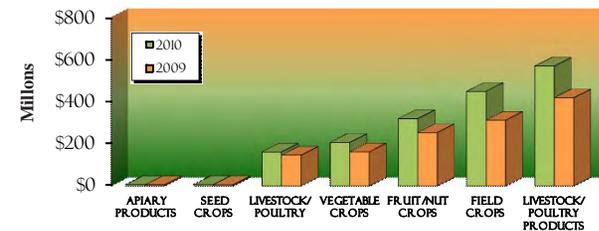
Kings County is ranked 1st among California counties in the production of cotton lint. (2009)

Kings County is ranked 2nd among California counties in the production of cottonseed. (2009)

Kings County is ranked 3rd among California counties in the production of each of the following crops: apricots, nectarines, and plums. (2009)

Kings County produces 9.1% of all milk and cream in the state, making it the state's 5th largest producing county. (2009)

**2010 AND 2009 PRODUCTION VALUE COMPARISONS**



Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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TOP 10 COMMODITIES

Crop	2010 Rank	Dollar Value	2009 Rank	2008 Rank	1960 Rank
Milk, Total	1	\$556,002,000	1	1	4
Cotton, Total	2	\$244,441,000	2	2	1
Tomatoes, Processed	3	\$134,872,000	4	5	n/a
Cattle and Calves	4	\$129,451,000	3	3	2
Pistachios	5	\$73,644,000	5	8	n/a
Alfalfa, Total	6	\$67,319,000	6	4	5
Almonds, Total	7	\$54,562,000	9	12	n/a
Walnuts	8	\$52,160,000	8	11	17
Corn, Silage	9	\$51,166,000	7	6	14
Grapes, Total	10	\$35,347,000	10	14	12
<b>Total</b>		<b>\$1,398,964,000</b>			

A LOOK BACK, 50 YEARS AGO.....1960  
 KINGS COUNTY'S TOP 10 COMMODITIES

Crop	Rank	Dollar Value
Cotton, Total	1	\$39,811,000
Cattle and Calves	2	\$13,328,000
Barley, Total	3	\$12,636,000
Milk, Total	4	\$10,071,000
Alfalfa, Total	5	\$8,489,000
Permanent Pasture	6	\$2,965,000
Cantaloupes	7	\$1,867,000
Turkeys	8	\$1,327,000
Peaches	9	\$1,218,000
Eggs, Chicken	10	\$1,092,000
<b>Total</b>		<b>\$92,804,000</b>

Kings County's crop value in 1960 totaled \$101,874,000

"From breakfast, or noon at the latest, to dinner, I am mostly on horseback, attending to my farm or other concerns, which I find healthful to my body, mind, and affairs." - Thomas Jefferson

KINGS COUNTY SUSTAINABLE AGRICULTURAL REPORT

County Biological Control

Pest	Agent/Mechanism	Scope of Program
Puncture Vine <u>Tribulus terrestris</u>	Stem Mining Weevil <u>Microlarinus lypriformi</u>	Generally Distributed
	Seed Head Weevil <u>Microlarinus lareyni</u>	Generally Distributed
Yellow Starthistle <u>Centauria solstitialis</u>	Seed Head Weevil <u>Bangasternus orientalis</u>	2 Sites
	Gall Fly <u>Urophora sirunaseva</u>	1 Site
	Hairy Weevil <u>Eustenopus villosus</u>	3 Sites
Ash Whitefly <u>Siphoninus phillyreae</u>	Parasitic Wasp <u>Encarsia parenorea</u>	Generally Distributed
Red Gum Lerp Psyllid <u>Glycaspis brimblecombei</u>	Parasitic Wasp <u>Psyllaephagus bliteus</u>	1 Site
Silverleaf Whitefly <u>Bemisia argentifolii</u>	Parasitic Wasp <u>Eretmocerus sp.(M95104)</u>	6 Sites
	<u>Eretmocerus sp.(M95012)</u>	6 Sites
	<u>Eretmocerus mundus</u>	6 Sites

County Pest Exclusion

Pest	Agent/Mechanism	Scope of Program
Glassy Winged Sharpshooter	Nursery Inspections	722 Shipments Inspected
Gypsy Moth <u>Lymantria dispar</u>	Household Goods Shipments	68 Shipments Inspected
Various Pests	Truck Shipments	20,714 Units Inspected
Crops	Activity	Scope of Program
Export Commodities	Phytosanitary Certification	1,293 issued
Export Seed	Field Inspections	72 sites / 2,601 acres

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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KINGS COUNTY SUSTAINABLE AGRICULTURAL REPORT

**County Pest Eradication**

Pest	Agent/Mechanism	Scope of Program
Pink Bollworm <u>Pectinophora gossypiella</u>	Mechanical/Host Free Period	98,635 Acres
Alligatorweed <u>Alternanthera philoxeroides</u>	Visual Inspection Mechanical/Chemical	3 Sites Treated

**County Pest Detection**

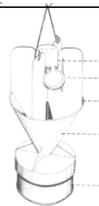
Pest	Number of Traps	Number of Servicing	Type of Trap
All Purpose Fruit Fly	116	972	Champ
Asian Citrus Psyllid	363	1896	Yellow Panel
European Corn Borer	13	123	Pherocon II
European Grape Vine Moth	302	2877	Delta Trap
European Pine Shoot Moth	5	15	Pherocon II
Glassy Wing Sharpshooter	109	1059	Yellow Panel
Gypsy Moth	80	515	Delta
Japanese Beetle	80	515	Japanese Beetle
Khapra Beetle	204	215	Trogo
Light Brown Apple Moth	214	2107	Jackson
Mediterranean Fruit Fly	214	2108	Jackson
Melon Fly	80	599	Jackson
Mexican Fruit Fly	101	1745	McPhail
Oriental Fruit Fly	80	957	Jackson
<b>Total</b>	<b>1,961</b>	<b>15,703</b>	



Jackson Trap



McPhail Trap



Japanese Beetle Trap

EXPORT COMMODITIES

**Commodities Grown and Exported From Kings County**

- |                |              |            |
|----------------|--------------|------------|
| Alfalfa Seed   | Cotton Seed  | Onions     |
| Apricots       | Garlic       | Onion Seed |
| Asparagus Seed | Grapes       | Peaches    |
| Blueberries    | Kiwis        | Pistachios |
| Cherries       | Lettuce Seed | Plums      |
| Cotton         | Nectarines   | Walnuts    |

**Export Trade Partners of Kings County in 2010**

- |             |                    |                      |
|-------------|--------------------|----------------------|
| Argentina   | Indonesia          | Panama               |
| Australia   | Israel             | Peru                 |
| Brazil      | Italy              | Philippines          |
| Cambodia    | Japan              | Portugal             |
| Canada      | Jordan             | Russian Federation   |
| China       | Korea, Republic of | Saudi Arabia         |
| Colombia    | Kuwait             | South Africa         |
| Costa Rica  | Lebanon            | Spain                |
| Ecuador     | Luxembourg         | Taiwan               |
| El Salvador | Malaysia           | Thailand             |
| France      | Mexico             | Turkey               |
| Germany     | Morocco            | United Arab Emirates |
| Guatemala   | Netherlands        | United Kingdom       |
| Honduras    | New Zealand        | Vietnam              |
| Hong Kong   |                    |                      |

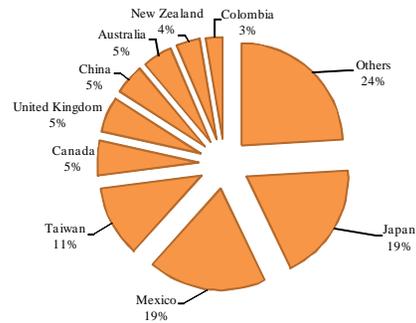
*We value your feedback, talk with us...<http://kingscountyag.wordpress.com>*

**To Learn More About The Kings County Department of Agriculture,  
 Visit Our Web Site At: [www.countyofkings.com](http://www.countyofkings.com)**

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**EXPORT PARTNERS**

TOP EXPORT COUNTRIES 2010



**FAIRS & EXPOSITIONS**



801 S. 10th Ave. Hanford, CA 93230  
 Phone (559) 584-3318

**CERTIFIED FARMERS MARKET**

**Certified Farmer's Market**

**Hanford Certified Farmer's Market**  
 116 W. Seventh Street  
 Hanford, CA 93230  
 Thursdays 5:30 P.M. to 8:30 P.M.  
 May thru October - Irwin Street

- |                 |                   |              |
|-----------------|-------------------|--------------|
| Almonds         | Corn              | Pears        |
| Apples          | Cucumbers         | Pecans       |
| Apricots        | Eggs              | Peppers      |
| Apriums         | Eggplant          | Persimmons   |
| Arugula         | Figs              | Pistachios   |
| Asparagus       | Fresh Cut Flowers | Plums        |
| Avocados        | Garlic            | Pluots       |
| Basil           | Grapefruit        | Pomegranates |
| Beans           | Grapes            | Pomelos      |
| Beets           | Green Beans       | Pumpkins     |
| Bell Peppers    | Herbs             | Quince       |
| Blackberries    | Honey             | Radishes     |
| Blueberries     | Kiwifruit         | Raisins      |
| Boysenberries   | Lillies           | Soybeans     |
| Broccoli        | Lemons            | Raspberries  |
| Brussel Sprouts | Limes             | Squash       |
| Cabbage         | Mandarins         | Strawberries |
| Cactus Pears    | Mistletoe         | Swiss Chard  |
| Camellias       | Nectarines        | Tangelos     |
| Cantaloupes     | Olives            | Tay Berries  |
| Cauliflower     | Onions            | Tomatoes     |
| Cherries        | Oranges           | Walnuts      |
| Chestnuts       | Oregano           | Watermelon   |
| Chili Peppers   | Peaches           | Zucchini     |

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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LAND USE

Surrounding Counties	2009 Rank	2009 Gross Value*	Total County Area Acres	Top Commodity	2009 Value	Acres or No. of Head
Fresno	1	\$5,372,009,000	3,840,000	Grapes	\$667,638,000	192,084
Tulare	2	\$4,046,355,000	3,112,320	Milk	\$1,228,975,000	632,000
Monterey	3	\$4,033,718,000	2,127,359	Strawberries	\$756,144,000	11,247
Kern	4	\$3,606,356,000	5,166,720	Grapes	\$664,499,000	72,400
<b>Kings</b>	<b>11</b>	<b>\$1,320,263,000</b>	<b>890,545</b>	<b>Milk</b>	<b>\$410,908,000</b>	<b>165,000</b>

\* Gross Value does not include timber.

LAND USE SUMMARY

Land Use Category	2008		2006*		Acreage Change
	Acres	Percent	Acres	Percent	
Prime Farmland	138,088	16	138,519	16	-431
Farmland of Statewide Importance	397,064	45	418,751	47	-21,687
Unique Farmland	22,927	3	25,336	3	-2,409
Farmland of Local Importance	10,024	1	8,852	1	+1,172
Grazing Land	257,746	29	235,156	26	+22,590
Urban and Built-Up Land	32,218	4	31,611	4	+607
Other Land	32,654	2	32,496	2	+158
Water Area	62	0	62	0	0
<b>Total Acres</b>	<b>890,783</b>		<b>890,783</b>		

From the California Department of Conservation

\* Revised

KINGS COUNTY GENERAL INFORMATION

County Seat	Hanford
County Population (2010)	152,982
Population per Square Mile	110
Total Assessed Value (2010)	\$8,599,525,681
Land Area (Square Miles)	1,391
Total Acres	890,545*
Total Harvested Crop Acreage (2009)	803,344
Foreign Ownership (2008)	4,009 (acres)
Total Farmland	810,887
Public Ownership of Land (Acres - 2008)	
Federal	27,313.76
State	4,015.99
County	1,421.61
Local Agencies	3,587.01

Agricultural production ranked 11th among California counties (based on 2009 total value).

Railroads - Burlington Northern Santa Fe, Union Pacific & San Joaquin Railroad.

Major Roads - Interstate 5, Highway 41, Highway 43 & Highway 198.

Water Sources - Kings River, Tule River, Kaweah River, Kern River & California Aqueduct.

Elevation - 175 feet above sea level at Tulare Lake to 3500 feet above sea level at the Kings/Monterey County line boundary.

Average length of growing season: 257 days.

Average climate: 196 sunny clear days, 74 partly cloudy days & 95 cloudy days.

Average date of last spring frost: March 3.

Average date of first fall frost: November 18.

\*Courtesy of the Kings County Community Development Agency

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**RAINFALL - HANFORD, CA**

YEAR	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
1960-61	0.02	0.00	0.53	0.00	2.61	0.03	1.34	0.22	0.67	0.22	0.37	0.00	6.01
1961-62	0.00	0.00	0.00	0.00	1.11	1.28	0.71	4.88	1.06	0.00	0.11	0.00	9.15
1962-63	0.00	0.00	0.01	0.10	0.00	0.19	1.19	1.68	1.37	2.88	0.56	0.00	7.98
1963-64	0.00	0.00	0.33	0.75	1.23	0.31	0.61	0.02	0.94	0.64	0.20	0.17	5.20
1964-65	0.00	0.34	0.00	0.95	1.31	1.44	1.18	0.33	0.33	1.57	0.00	0.00	7.45
1965-66	0.00	0.05	0.07	0.05	2.15	1.97	0.63	0.71	0.10	0.00	0.07	0.00	5.80
1966-67	0.04	0.00	0.29	0.09	1.28	2.57	1.41	0.05	2.42	2.95	0.07	0.06	11.23
1967-68	0.00	0.00	0.31	0.00	1.99	0.50	0.62	0.64	1.00	0.50	0.08	0.23	5.87
1968-69	0.00	0.00	0.00	1.33	0.98	1.64	6.69	4.54	0.79	0.85	0.32	0.00	17.14
1969-70	0.07	0.00	0.15	0.05	0.51	0.70	1.60	1.33	1.42	0.14	0.00	0.21	6.18
1970-71	0.00	0.00	0.00	0.00	2.40	1.23	0.35	0.19	0.23	0.40	1.44	0.00	6.24
1971-72	0.00	0.00	0.04	0.06	0.41	1.87	0.04	0.35	0.00	0.23	0.00	0.00	3.00
1972-73	0.00	0.00	0.24	0.21	2.90	0.65	2.44	2.29	2.20	0.12	0.00	0.00	11.05
1973-74	0.00	0.00	0.00	0.76	0.46	0.94	2.97	0.13	1.75	0.03	0.00	0.00	7.04
1974-75	0.00	0.00	0.00	0.65	0.24	1.40	0.09	2.26	1.24	0.49	0.00	0.00	6.37
1975-76	0.00	0.00	0.98	0.76	0.05	0.22	0.00	2.94	0.19	1.47	0.03	0.00	6.64
1976-77	0.00	0.22	1.47	0.00	1.15	0.96	0.96	0.03	0.43	0.00	0.01	0.01	5.24
1977-78	0.00	0.00	0.00	0.05	0.06	2.85	2.22	5.05	4.12	1.71	0.00	0.07	16.13
1978-79	0.00	0.00	1.10	0.00	0.79	0.50	1.84	1.61	1.16	0.03	0.00	0.00	7.03
1979-80	0.04	0.00	0.08	0.41	0.62	0.41	2.90	2.71	1.28	0.05	0.04	0.00	8.54
1980-81	0.00	0.00	0.00	0.09	0.00	0.21	1.80	0.86	2.10	0.68	0.17	0.00	5.91
1981-82	0.00	0.00	0.00	0.76	1.08	0.29	0.84	0.33	3.52	1.75	0.00	0.00	8.57
1982-83	0.18	0.00	0.64	1.03	2.15	0.71	3.74	2.59	3.39	1.63	0.04	0.45	16.55
1983-84	0.00	0.05	0.82	0.43	1.66	1.22	0.01	0.42	0.27	0.18	0.00	0.00	5.06
1984-85	0.00	0.00	0.01	0.52	1.41	1.66	0.59	0.61	0.68	0.12	0.01	0.00	5.61
1985-86	0.05	0.00	0.00	0.54	2.11	0.56	1.46	2.60	3.40	0.45	0.00	0.00	11.17
1986-87	0.00	0.00	0.15	0.00	0.21	0.77	1.77	2.04	2.02	0.06	0.13	0.00	7.15
1987-88	0.00	0.00	0.00	0.86	0.72	1.74	1.37	0.40	0.93	2.65	0.07	0.05	8.79
1988-89	0.00	0.00	0.00	0.00	1.33	2.29	1.02	2.03	0.85	0.02	0.39	0.06	7.99
1989-90	0.00	0.00	0.67	0.32	0.20	0.53	1.79	1.02	0.30	0.97	0.87	0.00	6.67
1990-91	0.00	0.66	0.00	0.01	0.22	0.09	0.37	1.32	6.67	0.19	0.66	0.00	10.19
1991-92	0.00	0.00	0.11	0.38	0.14	1.32	1.40	3.32	0.85	0.10	0.00	0.36	7.98
1992-93	0.01	0.00	0.00	0.58	0.00	2.62	3.88	2.48	2.16	0.07	0.08	0.00	11.88
1993-94	0.00	0.00	0.24	0.24	0.68	0.66	1.45	1.02	0.70	0.69	0.00	0.26	5.94
1994-95	0.00	0.00	1.06	0.35	1.54	0.33	4.70	0.51	4.77	0.65	0.87	0.00	14.78
1995-96	0.00	0.00	0.00	0.00	0.00	1.59	1.79	2.55	2.15	0.89	0.16	0.00	9.13
1996-97	0.00	0.00	0.00	1.65	0.87	3.03	3.02	0.12	0.21	0.00	0.00	0.04	8.94
1997-98	0.00	0.00	0.06	0.09	1.96	1.80	2.00	4.05	2.60	1.68	1.31	0.00	15.55
1998-99	0.00	0.00	0.00	0.68	0.63	0.64	3.01	0.56	0.43	1.37	0.00	0.44	7.76
1999-00	0.00	0.00	0.00	0.15	0.00	0.00	1.08	3.28	1.59	0.97	0.48	0.00	7.55
2000-01	0.00	0.00	0.03	1.31	0.00	0.03	1.98	1.48	1.24	1.12	0.00	0.35	7.54
2001-02	0.09	0.00	0.00	0.18	1.84	1.99	0.87	0.31	1.04	0.03	0.01	0.00	6.36
2002-03	0.00	0.00	0.00	0.00	1.42	1.14	0.25	1.13	1.05	1.67	0.67	0.82	8.15
2003-04	0.00	0.00	0.00	0.07	0.47	2.05	0.97	2.32	0.25	0.01	0.02	0.00	6.16
2004-05	0.00	0.00	0.00	2.09	0.44	2.13	2.55	1.69	2.02	0.70	0.84	0.00	12.46
2005-06	0.00	0.00	0.02	0.01	0.21	1.15	3.07	0.48	2.60	2.98	0.54	0.00	11.06
2006-07	0.00	0.00	0.00	0.09	0.16	0.90	0.61	0.90	0.22	0.27	0.01	0.00	3.16
2007-08	0.00	0.05	0.32	0.30	0.10	1.17	1.86	1.10	0.00	0.00	0.10	0.00	5.00
2008-09	0.00	0.00	0.00	0.14	1.03	1.36	0.60	1.43	0.21	0.03	0.43	0.37	5.60
2009-10	0.00	0.00	0.20	1.31	0.23	1.27	2.30	1.93	0.31	1.63	0.32	0.00	9.50
2010-11	0.00	0.00	0.00	0.76	1.24	5.29							
AVERAGE	0.01	0.03	0.20	0.41	0.90	1.14	1.64	1.54	1.42	0.76	0.23	0.08	8.35

50 YEAR AVERAGE RAINFALL



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**MARK FAGUNDES - DISTRICT 5**  
 HANFORD & HOME GARDEN

January 31, 2012

Jared Blumenfeld  
 Administrator, Region 9  
 Environmental Protection Agency  
 75 Hawthorne Street  
 San Francisco, CA 94105

Re: California High Speed Rail Project (Fresno to Bakersfield Segment)

Dear Administrator Blumenfeld,

We appreciate your guidance and oversight in the Fresno-to-Bakersfield Environmental Study for the California High Speed Rail project. Specifically, we are thankful that you requested the California High Speed Rail Authority (Authority) to delay publishing a Final Environmental Impact Study (EIS) until the west of Hanford alternative could be more closely analyzed. It was our hope that during this delay, the Authority would take advantage of the opportunity to resolve the inconsistencies between their project alternatives and our plans and policies as we have identified in numerous letters. However, they continue to ignore our requests to meet and discuss these critical issues whereby these conflicts could be addressed early in the process.

Because of their refusal, we must turn to you as the federal agency with oversight for this project under the National Environmental Policy Act (NEPA) in an effort to ensure the inadequacies of this study are addressed prior to the release of the Final EIS. It is important for you to be aware that the current Fresno-to-Bakersfield Draft EIS (DEIS) is a flawed document and utterly fails to reach consistency with our plans and policies. Instead, where conflict is evident, the DEIS misstates our position and reports to your agency and the public that there are no conflicts with Kings County's policies. Nothing could be further from the truth.

It is also important that you are apprised that the air quality impacts to our local area as stated in the DEIS are inaccurate and insufficient. The methodology used by the Authority hides the increase of CO and greenhouse gas particulates into our County that will most assuredly take place if the proposed rail station is placed in our rural county. The analysis made in the DEIS concludes that from a regional perspective emissions will be reduced by the High Speed Rail project. However, they fail to analyze and report accurately that with the placement of a train station in Kings County, we will have an increase in vehicular traffic. They fail to study this impact and until they do so, cannot submit to you for review a sufficient statement. According to the Fresno to Bakersfield DEIS (Section 3.3.5.D. on Page 3.3-47), vehicle miles traveled in

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Jared Blumenfeld  
Administrator, Region 9  
Environmental Protection Agency  
January 31, 2012  
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Kings County is estimated to decrease by 5% without the project simply due to more efficient land use planning. However, the air quality analysis fails to address air quality impacts in Kings County from the added 2,000 daily trips generated in relation to the station (Table 6.2-2 Daily Passenger Trips, Page 6-9 of the Fresno to Bakersfield Section Air Quality Technical Report). We fully anticipate that if the project alternative is approved including a train station in Kings County, whether east of Hanford or west of the city, our County may be facing a violation of state and federal air quality laws because of the increased vehicular traffic that will be coming to the station. It is this type of impact that NEPA sets forth to analyze so that the public and decision makers can be fully apprised of the differences between alternatives. However, the Authority and FRA fail to analyze this issue as well as many other impacts from a local perspective as required by law.

This insufficiency, among many others, was brought to the Authority's attention prior to the DEIS release and assurances were made that they would be resolved and addressed in the draft. They have not been addressed and our continued attempts to resolve these issues have been ignored by the Authority and the Federal Railroad Administration (FRA).

During the programmatic stage of this project, your agency appropriately pointed out that a careful consideration of local plans and polices had not been made. The Authority assured you that this analysis would occur during the project level phase, the phase we are now engaged in. They kicked this analysis down the road because they found local plans were largely outdated, "unpredictable and irregular." Had the Authority taken your advice then, they would have learned that during this time, Kings County was in the process of updating its general plan presenting the best of circumstances for the Authority to coordinate with it and find ways to incorporate a High Speed Rail corridor into Kings County's plan.

They did not do this, although NEPA requires early involvement with local governments partially for this reason. As a result, at a very late date in the study process, they found their project conflicted with our policies. However, instead of working with us to resolve these issues they have misstated our position in the DEIS and reported to your agency and the public that a High Speed Train corridor, rail station, and heavy maintenance facility are consistent with our general plan. They most certainly are not.

Much of the correspondence we have sent to the Authority and FRA has been copied to your agency so that you could be aware of these specific conflicts. We are now asking you directly to intercede on our behalf and reject approval of the Final EIS until the Authority and FRA correct and resolve the inconsistencies between their project and our local plans as is required under the National Environmental Policy Act at 42 USC 4332(2)(E), 40 CFR 1501.2(c) and 40 CFR 1507.2(d).

While we recognize that you have the specific duty to implement the provisions of the Clean Air Act and Clean Water Act and your role directly in the development of the Fresno-to-Bakersfield segment study document is as a cooperating agency, we are also aware that your agency has the unique responsibility of NEPA oversight. You are charged with carefully reviewing the study for full NEPA compliance and your approval is required to accept the final document.

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Jared Blumenfeld  
Administrator, Region 9  
Environmental Protection Agency  
January 31, 2012  
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The Authority and FRA, as joint lead agencies on the DEIS, were mandated by Congress to coordinate this study with us under the National Environmental Policy Act (NEPA), which requires that local governments have significant input into the NEPA process in order to prepare an adequate study. Had the Authority and FRA followed the law and coordinated with Kings County, we could have addressed the critical impact this corridor will have on our social, economic, historic, cultural and natural environment. Instead, the Authority deliberately overlooked our concerns, misstated our plans and submitted a flawed study.

As such, you are the entity that has the authority and duty to review this segment study to ensure the lead agencies have conducted a rigorous analysis upon which the Council on Environmental Quality and the President can rely. This study is severely lacking in the required sufficiency standard and we insist that you reject approval of this study until it is properly coordinated with our County, conflicts with our plans are resolved, and a rigorous cumulative impact analysis, as it pertains to Kings County, can be prepared.

Attached is our last letter (11-2-11) to the Federal Railroad Administration, which, to date, has gone unanswered. It details, among many other insufficiencies, how the DEIS fails to resolve the inconsistencies with the 2035 Kings County General Plan considered the "model" plan in California by the Attorney General's office.

Whereas, the Authority and FRA have failed to coordinate this project with Kings County and final oversight authority rests with you, we request that we set a time to meet with you to better apprise you of our concerns and to discuss how we may proceed in a coordinated manner. It would be very helpful if a date and time for this meeting could be set within the next two weeks to ensure our concerns are heard prior to any final ruling.

We appreciate your attention to this matter and look forward to meeting with you at the earliest convenience.

Sincerely,



Richard Fagundes, Chairman  
Kings County Board of Supervisors

Enclosure: November 2, 2011 Letter to Federal Railroad Administration

cc: Connell Dunning, Transportation Team Supervisor  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

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NORTH BAKERSFIELD, SLAUGHTER DISTRICT & NORTH LAMORSE**  
**JOEY ABRAHAM - DISTRICT 4  
ARMORA, HANFORD & NEW HOME GARDEN**  
**BKARLA FAGUNDES - DISTRICT 4  
HANFORD & HOME GARDEN**

Joseph C. Szabo, Administrator  
Federal Railroad Administration  
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Review of the DEIS has prompted us to revoke Resolution No. 10-033 which supported High Speed Train (HST) along existing corridors and approve a new policy opposing the project altogether. (See Attached Resolution No. 11-065) There has been no consideration of our specific plans or policies in the DEIS, and where our plans have been generally referenced, they have been deliberately misinterpreted.

November 2, 2011

Joseph C. Szabo  
Administrator  
Federal Railroad Administration  
US Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Administrator Szabo:

We received your letter dated September 12, 2011 acknowledging that you had received our correspondence and reviewed our concerns regarding the Fresno-to-Bakersfield High Speed Rail Segment environmental study process. We note, however, that your letter did not directly address any of the specific issues we raised regarding the unresolved conflicts with the segment plan and our policies. Since that time, the California High Speed Rail Authority (Authority) and your agency have released the Draft Environmental Impact Statement (DEIS) for public review. On October 5, 2011, just days before the DEIS public comment period was to close (10/13/11), the Authority released a statement indicating it will "re-introduce an alternative route, along with an alternative station location to serve the Kings/Tulare region" and therefore "In addition to issuing a Final EIR/EIS for the Fresno-to-Bakersfield section in January as previously scheduled, the Authority will now use the coming 5-6 months to further engineer the additional Hanford West Bypass route and new station alternative, conduct the additional environmental analyses needed, seek 'value engineering' opportunities to reduce costs, and make other necessary revisions including those based on comments received through Oct. 13, 2011, after which a 'Revised Draft EIR/Supplemental Draft EIS' will be issued for public comment."

Prior to the notice that the Authority will be reintroducing an entirely new alternative that they had adamantly removed from consideration in contravention of the recommendation by the U.S. Army Corps of Engineers, we had an opportunity to review, for the first time, your project level specific plans for the new corridor alignment proposed through our productive agricultural region. As a result, we have prepared detailed comments (see October 12, 2011 letter to Mr. Dan Leavitt at the Authority) and incorporate them into this letter, by way of reference, as the basis for our position which must be coordinated by your agency under the National Environmental Policy Act (NEPA). Those specific comments also referenced and incorporated prior detailed comments both to you and to the Authority.

It is our finding that the HST Fresno to Bakersfield segment as proposed:

- 1. Fails to resolve inconsistencies with the 2035 Kings County General Plan;
- 2. Fails to compare the affected environment of the proposed alternatives to the environmental consequences;
- 3. Fails to have "independent utility."

These actions and the decision making comprising these failings have elevated to the level of arbitrary and capricious, are an abuse of agency discretion, and violate federal law.

We specifically put you on notice in our August 2, 2011 letter so that you would have the opportunity to correct these failings, however, you have refused to meet with us face-to-face in an open meeting on the record or acknowledge in any way your duty to coordinate with our County under NEPA.

After making a thorough review of the DEIS, it is clear that your Administration and the Authority have refused to uphold your statutory duty to resolve the conflicts between your proposed project and our local plans as is specifically called for at 42 USC 4332(f), 40 CFR 1501.2(c), and 40 CFR 1507.2(d). Since you have demonstrated that you will not work with us directly, nor require that the Authority do so to resolve the inconsistencies between your project and our established and detailed plans, we are left with insisting that you select the "No Build" alternative, as it is the only option that complies with state and federal law.

The combined power of the Federal Railroad Administration (FRA) and the California High Speed Rail Authority places tremendous political pressure on those impacted as you collectively and forcefully pursue this transportation agenda. As you apply this pressure, you must reconcile your project with the fact that Kings County has the highest poverty level, lowest per capita income and smallest population of the four counties affected by the Fresno to Bakersfield Segment. Your disregard of these facts should not justify ignorance of our concerns or your failure to abide by federal law. If anything, it should cause you to ensure that you fully understand the critical impacts to our community and use the force of your resources to shield our citizens and resolve your project conflicts to avoid the disproportionate harm being thrust upon us by this project.

Fortunately, the law does not favor the importance of a project over a citizenry to demand equity. Consideration of our position, coordination with our plans and policies, and resolution of the conflicts is your duty under the National Environmental Policy Act, which, to date, you have failed to uphold.

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For the following reasons, we insist you select the "No build" option and begin your environmental study anew, this time in coordination with our County and our County Plan.

**I. The DEIS Fails to Resolve Conflicts with 2035 Kings County Land Use Plan**

**A. The Authority and Your Administration Failed to Coordinate with Kings County's Local Plan.**

The California High Speed Rail project is an ambitious transportation plan that to succeed must be properly coordinated with the many local, state and federal agencies with jurisdiction over the routes and support services necessary for its success. This was pointed out to your agency during the critical programmatic phase when the Environmental Protection Agency (EPA) raised concern that a careful consideration of local plans and policies had not been made. You assured the federal oversight agency that such a review would take place during the segment phase which is now almost complete.

*"Thorough analysis of site-specific, local area, and focused regional cumulative effects, including specific urban development projects, will be undertaken as part of future project-level environmental review, when this information will be available and more relevant to substantive impact analysis." (Programmatic Record of Decision 2005, page 36.)*

Curiously, you justified not considering Kings County's land use plan at this point in the process, when you first made the decision to potentially impact our county by selecting the Central Valley as the preferred corridor, because you found local plans to be outdated and unreliable.

*"USEPA's suggestion that local general plans be used to identify reasonably foreseeable projects is not appropriate for this Program EIR/EIS. Every city and county is required by California law to adopt a general plan, but, except for housing elements, general plans are not comprehensively updated on a regular periodic basis pursuant to a statutory schedule. Each city and county determines when to update its general plan. Comprehensive updates are both unpredictable and irregular. ... For preparing a cumulative impact analysis for thousands of miles of alternative transportation corridors, the general plans did not provide a reliable and consistent information base for identifying reasonably foreseeable future projects to use in analyzing cumulative impacts in a consistent manner for the system as a whole." (ROD 36)*

A review of the local plans you consulted during the Programmatic phase as stated in your study reveals that no consideration was given to Kings County's general plan at that time, nor is their evidence that the Supervisors of the County were apprised that a High Speed Rail corridor could potentially be routed through Kings County prior to the decision being made.

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Joseph C. Szabo, Administrator  
Federal Railroad Administration  
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Had the Authority and your Administration not rejected the EPA's recommendation, you would have learned that we were in the process of updating our general plan presenting an opportune time to coordinate a potential high speed rail corridor that would be compatible through our County. However, you failed to do so and now unfortunately substantial conflicts exist between your project and our plan today that could have been avoided had you complied with the law.

It is for this reason that NEPA directs your agency to meet early with local governments, provide substantive details to the local governments, and coordinate federal plans with local governments so that these unnecessary conflicts can be avoided.

*"Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts." (40 CFR 1501.2)*

As we informed you in our last letter, Kings County undertook an extensive plan revision process in order to embrace the California Legislature's mandates and the San Joaquin Valley Blueprint seeking to coordinate compact and efficient urban growth within the eight counties that make up the San Joaquin Valley. As a result, Kings County updated all City and Community District sphere of influence growth boundaries and removed 11,000 acres from future growth consideration for agriculture protection. This action received the California Association of Local

Agency Formation Commission's "2008 Project of the Year Award." When the 2035 General Plan revision for Kings County was adopted in January of 2010, after going through a rigorous Environmental Impact Report (EIR) process under the California Environmental Quality Act, it was promoted as the "model" plan for other counties to follow by the Attorney General's office because of its compliance with the law, specific and detailed planning directives, and clarity to guide the future prosperity of the County.

Every acre of our county was considered for its highest and best use. Urban growth and agricultural production was meticulously balanced and planned to be more than compatible with each other, but symbiotic with each other so that as our population grows the social cohesiveness and uniqueness of Kings County and our local economy is preserved. The services provided by the county and the cities residing within our jurisdiction were coordinated and boundaries defined so that the health, safety and welfare of our citizens could be efficiently met without redundancy.

We determined where urban growth best fit within our county and where the most productive agricultural areas should be maintained, as well as, what transportation corridors should be expanded to ensure efficient movement of our agricultural products and mobility of our citizens. Our goals were to maintain the high quality and unique way of life found in Kings County while planning progressively under the new smart growth principles adopted by the state. We succeeded, so much so that the plan is held as the model for other counties in California. As such, you would be hard pressed to characterize our plans as "unpredictable and irregular."

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However, even after all this careful planning, one proposed decision by your Administration to create a new transportation corridor for the California High Speed Rail through our prime farmland has the potential to destroy years of careful planning designed to ensure the future of Kings County. If the project is approved as currently proposed, it will cause irreparable harm to Kings County.

The decision of yours to ignore the specific policies of our plan is a flagrant violation of federal law. Our plan is not an unreliable and outdated document. It is an updated, relevant and detailed document which we use daily to guide the development of this county and continually rely on as we coordinate our services with regional planning efforts and the Kings County Association of Governments. The EPA was correct in their assessment that at the very least our plans and planning process should have been considered at the programmatic phase.

Six years later, your agency is now in the final stages of concluding your project level study for the Fresno to Bakersfield segment. Without coordinating your project with us or providing us with detailed project level specifics to help advise you as to the compatibility of your plan with our policies, you have determined that our plan is consistent with developing a new transportation corridor through our prime farmland, consistent with creating a train station outside our designated urban growth zones, and consistent with a Heavy Maintenance Facility even though such facility is not listed as a permitted use under Kings County zoning policies. Either the drafters of the DEIS did not carefully read our plan or you have intentionally misinterpreted our plan. Every aspect of the BNSF Alternative Route alignment to the east (the DEIS preferred alternative) and west of Hanford through Kings County directly violates the 2035 Kings County General Plan.

**B. Relevant Impacts to Kings County have not been Considered in the Comparison of Alternatives.**

The comments submitted by Kings County, which are incorporated into this letter as the basis for our position to be coordinated by you, point to an abundance of specific inconsistencies with your plan and outright misstatements as to what our plan requires.

For instance, the DEIS states that the "Kings/Tulare Regional Station would be located nearly 0.5 miles from the nearest rural residential uses." (Page 3.13-A-13) This statement is factually incorrect as is pointed out in our comments. The potential station site is located less than two-hundred feet from an existing residential subdivision that contains 25 lots. The tracks from the HST project would potentially eliminate at least half of these residential sites, a detail and impact that you conveniently failed to notify the public and decision makers of in your comparison of alternatives.

Another egregious example of this failure is that there is no mention of the loss of Kings County Fire Station 4 from your route selection even though the Authority was apprised of this on April 19, 2011 in our first coordination meeting and you were noticed of this directly in our August 2<sup>nd</sup> letter. We have meticulously planned the placement of our fire stations so that there is minimal overlap of the districts, adequate proximity to other stations to ensure necessary support in

Kings County Exh. A-2

Joseph C. Szabo, Administrator  
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emergencies, and no void in insurance coverage zones so that all residents can receive reasonable rates. You move the location of one of our stations and you destroy the entire fire safety network we have meticulously designed.

Additionally, Fire Station 4 is home to both Skylife and Cal Fire contract rotary wing aircraft, and is an FAA designated and approved base. Certification for this site is expensive and lengthy. Station 4 also houses the fire training facility and has an agreement with the College of the Sequoias to train new personnel. To relocate all of these components to a new area will not only cost our citizens tremendous expense and increased tax liability, but be extremely time-consuming and difficult. You do not just relocate a Fire Station to a new piece of ground. Many variables including proximity, safety, mobility and size of parcels must be considered. Evidently these concerns are viewed as insignificant by you and the Authority as this issue was not weighed in the comparison of alternatives even though you were duly apprised of its impact.

Please understand these are critically significant issues to Kings County and we are aware of your duty to study these in the DEIS and not kick this analysis further down the road after the decision to cause this impact has been made. In fact, this is the purpose of NEPA. An environmental study is not to be pursued in order to justify an outcome. "Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made." (40 CFR 1502.2(g))

While courts will defer to your discretion, they will only do so after thoroughly reviewing whether or not you made a "good faith effort" to evenly weigh the alternatives. A "hard look" review does not include conveniently overlooking critical impacts that could very well lead objective decision makers to support an alternative contrary to the one you prefer. In fact, we are confident that once a court is apprised of the multiple times we brought these impacts to your attention, and still you refused to address these and work to resolve the conflicts, your analysis will fall far short of its required duty.

**C. Kings County's Plan has been Falsely Represented to the Public and Decision Makers as Consistent.**

Beyond the many issues that have not been considered in the impact analysis, there are many more that have been simply falsely stated. For example, in the Land Use Appendix in the DEIS, page 13 finds that the Kings/Tulare Regional Station located to the east of the city of Hanford would be consistent with Kings County's General Plan.

*"Consistent. The Kings/Tulare Regional Station would be located in Kings County along the urban fringe of Hanford and would avoid splitting large agricultural parcels. The station site is zoned as Light Industrial. Land to the south is also designated as Light Industrial. Land to the southwest in the city of Hanford is designated as Commercial. Therefore, the Kings/Tulare Regional Station would be located in an area planned for development of the station."*

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The Kings County goal you have selected in order to appear consistent with our plan is as follows:

*"LU Goal B1. Protect agricultural lands throughout the County, and in particular, along the edges of community districts and of the urban fringe by maintaining large parcel sizes and preventing the premature development of incompatible urban uses."*

Interestingly, the DEIS cites a general goal and makes no mention of the specific policies they are inconsistent with. One of these is LU Policy C1.1.1 on Page LU-39 of our Land Use Plan, which you have been apprised of and which is readily available to the public for compliance review. This states:

*"Urban type land uses such as residential, commercial and industrial that are located within Rural Interface areas shall remain limited to the previously defined extent of those land use designation areas. Minor adjustments between land uses may be considered so long as land use changes do not result in the expansion of Rural Residential zoning."*

In our comments, which we encourage you to carefully read, we point out why your plan is inconsistent with our policy.

*"The potential station, the track and the heavy maintenance facility are all located outside the Primary Sphere of Influence of Hanford and outside the Blueprint Growth Area. No water or sewer service is available in the unincorporated area of Kings County. The 2035 Kings County General Plan directs urban growth to the Cities and Community Services Districts (that are capable of providing urban services (water and sewer). Locating urban uses in agricultural area on prime agricultural land does not preserve agriculture, does not encourage city-centered urban growth, and is potentially devastating to Kings County agricultural economy."*

You are planning to site a rail, station and heavy maintenance facility in an area that is not zoned for sewer and water facilities. Revising our plan to accommodate your project could potentially require a new EIR study at great expense to the county. Further, there is no discussion of the cumulative impact of potentially having to build a new sewage treatment site to accommodate the station. Even more troubling is that the expense of accommodating your rail station and heavy maintenance facility is to be shouldered by Kings County. In fact you assured the public that this expense would not fall on them during the programmatic phase in order help sway their support.

*"As the project proceeds to more detailed study, local governments would be expected to provide (through planning and zoning) for transit-oriented development around HST station locations, and to finance (e.g. through value capture or other financing techniques) and to maintain the public spaces needed to support the pedestrian traffic generated by hub stations if they are to have a HST station." (Programmatic ROD page 14)*

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The mere selection of this station site violates our planning and zoning policies. The duty to consider these carefully planned policies is your Administration's responsibility under NEPA, which you have neglected to fulfill. The assurance that you would do so was also made in your programmatic document.

*"When making future decisions regarding both the final selection of station locations and the timing of station development, the extent to which appropriate Station Area Plans and development principles have been adopted by local authorities will be considered. Denser development near HST stations will concentrate growth in areas conveniently located near stations, reducing the need to convert land to urban use and improving conditions for comprehensive and extensive local transit systems. Local government would play a significant role in implementing station area development by adopting plans, policies, zoning provisions, and incentives for higher densities, and by approving a mix of urban land uses." (ROD 30)*

It is remarkable that since creating higher density growth areas around a station is a fundamental goal of the station, you would place the Kings/Tulare station in an area not zoned for this use, not planned for this use, and not supported for this use by the local authorities. Still, you assure the public in your environmental disclosure document that you will consider existing principles and regulations of the local area when making your station site selection which leads one to believe they will be taken into account. However, in Kings County, you falsely represent our position by

claiming it is "consistent" instead of resolving the very severe impacts you intend to cause. Every other developer that seeks to build a project in our County is subject to our existing zoning regulations. Instead of considering the impacts and working with us you simply insist that we change our laws to suit your preference.

Ironically, even though you falsely claim your project is consistent with our plans, you do acknowledge in the Regional Growth section that there are conflicts with your project and our regulations. In fact you make a rare exception to your well established principles of encouraging growth around the station sites. In a statement buried in the Regional Growth section (3.18-28) of the DEIS you acknowledge that "The Kings/Tulare Regional Station would not be located in an urbanized area." This is interesting since you have assured the public that stations will be placed in areas where services and businesses will be available for pedestrians and where there will be established ground transportation services. In fact, this is a critical element of ensuring the HST succeeds.

However, you explain that "Since the station would be located in an agricultural area, the Authority would support local government regulations to continue to discourage growth in the agricultural area around the Kings/Tulare Regional Station."

There is no doubt that this is artfully placed in the detail of the document so that you can later claim that you worked to resolve the conflicts with our plan by making this one rare exception that violates your principles and purpose for station locations. The statement fails to explain how this will be accomplished and what resources will be used to accomplish the goal. While we understand your reason for inserting this statement, we have no confidence that it will be

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fulfilled. This statement combined with your refusal to coordinate with us and misstating our position demonstrates an intentional effort on your part to deceive the public and cause irreparable harm to Kings County.

At what point during this project do you begin to support local government regulations? By mere selection of the station site in Kings County you have already violated local government zoning regulations. Your duty under the law is to consider and work to resolve the conflicts with our plans not after you made the decision, but before you cause the impact. Resolving conflicts does not mean misstating our position to give the public the impression you are consistent with our plans and then later assuring us that eventually you will consider supporting our local regulations after you have already violated them.

Your assurance that eventually you will support our local regulations is an empty promise. Throughout your process you have refused to follow federal law and made similar promises to us in the past, none of which have been upheld by you. By way of specific example, on June 7, 2011, Mr. Abercrombie, the HST Central Valley Coordinator, was asked and answered the following question:

*"Mr. Abercrombie, are you indicating then that ... each and every one of the questions that was raised in this forum [attempted coordination before Kings County Board of Supervisors] and others is going to be identified in the document [draft*

*EIR/EIS] and an answer or comment or response given? Is that what you are saying?"*

Mr. Abercrombie responded:

*"All those questions are to be answered in the environmental draft document and I'll take a gander - that is our mission to accomplish ...]"*

We have no confidence that someday soon you will change your practice. This is the precise reason we revoked our earlier resolution and now oppose any portion of your project through Kings County.

In your DEIS you reiterate the primary principle behind station site selection is to encourage high density urban growth, and you note that the Authority has adopted HST Station Area Development Policies based on the following premise:

*"For the high speed train to be more useful and yield the most benefit, it is important that the stations be placed where there will be a high density of population, jobs, commercial activities, entertainment, and other activities that generate personal trips. The success of HST is highly dependent on land use patterns that also reduce urban sprawl, reduce conversion of farm land to development, reduce vehicle miles traveled (VMT) by automobiles, and encourage high density development in and around the HST station." (DEIS 2-93)*

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Your proposal places the Kings/Tulare station in the middle of prime farmland that is isolated from utility services in an area specifically zoned for no urban growth. Of the four stations planned on the segment, this is the only station not placed in a population growth area. Evidently, you presume to know more about our County than we do and know better where such growth should occur than those of us charged with the responsibility of doing so. This station location is not only inconsistent with Kings County's policies, it is inconsistent with the Authority's principles.

This is only one specific example of the adverse impacts imposed on our county. Yet, such issues are critically important to a meaningful analysis of the environmental consequences of the project as the courts noted in *Akers v. Resor* (443 F. Supp 1355) where the U.S. Corp of Engineers failed to meaningfully consider the cumulative impacts of flood control to downstream residents. The impacts considered were selectively chosen by the agency in order to reach the preferred outcome sought by the agency.

Further, you have failed to meet the purpose of the station which is to be located in an area designed to encourage high density urban growth. Instead, you have situated the station in the middle of productive farm land. Rather than addressing the inconsistency with our plans and the difficulties this will place on our county, you have avoided the discussion and unilaterally determined that your plan is consistent with our policies. You have misrepresented our position to the public and decision makers regarding the compatibility of this project with our County plans.

Your DEIS is riddled with such conclusions on critically important issues that should be assessed in a sufficient DEIS. As we have looked closely at your analysis, we have found there is a pattern of misleading the public as to consistency of your project with our plan whenever conflicts arise. These conflicts have been clearly documented in our comments which we have incorporated by reference into this letter.

**D. Courts Require Good Faith Consistency Review and Consideration of all Relevant Local Plans**

While we recognize that courts are reluctant to replace their judgment with that of the agency charged with having the expertise on the subject matter, this deference by the courts comes after determining that the study process was not arbitrary and capricious, after determining there was no abuse of agency discretion and after adequate and complete study in accordance with the law. The Fresno-to-Bakersfield Segment DEIS fails on all three counts.

We also recognize that courts are not quick to overturn an agency decision when unresolved conflicts are raised in general terms providing no specific issues for the agency to address. This will not be the case concerning Kings County. In fact, the opposite is true, Kings County has raised the specific conflicts on now numerous occasions and you have refused and continue to refuse to address. Instead you have made an assessment of the impacts so general that even by your own admission you have found it hard to identify any truly compelling differences between alternatives.

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The issue as to whether or not you have a duty under the law to be consistent with local plans and work to resolve conflicts was addressed in *City of Davis v. Coleman* (521 F 2d 661). The court found that the California Department of Highways had failed to properly consider the local plans of two cities affected by a proposed interchange when assessing the alternatives.

*"A properly drafted DSR should allow FHWA, which has the final say on commitment of federal funds, and for whose benefit the DSR is prepared, to compare the project as planned and the alternatives not only on the scale of economic costs and benefits but also with respect to social, economic and environmental impacts and consistency with local planning. It is not for us to say what weight FHWA or state highway departments should, in particular cases, accord to these often conflicting considerations, but when a DSR entirely omits analysis of the social, environmental and planning effects of alternatives, a crucial element in the congressionally mandated decisionmaking calculus is lacking, and the 'consideration' which the statute and regulations contemplate cannot take place." (emphasis added; Id at 682).*

The court also admonished the transportation department for picking and choosing which plans it would consider when making its analysis.

*"The DSR and AEE also fail to take into proper account the effect of the project as proposed on Davis' urban planning. Davis submitted hundreds of pages of its planning documents and they have been included as a separate volume of the hearing transcript. But neither the DSR nor the AEE makes even a single reference to the contents of these documents. The Kidwell's project's consistency with the urban planning of Dixon and Solano County does not relieve the defendants of their obligation to consider the project's consistency with Davis' urban planning and to disclose in the DSR the nature and extent of any conflict." (Id at 683).*

Kings County has a detailed, updated plan that your analysis has marginalized through general statements that are factually incorrect. Many specific social, economic and environmental conflicts are not even addressed. We are hard pressed to see how your study will be found sufficient under the law.

**2. Alternatives Analysis did not Adequately Compare the Affected Environment and Environmental Consequences**

**A. The Alternative Through Kings County was Selected with a Bias Against Kings County**

At the conclusion of your programmatic phase for the CA High Speed Rail in 2005, you eliminated from further consideration the alternative to route the rail along the I-5 Corridor, which follows the foothills of the Central Valley in preference for a route that would travel through the center of California's prized agricultural region. In making your determination, you summarize the reasoning as follows:

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*"The eliminated corridors included ... an Interstate Highway 5 corridor, which failed to meet basic project objectives of maximizing intermodal opportunities, maximizing connectivity and accessibility, and providing transit connections and multi-modal stations, and additionally would result in increased incompatibility with land use planning." (Programmatic ROD page 10)*

We then learn in the alternatives analysis which "land use planning" efforts were taken into account in the discussion of the key criteria used to compare the alternatives. These were:

*"Land Use Compatibility: Substantial incompatibility with current or planned local land use as defined in local plans was considered a criterion for failing to meet project objectives." (Programmatic 2-8) emphasis added.*

In the chart comparing the different corridor options you document that the I-5 Corridor was eliminated because of incompatibility with local land use plans.

*"Incompatibility with current or planned local land uses as defined in local plans that would fail to meet project objectives." (Programmatic 2-32)*

This was not your primary reason, it was your secondary reason, which you found important enough to note as one of the considerations when weighing alternatives.

When the EPA pointed out that you should be making a closer analysis of local plans, you responded by stating they were too unpredictable to rely on at this stage, yet one of your determining factors for eliminating the I-5 corridor is precisely because of incompatibility with local plans, presumably just the plans on the I-5 corridor since we already know that one Central Valley local plan, the Kings County plan, was not considered.

A review of the Kings County Plan should have been made in order to fairly compare the Central Valley corridor with the I-5 option at this programmatic phase, as the *City of Davis* court pointed out. Had it been considered, a different outcome might have been reached. You would have had to make a more in-depth cumulative impact assessment. This is precisely the point of EPA's comment which you summarized.

*"USEPA commented that the Final Program EIR/EIS did not contain a landscape-level cumulative impact assessment for all sensitive resources, and did not address a comprehensive set of reasonably foreseeable projects. USEPA suggest that a different cumulative impacts analysis may have resulted in different conclusions or different mitigation options ... " (Programmatic ROD 34) emphasis added*

There is mention in the programmatic document that regional plans were considered, yet your criteria and basis of elimination of the I-5 corridor was specifically for "local plans."

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Either you have violated your own criteria, or you determined not to review *all* of the local county plans when comparing the alternatives. This is a violation of any notion of a good faith analysis. In either event, the statute requires a fair and reasonable comparison of the elements that can sway or determine the outcome of one alternative over another and courts have upheld this duty.

We recognize that the opportunity to challenge the programmatic document directly in court has passed, but we are also aware of the connected relationship between tier one and tier two documents. While each EIS is expected to meet the full test of adequacy on its own, the tier two documents cannot be severed from its parent statement. In this case, a review of the commitments made from the programmatic stage forward can be considered in order to determine if the agency's behavior has been arbitrary and capricious.

The programmatic analysis also points to considerable local support for the SR-99 corridor (which places the corridor through the middle of the Central Valley) over the I-5 corridor as another compelling reason to advance this alternative. "The Commission received resolutions of support for the SR-99 corridor from nearly every Central Valley city, county, and regional government (Programmatic 2-35)." Kings County cannot speak for other local governments, but our position was that the HST should be located in existing transportation corridors, as was the will of the people when the authorizing bond passed supporting development of a high speed rail system in California. To the extent that SR-99 stayed within existing corridors, we were supportive of this alignment. Any effort to create a "new corridor" we opposed.

The discussion of station alignments identified the city of Hanford in Kings County as one of the potential sites and said that this "would be located along the BNSF alignment in the vicinity of the existing Amirak station in Hanford. The Hanford station site would likely avoid impacts on social, economic, natural and cultural resources (2-64)." This potential station site was carried forward with the understanding that it would follow existing transportation corridors.

In the fall of 2010, you released an Alternatives Analysis Report for the Fresno-to-Bakersfield Segment without any public comment wherein you reduced the 24 variations of four major alignments to one. This then only allows the public to comment on "no build" and one route with four bypass variations through rural cities during the DEIS phase. Kings County was listed in the Alternative Analysis Coordination Plan as an "interested local agency," which simply meant we received general reports occasionally during this study process, but no opportunity to review project level specifics or provide substantive input.

The very critical decision to determine whether the HST would follow the existing SR-99 corridor or three other existing corridors was made without coordination with us even though we were directly impacted. There is only a very general mention of our plan in the Analysis, demonstrating that the necessary consideration of our position was again overlooked at this critical point in the process.

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The alternative advanced included the preference for a "new corridor" through most of Kings County, and yet, once again this was done without a proper comparison of environmental consequences.

In the Alternatives Analysis, one of the criteria used to compare the corridors was land use. "Measures include: supports transit use, is consistent with existing adopted local, regional and state plans, and is supported by existing and future growth areas." (Preliminary Alternatives Analysis Page 2-3) The alternative now being preferred goes to the east of the city of Hanford, creates a new corridor through prime farmland, is not sited where transit use is supported, is inconsistent with Kings County's General Plan, and is outside an existing or future growth area. It is simply not compatible with this area of Kings County.

In this same analysis, two similar routes were also considered, but eliminated. These were alignments that followed the SR-99 existing route until reaching the city of Visalia where an east of Visalia and west of Visalia "new corridor" alignment was studied. The Alternative Analysis removed these from consideration for the following reasons:

*"The West of 99 and East of 99 alternatives were both considered 'greenfield' alternatives, passing largely through farmland. Both alternatives were eliminated because of their potential impacts to agricultural land and their inconsistency with the objective of following existing transportation corridors as a method of minimizing environmental impacts." (3-2)*

Curiously, the Kings County alignment selected meets these criteria for elimination. The selected BNSF alternative parallel's the BNSF route until right before reaching the Kings County line

where it is routed east of Hanford creating a "new corridor" that destroys prime farmland, destroys lands designated for conservation mitigation, cuts off hundreds of vital roads necessary for citizen's mobility, our critical agricultural economy and our necessary emergency services. A station is planned outside of the city of Hanford in an area planted primarily with perennial fruit and nut crops that take several years to establish. The rail crosses over half of the 25 residential lots in an isolated residential area surrounded by agricultural production.

There is no explanation in the Alternatives Analysis as to why the farmland east and west of SR-99 is more valuable than that in Kings County. There are no distinguishing facts presented in the analysis that would lead one to rationally determine a significant difference between the two routes. However, had you and the Authority coordinated with Kings County and considered in your analysis the conflicts we have shared with you on numerous occasions, a different decision would appropriately have been called for.

You describe the Kings County alignment in the DEIS as the following:

*"Approximately 30 miles of the BNSF Alternative would be in Kings County. The alternative would pass east of the city of Hanford, parallel to and approximately 0.5 mile east of SR 43 (Avenue 8). South of Hanford in the vicinity of Idaho Avenue, the BNSF Alternative would curve to the west and then south toward the BNSF Railway right-of-*

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*way. The alignment was refined in this area to avoid special aquatic features north of Corcoran and east of the BNSF Railway. The alignment would rejoin the BNSF Railway right-of-way on its western side just north of Corcoran and travel through the eastern edge of the city of Corcoran at grade. The majority of this part of the alignment would pass through agricultural land except where it travels through the city of Corcoran." (DEIS 2-59)*

The statement does not highlight the creation of a "new corridor" through Kings County; rather it passively mentions that a majority of the alignment goes through agricultural land. The analysis does not discuss the cumulative, direct and indirect impacts of creating a "new corridor" in Kings County. In fact, you can find no in-depth comparison between expanding an already existing corridor and creating a whole "new" corridor. Even common sense will tell you that placing a rail line next to an existing transportation corridor will do far less environmental damage than creating a whole new corridor that severs the existing ecosystem. Further, if the goal is to avoid "special aquatic features," wouldn't staying on an existing corridor make more sense than creating new ecosystem impacts?

Oddly, however, no environmental comparison is even attempted. In fact, there is no real analysis made beyond an encyclopedic description of agricultural acres impacted, residences affected, and acres of sensitive species traversed. The significant and relevant cumulative, direct and indirect impacts on the human and natural environment are not even addressed. The law is clear that such an analysis is not allowed:

*"Environmental Impact statements shall be analytical rather than encyclopedic." (40 CFR 1502.2(a))*

Even more importantly, agencies are directed to sharply distinguish between alternatives.

*"This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public." (40 CFR 1502.14)*

You are further directed to "rigorously explore and objectively evaluate all reasonable alternatives," and "devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits." (40 CFR 1502.14 (a) and (b).)

We have no doubt that if a court is forced to evaluate your alternative analysis, it will find it fails the duty required despite the tens of thousands of pages of data you have compiled.

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The determination to select the "new corridor" alignment through Kings County is based on an assessment of where "not" to place the route without fully considering the relevant impacts on the area impacted. First, the Programmatic decision to route the rail through the Central Valley was made in part because the I-5 corridor was in conflict with local land use plans, without considering Kings County's plan. Second, the Alternative Analysis decision to eliminate creating a new corridor east or west of SR-99 was made in part because these routes significantly impacted agricultural land, without giving Kings County the same consideration. Third, the DEIS preferred route to create a "new" corridor through Kings County was made in part because it would be more beneficial to the aquatic features north of the city of Corcoran, without accurately analyzing the impacts in the area directly affected.

To reach this preference, you have avoided taking a hard look at the impacts in Kings County, misstated our local land use plans and changed the criteria for your assessment when you entered Kings County. A court will be hard pressed to find your analysis reasonable, fairly comparative and sharply defining.

**B. The Programmatic, Alternative Analysis and DEIS Failed to Consider the Unique Productive Value of the Central Valley**

Kings County is the 11<sup>th</sup> largest agricultural county in the state. It is a vital component of the San Joaquin Valley agricultural industry. 77% of the land in our county is in productive agricultural use and we have planned carefully to ensure that we remain one of the top agricultural producing counties in the state and in the nation.

The San Joaquin Valley's importance to America and our contribution to this industry cannot be understated. "Savuer," an international high-end food magazine recently reported that our valley produces half of America's vegetable, fruit and nut produce. In your DEIS you also take note of this importance.

*"At approximately 114 miles in length, the Fresno-to-Bakersfield Section crosses the entire southern San Joaquin Valley, the most productive agricultural region in California, and among the most productive agricultural regions in the world." (DEIS 2-27)*

The analysis demonstrates that you are aware of the significance of the San Joaquin Valley to our state, nation and the world. However, you only acknowledge this critical and unique element of the Central Valley after you have made the decision to impact the Central Valley by selecting a route that plows right through the middle of the region.

When you compared the I-5 corridor with the Central Valley alignment at the programmatic stage, there was conveniently no mention made of the Valley's significant contribution to feeding the nation and the world. There is an encyclopedic comparison of agricultural dollars generated by each county, but the analysis entirely failed to highlight and consider this unique and important productive use of the Valley.

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This is concerning since a primary purpose of the High Speed Rail is to concentrate California's future population centers around the corridor. You understand that placement of the corridor will define where urban sprawl and development will occur and you made the calculated decision to both accommodate and direct this growth down the center of America's most productive agricultural valley without even allowing the public to question the wisdom of such decision. The only analysis made was a comparison of data, number of acres versus people with no real analytical reasoning that took this unique factor into account.

There are numerous examples in America where productive agricultural regions have been replaced by high density growth gradually paving over some of our best farmland -- decisions made by well intentioned planners. It is for this reason that Kings County developed a 2035 General Plan that ensures that future growth will occur where most appropriate and still provide for a thriving productive agricultural industry.

NEPA specifically calls for a "productive use" analysis, not encyclopedic comparison of data. It requires that just as the natural environment be considered, the species, wetlands and wildlife, so too should the human environment be considered which adds to the analysis the social and economic impacts. The "productive use" of the land is to be weighed heavily in the analysis.

*"The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; ..."* (42 USC 4321)

*"The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances ... declares that it is the continuing policy of the Federal Government in cooperation with State and local governments ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."* (42 USC 4331(a))

*"In order to carry out the policy ... improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may ... assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings ..."* (42 USC 4221(b)) *emphasis added*

You ignored this impact at the critical point in the decision making process when it should have been a primary concern. You mention it now at the segment phase when the decision to impact the valley has already occurred. Similarly, you have ignored the relevant impacts to Kings County by creating a "new corridor," something not even passively studied. You assure our County that you will support our local regulations after the decision to violate them has been made. There is an intentional pattern evident in a review of all the impact statements which have guided the selection of the preferred alternative. Significant information has been missing throughout the process.

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In *City of Tenakee Springs v. Clough* (915 F.2d 1308, 1311) the court calls attention to an agency's duty under NEPA to "[r]igorously explore and objectively evaluate all reasonable alternatives" to a proposed action (40 C.F.R. § 1502.14(a) (1989); see 42 U.S.C. § 4332(2)(C)(iii), (2)(E)) and its duty to develop a "detailed statement," (42 U.S.C. § 4332(2)(C)), "sufficient 'to give decision makers ... removed from the initial decision sufficient data from which to draw their own conclusions.'" (Citing *City of Tenakee Springs*, 778 F.2d at 1407 (citation omitted)). Sufficiency includes the duty to consider all critical and unique impacts.

Although NEPA does not contain its own provision for judicial review, under the Administrative Procedures Act, agency decisions may be set aside if arbitrary, capricious, an abuse of discretion, or without observance of procedure required by law (5 USC § 706(2)). See also *Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 837, 843-844, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984). The pattern demonstrated by the Authority throughout the HST environmental process is one of ignoring the impacts that would change your preference and only acknowledging their importance after the decision has been made. This failure to follow NEPA procedure would be subject to this standard of review and likely result in a requirement to revisit the environmental document based on failure to meet the standard.

3. The Fresno to Bakersfield Segment does not have "Independent Utility."

The purpose and need for the California High Speed Rail as stated in the programmatic study is:

*"The purpose of the proposed HST system is to provide a reliable mode of travel that links the major metropolitan areas of the state and delivers predictable and consistent travel times. A further purpose is to provide an interface with commercial airports, mass transit, and the highway network and relieve capacity constraints of the existing transportation system as increases in intercity travel demand in California occur, in a manner sensitive to and protective of California's unique natural resources."* (ROD 6)

We have already addressed that the programmatic study overlooked consideration of one of the most unique features of California, the national and international value of the productive Central Valley, when making your decision to place the corridor in the middle of this critical area. But other than this, the purpose and need for the HST has been clear, to add another transportation option that would connect the current and future growth from San Francisco/Sacramento to Los Angeles/San Diego.

The Fresno-to-Bakersfield Segment statement reaffirms this purpose.

*"The purpose of this project is to implement the Fresno-to-Bakersfield Section of the California HST system to provide the public with electric-powered high speed rail service that provides predictable and consistent travel times between major urban centers and connectivity to airports, mass transit, and the highway network in the south San Joaquin Valley, and connect the Northern and Southern portions of the system."* (DEIS 1-4)

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The question that needs to be asked is whether or not the DEIS demonstrates that this segment has "independent utility" and is functional on its own? A critical element, if not the primary element of this segment, according to your purpose and need statement, is to connect to the "Northern and Southern portions of the system," and to "implement the Fresno-to-Bakersfield Section of the California HST system." The decisions regarding route selection have been made with this purpose in mind, such as where the Northern and Southern stations are placed.

Federal Railroad Administration regulations for segmenting of projects is found at 23 CFR 771.111:

(f) *In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:*

- (1) *Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
- (2) *Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
- (3) *Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.*

In the Preliminary Alternatives Analysis Report released in June of 2010, you note for the first time that you have concluded the Fresno to Bakersfield Segment meets these criteria.

*"The project sections have sufficient length and logical termini to ensure that the projects could function effectively without requiring additional improvements elsewhere and without restricting consideration of alternatives for other sections of the HST system or transportation improvements." (1-2)*

No further discussion was made. There is no mention as to what factors were considered to make this determination or what analysis process you went through. The public and decision makers are simply to move forward without question that the segment meets the criteria based on your determination.

Without the benefit of your analysis, we are forced to evaluate whether the segment is functional on its own by reviewing the programmatic, alternative analysis, and segment studies. The determination does not address the impact on existing transportation hubs and Amtrak alignments. It does not reconcile the independent utility required by federal ARRA funding and the "high speed system" required by the bond measure anticipated by the High Speed Rail Act (Prop. 1A; AB 3034).

During the programmatic phase, you considered whether improvements to the conventional passenger rail service already in existence could be upgraded to meet project goals. You

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determined that it could not since travel times would still remain slow due to the nature of the shared tracks with freight traffic and "the service would still require transferring to buses to travel between Emeryville and San Francisco and between Bakersfield and Los Angeles." (Programmatic 2-18) You also found that the HST Alternative which was selected to move forward would create a social benefit by "improving the travel options available in the Central Valley and other areas of the state with limited bus, rail and air service for intercity trips." (ROD 18)

Improper segmentation of transportation projects has been closely reviewed by the Courts. In the case *Clairton Sportsmen's Club v. Penn Turnpike* (882 F. Supp. 455) the highway department was challenged as to whether a 17 mile segment of a planned 65 mile highway project had been improperly segmented because it did not empty onto an expressway, rather ended in a more remote crossroads. The court did not overturn the transportation department's decision but rather found that "[d]espite the obvious differences between the features of a 'crossroads' and those of a 'population center,' each of them nonetheless may qualify as logical endpoints for highway projects."

In *Clairton*, roads connected to roads, vehicle traffic was directed into a connected highway system. Therefore, the determination of the "logical termini" did not restrict or prevent the vehicles from reaching their destination. In the case of the Fresno-to-Bakersfield segment, you have a rail ending at a terminal which connects to highways with "limited bus, rail and air service for intercity trips." Without the other HST segments in place, the functionality and purpose of the rail fails. When a passenger reaches either end of the segment, they must switch to another form of transportation, which you note is limited. There is no mention of taxi service in the report, so the question of how pedestrians will get to their final destination is in question. You point out that people do not like to switch to other, slower services, such as a bus that would take them through to LA. Chances are they would much rather get on a plane or drive.

Additionally, the regulations require that the segment has to function on its own "if no additional transportation improvements in the area are made." The question then becomes if only the HST Fresno-to-Bakersfield segment is built and there were no improvements to commuter rail and bus services, could the segment meet the needs and purpose of the project?

In addition, courts have held that a segment cannot irrevocably commit federal funds for closely related projects. This segment and the Merced-to-Fresno segment are being pushed through the NEPA process quickly in order to secure the federal funding promised to initiate the project. If it were not for this federal investment, the nearly bankrupt state of California would very likely not be pursuing this project because it cannot fund this on its own. It is arguable that the approval of the Fresno-to-Bakersfield segment will commit federal funds in order to keep this project from becoming a rail to nowhere.

HST systems worldwide operate on public subsidies in order to keep ticket prices down and attract sufficient ridership. In the most successful scenarios, HST systems begin and end in areas where the primary means of transportation is commuter services as opposed to private vehicles. For instance, a large population of those who live in New York and San Francisco do not own a car because they can easily reach all parts of the city relying on public and private taxi services.

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However, this is not the case in Fresno or Bakersfield as you have pointed out. Ground transportation is limited.

The benefit of riding the HST from Fresno-to-Bakersfield is to connect to a terminal that will continue through to San Francisco or Sacramento, the ultimate goal of the project. In fact, your studies show that "[m]ore than 50% of the intercity travel market between the state's major metropolitan regions is expected to have a destination within the Bay Area to the central part of the San Joaquin Valley." (DEIS 1-10) Clearly the most pressing need for HST service is from the bay area to the Central Valley, not Fresno-to-Bakersfield. This segment may become necessary after a San Francisco to Fresno segment is built, but currently, as analyzed in your DEIS, the main purpose for the segment is to connect to the other planned segments.

Another instructive case is *Taxpayers Watchdog, Inc. v. Stanley* (819 F. 2d 294). The Urban Mass Transportation Administration and Southern California Rapid Transit District sought to build an 18.6 mile rail service between Los Angeles central business district and North Hollywood. The project was approved after completing a proper EIS. The transit district was unable to fund the full project so they prepared an environmental assessment with the alternative to build only the first four miles "to insure that the 4 mile project would be an independent operable segment." They did a proper study focusing on the question of whether the 4 miles was necessary and able to stand on its own if the rest of the line was not built. In their analysis they looked at only the 4 miles in isolation from the remaining segments.

The court ruled with the agency finding "although expansion of the rail system may be desirable, the substantial utility of MOS-1 as an independent rail segment serving the CBD does not require the construction of additional rail miles to justify the building of MOS-1 alone."

In *Taxpayers*, the first four miles began in one of the most populated areas in the state. It connected to an area with sufficient, not limited ground transportation services. In this case, however, the same is not true, as is concluded from your own study documents.

As to further evidence that the Fresno-to-Bakersfield segment does not have independent utility, this segment has been analyzed as a part of the statewide project not independent from the project. For instance, the cost of purchasing the train itself is completely left out of the equation.

*"These costs do not include acquiring HST vehicles because they are part of the statewide HST System and are not associated with constructing individual sections."* (DEIS 5-2)

The Fresno-to-Bakersfield segment consists of a new railroad line, four stations, Heavy Maintenance Facilities, but no train set. How can this segment possibly meet the purpose and need of the project without at least purchasing the train? If instead, the segments from San Francisco to Fresno were completed and had operational trains, then it would be rational to conclude that this segment could be evaluated without the purchase of a train set since it would simply use those already in service. But, for the scenario before us today where this conceivably is the first segment, the analysis must include the cost of a train.

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It does not because this segment was never designed or analyzed for the purpose of functioning on its own.

We do not criticize the goal of creating a statewide HST system, but must question the method. What if the other segments are not built? Will the Central Valley be saddled with a rail to nowhere? If the true goal was to improve transportation in the Central Valley, would High Speed Rail be the alternative selected, or would decision makers select upgrading existing modal facilities instead? If reaching the population centers of the valley was the true goal, then would placing one of the four stations in the middle of prime farmland be the alternative selected? If connecting the bus, rail and airline modes is the true goal, then would a new corridor be developed that routed the train around the city of Visalia and off the main transportation artery, the SR-99 corridor?

The answers cannot be found in the DEIS because the questions were never considered. The Fresno-to-Bakersfield segment has always been viewed as a critical part of a larger system. "Independent Utility" was scarcely an afterthought.

We understand your assurance that if the HST project fails and all segments are not completed, the Fresno-to-Bakersfield segment will then be used to service Amtrak. An "if our project fails" approach to planning is poor planning at best.

You found that on average only one Amtrak train goes through the City of Hanford a day. This finding is false. The fact of the matter is easily evident from the Amtrak schedule. According to Amtrak, the San Joaquin Route operates twelve trains (Train Nos. 702, 712, 714, 716, 704, 718, 711, 701, 713, 715, 717, and 703) daily. All of these are scheduled for stops in Hanford, CA. Southbound trips stop in Hanford at 10:28 am, 12:09 pm, 2:44 pm, 5:54 pm, 8:39 pm, and 10:28 pm. Northbound stops include 6:12 am, 8:32 am, 11:26 am, 2:42 pm, 5:06 pm, and 7:40 pm. The same number of stops occur in the City of Corcoran. Your simplistic assertion that only one train goes through Hanford seems to falsely imply that there is not a high demand

for ridership in the Hanford area. In fact, you also anticipate that once the HST is fully operational, the Amtrak service will probably discontinue in Hanford, Corcoran and Wasco. 2010 ridership numbers for Amtrak indicate the following: Hanford Station had 187,865 boardings during Fiscal Year 2010; Corcoran had 27,375, Bakersfield had 413,172, and Fresno had 352,737.

*"With the introduction of HST service, the Amtrak San Joaquin rail service may be adjusted to function as a feeder service to the HST System. With the introduction of HST service, passenger rail service could be discontinued at Hanford, Corcoran, and Wasco. Existing riders would shift to HST service as it becomes available (for example, for Bay Area to Fresno trips). The San Joaquin route could be particularly important as a connecting service during Phase 1 HST operations, prior to the extension to Sacramento. There would be a negligible impact under NEPA and a less-than-significant impact under CEQA because existing passenger rail service would not be limited or worsened as the HST maintains service between major cities on the San Joaquin route."* (DEIS 3.2-48)

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If that is the case then why create a "new" corridor outside of Hanford? It seems reasonable that a "shared track" scenario should be evaluated or at least staying in the existing corridor considered reasonable where a station can be placed in the population center of Hanford, next to the Amtrak station expected to be abandoned. We recognize that you conclude that sharing the track will force HST to slow down and not meet the 220 mile speed most preferable. However, the question is how has this issue been weighed in comparison to creating a whole new corridor through prime farmland? The answer is it has not.

You have already determined early in this process that upgrading existing commuter rail services did not meet project goals. Having a new rail line for Amtrak to operate while potentially abandoning a current rail line and station-hub, will not change this outcome but it will cause extensive environmental damage.

Does the Fresno-to-Bakersfield have "logical termini?" We don't know because the decision of where to place the station was made for the benefit of connecting to the other HST segments not yet approved. Whether or not these are the logical beginning and end points if this segment were the only portion of the HST system built has not been analyzed.

Does the Fresno-to-Bakersfield segment demonstrate "independent utility" or "independent significance," meaning that it is usable and a "reasonable expenditure even if no additional transportation improvements in the area are made?" We don't know because the segment was never analyzed with this objective question in mind. It was studied from a statewide perspective despite the studies segment title.

Does the Fresno-to-Bakersfield segment "restrict consideration of alternatives for other reasonably foreseeable transportation improvements?" We know it does in Kings County where a new corridor is being proposed which will force the Kings/Tulare station site to become the nucleus of all future transportation projects in our County even though doing so violates every aspect of our general plan, transportation plan and zoning regulations.

The Fresno-to-Bakersfield segment fails to demonstrate logical termini, independent utility and forecloses future transportation improvements. None of these questions were asked and analyzed during this study process. The segment was always planned and viewed as a major component of a statewide goal. What damage is done to Kings County if it fails was never even considered.

**Summary**

We do not presume to tell you or the Authority how to create a statewide High Speed Rail system in the state of California. That is not within our authority or expertise. We do, however, know how transportation plans best fit within Kings County. It is for this purpose that Congress placed on your agency the responsibility to ensure you coordinate federal plans with local governments early in the process in order to avoid conflicts. This duty is so simple and has been done many times in Kings County with other agencies to the benefit of the project, the county and the people. But in this instance, Kings County has been shut out from this process. Why, we do not know.

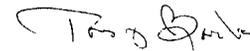
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What we do know by way of review of all the environmental studies that have led up to this moment of impacting our county is that you have and continue to refuse to meet and discuss inconsistencies. You have intentionally and knowingly refused to consider important aspects of the problem. You have abused the very important agency discretion afforded you by NEPA and upheld by the courts. You have violated the very environmental statutes you are charged to uphold.

A six month delay to study a "new" corridor route along the west side of Hanford will not cure any of these deficiencies. Only selecting the "No Build" option and beginning your study process over, this time in coordination with Kings County, can prevent irreparable harm to the county. We strongly suggest you consider doing so.

Sincerely,



Tony Barba, Chairman  
Kings County Board of Supervisors

**Enclosures:**

1. October 12, 2011 letter from Kings County Board of Supervisors to Dan Leavitt incorporating August 2, 2011 letter from Kings County Board of Supervisors to FRA which incorporates March 4 and May 6, 2011 letters from Kings County Board of Supervisors to California High Speed Rail Authority
2. Kings County Board of Supervisors Resolution No. 11-065

cc: The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814

Thomas J. Umberg, Chairperson  
California High Speed Rail Authority  
770 "L" Street, Suite 800  
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The Honorable Jim Costa  
U.S. Congressman, 20<sup>th</sup> District of California  
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The Honorable Willard Rodamei, Mayor  
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The Honorable Harlin Casida, Mayor  
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**COUNTY OF KINGS  
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LEWIS & STRATFORD  
RICHARD VALLI - DISTRICT 2  
AYENAL, CORCORAN & KESTLEMAN CITY  
BOB VIMMOON - DISTRICT 3  
NORTH HANFORD, ISLAND DISTRICT & NORTH LEMORE  
TONY BARBA - DISTRICT 4  
ARMONA, HANFORD & NEW HOME GARDEN  
RICHARD FAGUNDES - DISTRICT 5  
HANFORD & HOME GARDEN

The Honorable Edmund G. Brown, Jr.  
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The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814

VIA FACSIMILE & U.S. MAIL  
916-558-3160

Re: California High Speed Rail Authority Project  
**Follow-up to Prior Request for Intervention from Kings County**  
Regarding Fresno to Bakersfield Segment

Dear Governor Brown,

Five months ago the Kings County Board of Supervisors wrote to you seeking your assistance in bringing the California High Speed Rail Authority ("CHSRA") and the Federal Rail Administration ("FRA") to the table with Kings County to coordinate the proposed rail project and resolve conflicts created by it (8-25-11 correspondence is attached). It is with great disappointment that we must write again to inform you that our emphatic plea for necessary and timely intervention has fallen on deaf ears and received **no response**.

Governor, it is your recent announcement to scrap the water bond and endorse High Speed Rail with a vigorous pledge to change the status quo and fix the problems of the CHSRA that triggered a collective eyebrow raising and genuine disappointment at your hollow words. You scolded rail naysayers citing some of the greatest infrastructure projects of our state and nation, but omitted your plan to resolve the mounting problems which plague the project. One can only wonder at how you will accomplish this lofty ambition when you have been unable or unwilling to respond to the plea for assistance from an area that has been alternatively referred to as the "backbone" and "ground zero" of the project.

Kings County does not want the ominous moniker "ground zero", but given the destructive approach of the CHSRA the offensive label may become Kings County's destiny. To spare volumes of paper we provide abbreviated glimpses of our committed efforts to coordinate this once endorsed but now opposed project:

**KINGS COUNTY'S AWARD WINNING PLANNING POLICIES**

- January 26, 2010 -- Kings County adopted its award winning 2035 General Plan (Kings County received an "Award of Achievement" for Community Plans - Unincorporated Community, and an "Award of Merit" for Sustainable Development Policies from the San Joaquin Valley Policy Council (incidentally, this Plan was posted on your former office's website as a "model plan");

**KINGS COUNTY'S SUPPORT OF HIGH SPEED RAIL**

- May 25, 2010 – Kings County adopted Resolution 10-033 supporting high speed rail, with a unified Central Valley approach along existing transportation corridors;

**ROELOFF VAN ARK'S HOLLOW COMMITMENT TO AGRICULTURE**

- February 25, 2011 – CHSRA press release statement of Roeloff Van Ark: *"I'm committed to working with the agricultural community to develop win-win solutions. I will not remain in my office, rather I will be out here - in communities throughout the State and in the Valley, meeting with you, with agricultural groups and working together ...."* (this proved to be a false statement with respect to Kings County);

**KINGS COUNTY'S ATTEMPT TO COORDINATE THE PROJECT AND RESOLVE CONFLICTS**

- March 4, 2011 – Kings County Board of Supervisors wrote to Roeloff Van Ark expressing concern regarding impacts and seeking coordination;
- March 29, 2011 – Roeloff Van Ark wrote to County thanking it for its interest in the project but declining to meet to coordinate and directing the County instead to its Area Program Manager for the Central Valley;
- April 19, 2011 – CHSRA representatives appeared at County's scheduled coordination meeting, received hours of testimony regarding concerns and impacts, but refused to acknowledge coordination or discuss resolution of project conflicts and instead directed the County to the environmental review process;
- May 5, 2011 – CHSRA Chairman Pringle demeaned Kings County Farm Bureau Executive Director when she attempted to call attention to the lack of coordination;
- May 17, 2011 – CHSRA Area Program Manager for the Central Valley ignored the request for a follow-up coordination meeting where he was to bring solutions to conflicts raised at the April 19, 2011 multi-hour meeting and instead indicated "[i]f there are issues of particular interest that you wish to discuss, please advise ..."
- June 7, 2011 – CHSRA Program Manager again appeared before the Kings County Board of Supervisors and refused to coordinate, but assured the Board that all its concerns will be addressed in the environmental document;
- August 2, 2011 – Kings County Board of Supervisors wrote to Federal Railroad Administration, co-lead agent of the project, and requested it coordinate because CHSRA refused;
- August 12, 2011 – CHSRA released the Draft EIR/EIS which was posted in the Federal Register;
- September 12, 2011 – Federal Railroad Administration Administrator, Joseph Szabo responded to the County's request for coordination by recounting the environmental process, referring the County to the Draft EIR/EIS and thanking the County for its interest in the project. The response failed to address the County's coordination request;

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- October 12, 2011 -- Kings County Board of Supervisors submitted comments on the Fresno to Bakersfield Project Draft EIR/EIS which outlined unresolved concerns and issues with HSR plans through Kings County;
- November 2, 2011 -- Kings County Board of Supervisors sent a letter to Federal Railroad Administration Administrator, Joseph Szabo. It contained a 26 page response to his September 12, 2011 letter and reiterated the unresolved issues with the CHSRA plans through Kings County;

**KINGS COUNTY'S EXASPERATION WITH CHSRA AND OPPOSITION TO HIGH SPEED RAIL**

- October 18, 2011 -- Kings County Board of Supervisors Adopted Resolution 11-065 rescinding prior support of the project and opposing it in its entirety based on CHSRA's "lack of transparency, failure to coordinate and resolve impacts, ignorance of the will of the people expressed in Prop. 1A and its 'act now, ask forgiveness later' approach to the Project";

**GROWING OPPOSITION OF CALIFORNIANS AND GOVERNMENTAL SUBDIVISIONS OF THE STATE**

- Attached is a map depicting all political subdivisions and special districts in the State opposed to the Project;
- May 10, 2011 -- the Legislative Analyst's office identified numerous problems that threaten the project's success and called for legislative intervention to improve its likelihood of success;
- November 14, 2011 -- a lawsuit was filed by Kings County and taxpayers Jon Tos and Aaron Fakuda, to prevent CHSRA's illegal use of Proposition 1A funding;
- December 6, 2011 -- Field Research Corporation issued results of its public opinion poll that found that 64% of those surveyed want another public vote on the \$98-billion project and that 59% would oppose because of changes in its cost and completion date;
- December 15, 2011 -- U.S. House Committee on Transportation and Infrastructure Chairman, John L. Mica, held a hearing on "California's High Speed Rail Plan: Skyrocketing Costs and Projects Concerns";
- Congress eliminated high speed rail funds requested for 2012;
- January 3, 2012 -- a negative report to the State Legislature was issued by the Prop. 1A commissioned Peer Group. The report indicated: "We cannot overemphasize the fact that moving ahead on the (high-speed rail) without credible sources of adequate funding, without a definitive business model, without a strategy to maximize the independent utility and value to the state, and without the appropriate management resources, represents an immense financial risk on the part of the State of California.";
- January, 2012 -- the State Auditor issued a report on the troubled high-speed rail project, and indicated the CHSRA had addressed some of its prior concerns, but outlined a funding situation that "has become increasingly risky", identified persistently "weak oversight" and insufficient and unqualified staffing, and violation of state rules prohibiting agencies from splitting contracts to avoid competitive bidding; and
- January 12, 2012 -- CHSRA Chairman and Executive Director resigned.

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Governor, Kings County is named as a local agency in the CHSRA "Coordination Plan", but the CHSRA has not and continues to refuse to coordinate and resolve conflicts with Kings County's award-winning planning policies and regulations designed to protect farmland, comply with AB 32, and respond to time-sensitive public safety demands in furtherance of the health, safety and welfare priorities of the people. We need your intervention.

Governor, this State needs water, not rail. We urge you to stop the press and regroup in order to address the numerous, genuine, mounting concerns and constructive criticism. Stop the waste and damage that have made a few rich consultants richer and force the CHSRA to comply with the law, coordinate with impacted governments, and deliver a project the people voted for. As part of that process we again request your intervention to bring the federal and state lead agencies to the table with Kings County to resolve the conflicts created by the proposed project.

Please contact any of the following individuals regarding this important request at your earliest possible convenience:

Richard Fagundes, Chairman, Kings County Board of Supervisors: 559-852-2364.  
Larry Spikes, County Administrative Officer, 559-852-2378.  
Deb West, Assistant County Administrative Officer, 559-852-2380.

Sincerely,

By: *Richard L. Fagundes*  
Richard Fagundes, Chairman  
Kings County Board of Supervisors

**Enclosures**

1. 8-25-2011 Letter to Governor Brown
2. Map depicting opposition

cc: California High Speed Rail Authority  
770 "L" Street, Suite 800  
Sacramento, CA 95814

Joseph C. Szabo, Administrator  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The Honorable Jim Costa  
U.S. Congressman, 20<sup>th</sup> District of California  
855 "M" Street, Suite 940  
Fresno, CA 93721

Nancy Sutley, Chair  
Council on Environmental Quality  
1200 Pennsylvania Ave., NW  
Washington, DC 20406

Kings County Exh. A-3

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

The Honorable Edmund G. Brown, Jr.  
January 31, 2012  
Page 5 of 6

Jared Blumenfeld, Administrator, Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

Connell Dunning, Transportation Team Supervisor  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

U.S. Army Corps of Engineers  
Sacramento District  
Regulatory Division  
Michael S. Jewell, Chief  
1325 "J" Street  
Sacramento, CA 95814

Dave White, Chief  
United States Dept. of Agriculture  
Division of Natural Resources Conservation Service  
1400 Independence Ave., SW, Room 5105-A  
Washington, DC 20250

The Honorable Michael J. Rubio  
California State Senate, 16<sup>th</sup> District  
101 N. Irwin St., Suite 207  
Hanford, CA 93230

The Honorable David G. Valadao  
California Assembly, 30<sup>th</sup> District  
1489 W. Lacey Blvd., Suite 103  
Hanford, CA 93230

Mark Nechodom, Director  
California Department of Conservation  
Division of Land Resource Protection  
801 "K" Street  
Sacramento, CA 95814

Karen Ross, Secretary  
California Department of Agriculture  
1220 "N" Street  
Sacramento, CA 95814

The Honorable Sue Sorensen, Mayor  
City of Hanford  
319 N. Douty  
Hanford, CA 93230

The Honorable Willard Rodarmel, Mayor  
City of Lemoore  
119 Fox Street  
Lemoore, CA 93245

Kings County Exh. A-3

The Honorable Edmund G. Brown, Jr.  
January 31, 2012  
Page 6 of 6

The Honorable Larry Hanshew, Mayor  
City of Corcoran  
832 Whitley Avenue  
Corcoran, CA 93212

The Honorable Harlin Casida, Mayor  
City of Avenal  
919 Skyline Blvd.  
Avenal, CA 93204

Jim Crisp, President  
Kings County Farm Bureau  
870 Greenfield Avenue  
Hanford, CA 93230

Manuel Cunha, Jr., President  
Nisei Farmers League  
1775 N. Fine  
Fresno, CA 93727

The Honorable Allen Ishida, Chairman  
Tulare County Board of Supervisors  
2800 W. Burrel Avenue  
Visalia, CA 93291

The Honorable Amy Shuklian, Mayor  
City of Visalia  
425 E. Oak Street, Suite 301  
Visalia, CA 93291

The Honorable Wayne Ross, Mayor  
City of Tulare  
411 E. Kern Avenue  
Tulare, CA 93274

Kings County Exh. A-3

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**COUNTY OF KINGS**  
**BOARD OF SUPERVISORS**  
KINGS COUNTY GOVERNMENT CENTER  
1400 W. LACEY BOULEVARD, HANFORD, CA 93230  
(559) 582-3211, EXT. 2362, FAX: (559) 585-8047  
Web Site: <http://www.countyofkings.com>

JOE NEVILL - DISTRICT 1  
LEMOORE & STRATFORD  
RICHARD WALLS - DISTRICT 2  
ATYER, CONROD & KETTERMAN CITY  
RANG VERBOON - DISTRICT 3  
NORTH HANFORD, ISLAND DISTRICT & NORTH LEMOORE  
TONY BARBA - DISTRICT 4  
ARMONA, HANFORD & NEW BOWNE GARDEN  
RICHARD FAGIOLINI - DISTRICT 5  
HANFORD & BOWNE GARDEN

Governor Brown  
August 25, 2011  
Page 2 of 5

Kings County 4

August 25, 2011

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814

VIA FACSIMILE & U.S. MAIL  
916-558-3160

Re: California High Speed Rail Authority Project  
**Request for Intervention** from Kings County  
Regarding Fresno to Bakersfield Segment

Dear Governor Brown,

The Kings County Board of Supervisors has adopted a resolution in support of the California High Speed Rail Project so long as it is consistent with the Proposition 1A requirement for the Project to be located within existing transportation corridors. The California High Speed Rail Authority claim this to be "infeasible" and therefore Kings County finds itself in the path of the first major section (Fresno to Bakersfield) that digresses from existing transportation corridors and plows through miles of protected prime farmland, dairy operations, and agriculture supporting businesses. Your intervention is requested to bring the California High Speed Rail Authority and Federal Rail Administration to the table to coordinate the proposed Project's enormous impacts on Kings County as required by the National Environmental Policy Act.

Kings County understands your support for the Project and also your awareness of the growing criticism of management and increasing costs of the Project. In fact, you were quoted in the August 16, 2011 edition of the *Fresno Bee* as saying you and your administration have become personally involved in "working with the authority to get its act together." But we also know that you can appreciate the importance of coordination because of your involvement as California Attorney General in the 2009 case of *California Resources Agency, et al. vs. U.S. Department of Agriculture* and the U.S. Agriculture Department's failure to coordinate its Project with the State's planning and land use policies.

Kings County Exh. A-3

Kings County is named as a local agency in the Authority's "Coordination Plan", but the Authority has not and continues to refuse to coordinate and resolve conflicts with Kings County's award-winning planning policies and regulations designed to protect farmland, comply with AB 32, and respond to time-sensitive public safety demands in furtherance of the health, safety and welfare priorities of the people. In your previous role as State Attorney General you lead the charge to move local governments towards addressing smart growth and greenhouse gas reduction efforts, and your office recognized the accomplishments of Kings County's 2035 General Plan and new Air Quality Element and went so far as to post our County's general plan as a model plan on the Attorney General website. This is NOT a NIMBY issue. This is an attempt to reconcile the State's Project with the ag-based economy and multi-generation way of life in Kings County that produces the food that feeds much of the world. In fact, despite their Coordination Plan, the Authority has outright indicated they do not agree with our "legal basis for the effort of coordination." The legal basis asserted is the National Environmental Policy Act and statutes applicable to federal mass transit Projects such as SAFETEA-LU.

Kings County has documented the Authority's failure to coordinate in approximately three inches worth of written requests, transcripts and documents to the Authority. These materials were also recently provided to the Federal Railroad Administration with a request to coordinate because the California Authority has refused. To date, neither the California High Speed Rail Authority nor the Federal Rail Administration has coordinated with Kings County. The California High Speed Rail Authority's approach to this Project and its potential impacts on Kings County has been deplorable and has set the stage for years of litigation.

Your intervention is requested to bring the federal and state lead agencies to the table with Kings County to resolve the conflicts created by the proposed Project. Your intervention is also requested to urge the Authority to extend the 45-day comment period on the recently issued 6000+ page EIR/EIS environmental document. Forty-five days is not enough to thoroughly review, analyze and comment on what has been labeled the biggest public transit Project in California's history. Public projects of much smaller scale in California have received extended comment periods.

Your intervention is necessary. Time is of the essence. Please contact any of the following individuals regarding this important request at your earliest possible date:

Tony Barba, Chairman, Kings County Board of Supervisors: 559-582-3211, Ext.2367.  
Larry Spikes, County Administrative Officer, 559-582-3211, Ext. 2378.  
Deb West, Assistant County Administrative Officer, 559-582-3211, Ext. 2380.

Sincerely,

Kings County Board of Supervisors

By:   
Tony Barba, Chairman

Kings County Exh. A-3

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

Governor Brown  
August 25, 2011  
Page 3 of 5

cc: Thomas J. Umberg, Chairperson  
California High Speed Rail Authority  
770 "L" Street, Suite 800  
Sacramento, CA 95814

Joseph C. Szabo, Administrator  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The Honorable Jim Costa  
U.S. Congressman, 20<sup>th</sup> District of California  
855 "M" Street, Suite 940  
Fresno, CA 93721

Nancy Sutley, Chair  
Council on Environmental Quality  
1200 Pennsylvania Ave., NW  
Washington, DC 20406

U.S. Environmental Protection Agency  
Region IX  
Connell Dunning, Transportation Team Supervisor  
Environmental Review Office  
Communities and Ecosystems Division  
75 Hawthorne Street  
San Francisco, CA 94105

U.S. Army Corps of Engineers  
Sacramento District  
Regulatory Division  
Michael S. Jewell, Chief  
1325 "J" Street  
Sacramento, CA 95814

Dave White, Chief  
United States Dept. of Agriculture  
Division of Natural Resources Conservation Service  
1400 Independence Ave., SW, Room 5105-A  
Washington, DC 20250

The Honorable Michael J. Rubio  
California State Senate, 16<sup>th</sup> District  
101 N. Irwin St., Suite 207  
Hanford, CA 93230

Kings County Exh. A-3

Governor Brown  
August 25, 2011  
Page 4 of 5

The Honorable David G. Valadao  
California Assembly, 30<sup>th</sup> District  
1489 W. Lacey Blvd., Suite 103  
Hanford, CA 93230

Brian R. Leahy, Assistant Director  
California Department of Conservation  
Division of Land Resource Protection  
801 "K" Street  
Sacramento, CA 95814

Karen Ross, Secretary  
California Department of Agriculture  
1220 "N" Street  
Sacramento, CA 95814

The Honorable Dan Chin, Mayor  
City of Hanford  
319 N. Douty  
Hanford, CA 93230

The Honorable Willard Rodarmel, Mayor  
City of Lemoore  
119 Fox Street  
Lemoore, CA 93245

The Honorable Larry Hanshaw, Mayor  
City of Corcoran  
832 Whitley Avenue  
Corcoran, CA 93212

The Honorable Harlin Casida, Mayor  
City of Avenal  
919 Skyline Blvd.  
Avenal, CA 93204

Jim Crisp, President  
Kings County Farm Bureau  
870 Greenfield Avenue  
Hanford, CA 93230

Manuel Cunha, Jr., President  
Nisei Farmers League  
1775 N. Fine  
Fresno, CA 93727

Kings County Exh. A-3

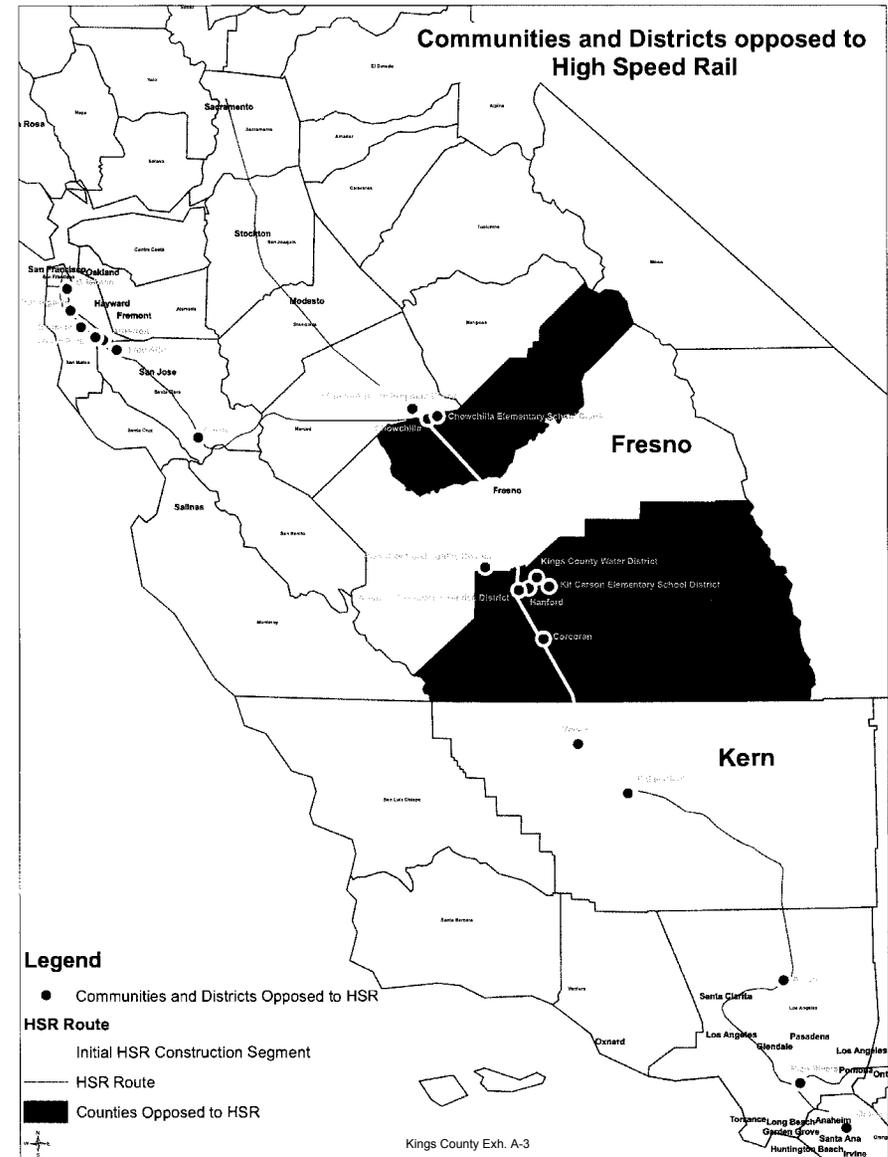
Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Governor Brown  
 August 25, 2011  
 Page 5 of 5

The Honorable Mike Ennis, Chairman  
 Tulare County Board of Supervisors  
 2800 W. Burrel Avenue  
 Visalia, CA 93291

The Honorable Bob Link, Mayor  
 City of Visalia  
 425 E. Oak Street, Suite 301  
 Visalia, CA 93291

The Honorable Wayne Ross, Mayor  
 City of Tulare  
 411 E. Kern Avenue  
 Tulare, CA 93274



Kings County Exh. A-3

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued



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Web Site: <http://www.countyofkings.com>

JOE NEVILL - DISTRICT I  
LEMOORE & STRATFORD  
RICHARD YALLEN - DISTRICT I  
AYENAL, CORCORAN & KETTLEMAN CITY  
BOB VERBOOM - DISTRICT I  
NORTH HANFORD ISLAND DISTRICT & NORTH LEMOORE  
TONY BARR - DISTRICT I  
ARMORA, HANFORD & NEW HOME GARDEN  
RICHARD FAGUNDES - DISTRICT I  
HANFORD & HOME GARDEN

February 9, 2012

Dan Richard, Chairman  
c/o Lisa Toof  
California High-Speed Rail  
770 L. Street, Suite 800  
Sacramento, CA 95814

Re: Ongoing Invitation to Coordinate with Kings County Board of Supervisors

Dear Chairman Richard:

Congratulations on your new position with the California High Speed Rail Authority ("Authority"). Thank you also for your February 3, 2012 letter purporting to respond to Kings County's August 25, 2011 and January 31, 2012 letters to the Governor. It is important that you know your letter erroneously categorizes our prior correspondence as pertaining to the Authority's "Business Plan". A thorough read will, in fact, reveal the real issue is the lack of NEPA required coordination by the Authority and Federal Rail Administration in order to resolve conflicts with our planning policies and public health and safety concerns created by the proposed project.

The purpose of early coordination is to work government to government to reconcile distinct objectives and policies and resolve conflicts to create a project that causes the least possible harm to the community and the environment. Kings County attempted to engage in this process for the past year, but the Authority's representative, Jeff Abercrombie, showed up to meetings with a singular message: the Authority will not coordinate and Kings County will find all of its concerns addressed in the environmental document.

The environmental document released in August, 2011 was woefully inadequate and did not address the detailed concerns raised by Kings County and instead deferred many issues to be dealt with by right of way agents. Just before the comment period ended, the Authority acted to bifurcate the Merced-to-Fresno segment and continue to re-work the Fresno-to-Bakersfield segment and add an alternative alignment thereto. This would have been the prime opportunity to coordinate with Kings County, yet the County has not received a word from the Authority for this purpose.

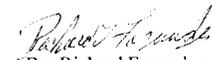
Kings County Exh. A-4

Mr. Richards  
February 9, 2012  
Page 2 of 2

As previously indicated, the Board of Supervisors meets each Tuesday at 9:00 a.m. and awaits your promised contact to schedule a coordination meeting with our board. At that time, it is our sincere hope that you and other Authority members will come prepared with information and resources to begin undertaking the task of resolving the conflicts and issues communicated in great detail in prior correspondence and to Jeff Abercrombie. We await your call.

Sincerely,

Kings County Board of Supervisors

  
By: Richard Fagundes, Chairman

cc: Kings County Board of Supervisors

Kings County Exh. A-4

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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BEFORE THE KINGS COUNTY BOARD OF SUPERVISORS

---oOo---

COORDINATION MEETING WITH THE )  
HIGH SPEED RAIL AUTHORITY )  
----- )

Hanford, California. April 3, 2012

---oOo---

REPORTER'S TRANSCRIPT  
of  
COORDINATION MEETING

---oOo---

Reported by:  
CHERI FIKE, CSR #6200, CRR, RMR

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Kings County Exh. B-1  
*KINGS COURT REPORTERS*  
CERTIFIED SHORTHAND REPORTERS  
(559) 585-3450

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A P P E A R A N C E S

---oOo---

BOARD OF SUPERVISORS MEMBERS:  
RICHARD FAGUNDES, Chairman  
DOUG VERBOON  
TONY BARBA  
RICHARD VALLE  
JOE NEVES

HIGH SPEED RAIL AUTHORITY MEMBERS:  
DAN RICHARD, Chairman  
TOM RICHARDS, Vice Chairman  
JEFF ABERCROMBIE

OTHER APPEARANCES:  
GREG GATZKA, Community Development Director  
CHUCK KINNEY, Kings County Planning  
LARRY SPIKES, Kings County Administrator  
COLLEEN CARLSEN, Kings County County Counsel  
LEONARD DIAS, Kit Carson School District

2

Kings County Exh. B-1  
*KINGS COURT REPORTERS*  
CERTIFIED SHORTHAND REPORTERS  
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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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1 there so everybody knows to get one now so we don't  
2 have to disrupt the meeting.

3 THE CHAIRMAN: Thank you, Colleen.

4 Okay, we expect there will be requests for  
5 transcripts at this meeting so therefore we have a  
6 Court Reporter present to create an official record,  
7 and transcripts will be available at a later date.

8 As a courtesy to the Court Reporter, we ask  
9 that everyone speaking at the microphone state their  
10 name and avoid talking over one another.

11 And next I'd like to thank Mr. Richard for  
12 coming to Kings County, I appreciate it very much, to  
13 listen to our concerns this afternoon to participate in  
14 the coordination meeting. Coordination is a government  
15 to government meeting process to resolve conflicts and  
16 concerns and we appreciate his willingness to  
17 participate in this process.

18 This is the third attempt of the Kings County  
19 Board of Supervisors to coordinate under the National  
20 Environmental Policy Act, NEPA, and related federal  
21 regulations with the California High Speed Rail  
22 Authority regarding the High Speed Rail project.

23 Today we hope to get the following six basic  
24 questions answered:

25 Number one, is the High Speed Rail Authority

5

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Kings County Exh. B-1

1 aware of Kings County's recently updated 2035 General  
2 Plan?

3 Number two, in the project planning has the  
4 Authority reviewed and genuinely considered the Kings  
5 County General Plan?

6 Number three, what has the Authority done to  
7 resolve inconsistent -- inconsistencies between this  
8 federally-funded project and the Kings County General  
9 Plan?

10 Number four, what efforts has the Authority  
11 made to identify, discuss and resolve any such  
12 inconsistencies?

13 Number five, in addition to the  
14 inconsistencies with our General Plan, has the  
15 Authority studied, identified and prepared a plan to  
16 deal with economic impacts the High Speed Rail project  
17 will have on Kings County? If so, what is the plan?  
18 If not, when will you do so?

19 Number six, what assurance can you,  
20 Mr. Richard, give us that these issues will be  
21 addressed prior to the release of the next  
22 environmental document?

23 MR. RICHARD: Okay.

24 THE CHAIRMAN: Okay. Now we will -- let's  
25 begin on the agenda. We will like to resume

6

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Kings County Exh. B-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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1 coordination by beginning with an outline of the  
2 project inconsistencies with the Kings County General  
3 Plan. This will be presented by Mr. Greg Gatz --  
4 Gatzka, our County Community Development Director.  
5 Mr. Gatzka.  
6 MR. GATZKA: Thank you, Chairman, and good  
7 afternoon to the rest of you, the Board members as  
8 well. I know we have some new in the audience, I know  
9 Mr. Richard hasn't been involved with any of our  
10 coordination meetings before so what I want to do is  
11 give a little overview of the General Plan background  
12 for framing the High Speed Rail related impacts that we  
13 have identified as being kind of critical.  
14 The Kings County General Plan, which is the  
15 2035 Kings County General Plan, obviously that has been  
16 work by county staff that we did between 2006 and 2010.  
17 We did integrate with the Kings County Blueprint, which  
18 is part of the larger San Joaquin Blueprint, and that  
19 General Plan is also integrated with the LAFCO spheres  
20 of influence boundaries and studies that relate to  
21 that.  
22 We did successfully address a number of  
23 legislative requirements that were coming down the  
24 pipeline, sustainable community strategies, greenhouse  
25 gas reductions and a number of other ones. And this

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Kings County Exh. B-1

1 plan was adopted by this Board on January 26, 2010.  
2 In conducting our General Plan, since we are  
3 in the San Joaquin Valley which is recognized as one of  
4 the most fertile agricultural regions in the whole  
5 United States, and recognizing that agriculture is a  
6 key economic backbone and framework of our economy here  
7 with all of our communities, most of our General Plan,  
8 since we direct urban growth to the existing cities and  
9 communities, was really focused on agricultural  
10 resources and how best do we balance the agricultural  
11 resources and urban growth considerations.  
12 This map represents what we came up with and  
13 that General Plan was adopted by this Board, green  
14 representing agriculture, light green natural urban  
15 environments, but you can see the orange, which is our  
16 unincorporated communities that we have land use  
17 authority over, and then you have white areas for  
18 urbanized areas and blue areas for some interim fringe.  
19 And for every map that I have what I'm also  
20 going to do is also overlay the High Speed Rail in red  
21 so that you kind of get an idea of how that relates to  
22 it.  
23 In terms of the General Plan, there's a number  
24 of elements that are embodied in that, and these  
25 include land use, resource conservation, circulation,

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Kings County Exh. B-1

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

1 health and safety, noise, air quality, and also we have  
2 a very unique element here for the County, we actually  
3 have a dairy element that helps us to streamline the  
4 permitting process for new dairies and expansions of  
5 dairies.

6 All of these elements have various components  
7 to them that relate to resources or services or other  
8 related areas that will be impacted by the High Speed  
9 Rail, and that is the bullet item, the various  
10 components of the General Plan that would need to be  
11 addressed.

12 In terms of land use, in coordinating with  
13 that document with the regional blueprint effort, our  
14 General Plan embodies the blueprint. We have worked  
15 very hard in coordinating with our cities to ensure  
16 that we have defined urban growth boundaries so that we  
17 know where urban growth is going to go out to, we know  
18 where we can preserve agricultural land and also  
19 encourage agricultural investments in new industries  
20 and related products in growing areas for that.

21 So as you can see, the purple areas are the  
22 urban growth areas that are considered for future  
23 accommodation, that even goes to the 2050 mark. Then  
24 what you have is the red lines where the High Speed  
25 Rail alignment actually goes around both the east side

1 per BNSF east alignment or west of Hanford for the  
2 Hanford west alignment.

3 Now, when we talk about agricultural  
4 production value, the Agricultural Commissioner has  
5 estimated the 2010 value at 1.7 billion in agricultural  
6 production value in the County. The most important  
7 aspect of that, though, is where is a lot of the  
8 highest value crops and agricultural production  
9 occurring. We have mapped that out to ensure that we  
10 are considering that in any of our land use  
11 considerations.

12 So we have that map diagramed to kind of give  
13 you a generalized reference. As you get into the  
14 purple areas, that is going to be your tree and  
15 fruit-nut type crops that generally carry a higher  
16 value and production value and export. The green area  
17 is more your field crops, more of your  
18 alfalfa-supporting crop-type industry, and then darker  
19 green you've got vegetables and other types. But this  
20 is critical to realize that we have the Kings River  
21 corridor along the north edge of the County that we do  
22 have a lot of our -- our unique higher-end tree and  
23 fruit growing occurring.

24 We also have a dairy belt -- I will get into  
25 that in the next slide. We also have a dairy belt that

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
- 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

1 has been accommodated for a dairy element as well.  
2 Again, here is the High Speed Rail alignments  
3 that go through some of those critical ag production  
4 regions.  
5 When we look at the urban blueprint from our  
6 coordination with the cities, that growth boundary you  
7 can see in the purple, but in addition to that we also  
8 look to prioritize farmland mitigation and also  
9 preservation efforts to ensure that we are not going to  
10 be in conflict with our highest production growing  
11 regions along the Kings River corridor.  
12 So in working out arrangements with the  
13 cities, the green area that you see around there, they  
14 are buffers that we wanted to ensure that we have  
15 higher preservation efforts to keep urban growth from  
16 intruding upon that. And you can see the High Speed  
17 Rail alignments that are in dark blue on this map go  
18 right through both along the east and the west areas of  
19 Hanford, right through some of the areas that we've  
20 identified as highest priority for preservation of ag.  
21 Another consideration that a lot of us here in  
22 the County realize, but maybe others don't realize, we  
23 hear a lot about agriculture. Well, what's the loss of  
24 agriculture for High Speed Rail? The unfortunate  
25 reality for us here in Kings County is that we happen to

1 be somewhat of what's called the natural drainage basin  
2 of the Sierra Nevadas. The Tulare Lake Basin covers a  
3 majority of the County right in the center, that area  
4 is not suitable for accommodating urban growth, nor is  
5 it conducive to some of the higher growing tree and  
6 nut-type crops, and so a lot of that is -- is still  
7 designated as flood zone.  
8 So when you look at Kings County as a whole,  
9 our prioritized agricultural growing regions and  
10 preservation is really concentrated around Lemoore and  
11 Hanford, and we have to make sure that we're going to  
12 balance that with urban growth considerations and how  
13 do we -- how do we effectively preserve agriculture as  
14 well if we want to maintain that as our economic basin  
15 industry.  
16 Again, here's the High Speed Rail alignments  
17 that fit right into that area that is narrowed down  
18 outside of flood zones.  
19 Another map that we want to present to you,  
20 this is from our 2002 Dairy Element. Again, what  
21 was -- what was designed in the 2002 Dairy Element were  
22 to specifically define what we call dairy development  
23 zones. And these dairy development zones and the  
24 Environmental Impact Report for that element have a  
25 defined capacity for how many dairies we can

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1 realistically accommodate because they also need  
2 wastewater distribution and crop growing areas.

3 So here we have that map from the dairy  
4 element and then you also have the High Speed Rail  
5 alignments that go right through the heart of what we  
6 consider the dairy belt that we often reference.

7 In terms of critical services, we have -- we  
8 do have the Sheriff's Department for the County and we  
9 also have our own Fire Department, Kings County Fire  
10 Department. And I think we all realize as government  
11 services become more strained and limited in their  
12 staff resources, we do have limited stations and  
13 resources to address all those emergency services  
14 needs.

15 One of the aspects that we do is we work in  
16 coordination with the emergency services operations,  
17 with our Fire Department and Sheriff, make sure that  
18 we're -- we're considering all the emergency evacuation  
19 routes, all the critical fire stations, sheriff patrol  
20 areas, and integrate that to make sure that we are  
21 aware and -- and consider that in any of our planning.

22 This here represents our emergency -- our  
23 emergency evacuation routes that is made up into our  
24 General Plan and our safety element. And then, again,  
25 we have a new factor of now where is the High Speed

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1 Rail alignment going to intersect those, and what does  
2 that do to our emergency evacuation routes and  
3 circulation patterns?

4 So a lot of these General Plan components,  
5 obviously we want to consider anything that's coming  
6 into our County to -- to evaluate it, be able to  
7 address it, be able to mitigate for it. The  
8 unfortunate circumstances with the High Speed Rail has  
9 been that during the development of the General Plan  
10 between 2006 and 2010 we really did not have very  
11 specific project-detailed information to be able to  
12 integrate it into there and before it was considered  
13 for this Board for its approval in 2010. We had  
14 conceptual alignments, but no definitive alignment that  
15 was coming through, so the only thing that we were left  
16 in order to address the High Speed Rail was to  
17 acknowledge that it may be planned, it may be coming  
18 through Kings County. There was various alignments  
19 that were being considered, even to this day we have  
20 alignments under consideration.

21 But what we ended up doing in the Circulation  
22 Element was we added Policy C1.2.4 and that was to  
23 ensure that Kings County coordinate with the High Speed  
24 Rail Authority and Caltrans if a High Speed Rail  
25 corridor is to be established within the County, and

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1 plan for the establishment of transportation linkages  
2 to the nearest High Speed Rail Station.

3 That right there demonstrates that we have a  
4 willingness to want to work with the High Speed Rail  
5 Authority, we want to ensure that whatever the project  
6 is going to do, that those impacts of services be  
7 considered, be integrated into our planning efforts,  
8 because we do have a lot of -- a lot of critical  
9 resources at stake. We do have a lot of urban growth  
10 considerations that we have to add into the mix and  
11 understand how that's going to impact it.

12 We happen to be the only county that has a  
13 planned High Speed Rail Station in an agricultural area  
14 not planned for urban growth and not within an existing  
15 city. I think our factors are unique here. I think --  
16 I think the urban growth considerations really need to  
17 be factored in. But as far as our General Plan, the  
18 High Speed Rail really is not factored in there. A lot  
19 of the information is still missing to this day for us  
20 to really grasp how that will be integrated, and  
21 therefore, there's a lot of inconsistencies with it  
22 just in general planning.

23 THE CHAIRMAN: Mr. Richard, would you like to  
24 respond to any of this?

25 MR. RICHARD: If I could, Mr. Chairman. It's

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1 the pleasure of the Board that I appreciate the  
2 opportunity to just speak generally, which I believe  
3 will encompass a response to some of the points that  
4 Mr. Gatzka just raised.

5 MR. SPIKES: Mr. Richard, can you -- can you  
6 speak directly into that mic. I just want to make sure  
7 everybody in the back can hear you clearly. I  
8 appreciate that.

9 MR. RICHARD: Yes, thank you.

10 First of all, Chairman Fagundes, members of  
11 the Kings County Board of Supervisors, I am pleased to  
12 be here in Kings County today with you. This kind of  
13 meeting I think is long overdue. I'm joined today by  
14 my colleague, Tom Richards. Our names are similar but  
15 not identical. And many of you here in the valley know  
16 Tom. He resides in Fresno and he's a leading citizen  
17 of that community, and I think he's well-known up and  
18 down the valley. And it's been my great honor to get  
19 to know him and to work with him.

20 I'm also joined by Jeff Abercrombie, who  
21 represents the Authority here in this community, in the  
22 valley. And Jeff has taken the lead on dealing with  
23 many of these issues and is the person who is most  
24 technically capable of our team sitting here in terms  
25 of knowing in detail some of the issues that were just

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1 raised before you.

2 Mr. Chairman, members, before we get into the  
3 details, I would like to just say a couple of things as  
4 a preliminary matter. I was appointed to the High  
5 Speed Rail Authority at the end of August 2011. My  
6 colleague, Tom Richards, had really only served a few  
7 months longer than that. We're relatively new to this  
8 effort. I'm sure that in this community there are  
9 many, many people who understand the interactions or  
10 lack of interactions between the High Speed Rail  
11 Authority and Kings County and your governmental  
12 agencies much better than I do.

13 One of the things that I do understand is that  
14 in May of last year you sent us a letter that embraced  
15 61 specific questions, many of which I believe reflect  
16 some of the matters that you just heard about, because  
17 they were -- they were a combination of questions from  
18 your first responders and public safety personnel, your  
19 Public Works personnel, and other people who are  
20 responsible in your government in Kings County.

21 It is with great chagrin that I say to you  
22 something you already know, which is that those  
23 questions were never responded to by the High Speed  
24 Rail Authority. So let's just get that out right here.  
25 That certainly was not a proper way in which we needed

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1 to interact with either you or this community that you  
2 represent. So I want to acknowledge that, because it  
3 was wrong, and I want to try to see where we can start  
4 from there.

5 Now, let's talk about the substance of what's  
6 in there. There were a number of questions.  
7 Mr. Richards and I had hoped sitting down with the  
8 staff that perhaps we could come today and put a  
9 document in front of you and say here are the answers  
10 to those questions. But we really can't do that  
11 because there are a number of things, as our staff by  
12 the way -- let me also make this very clear, the man  
13 sitting to my left, who works very, very hard to try to  
14 assure that a lot of these issues are raised, I think  
15 had started to prepare answers for these questions.  
16 And it was really through the legal process and the  
17 pending release of the environmental documents and so  
18 forth that counsel became concerned. Unfortunately  
19 nobody communicated that or had that conversation with  
20 you.

21 So I want to make it clear that  
22 Mr. Abercrombie remains somebody in whom we have great  
23 confidence, and we hope that as we go forward we -- he  
24 and other members of his team can interact in a more  
25 positive and productive way with your County.

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1           As we started to look at the answers to the  
2 questions, frankly, we became a little bit concerned  
3 because we didn't want to put a document in front of  
4 you and then have to go back later and say, oops, you  
5 know, we thought about something else. And so what  
6 we'd rather do today is begin a process where each of  
7 those questions can and should be addressed.

8           So let me start with a couple of key points  
9 here. The first is that we are about to release  
10 another environmental document that affects the Fresno  
11 to Bakersfield portion of the High Speed Rail line  
12 in -- in the valley that would have an affect on Kings  
13 County. You just saw the two route alignments that are  
14 going to be under more serious consideration. And  
15 certainly that document will, and it must by law,  
16 address both consistencies and inconsistencies with  
17 your General Plan. And so I am not an expert in what  
18 those potential inconsistencies might be, although  
19 Mr. Gatzka has just laid out for us his view, the  
20 County's view of where they are, and so that's  
21 certainly a starting point.

22           But the environmental process itself will be  
23 one that needs to address those -- those issues. And  
24 that environmental process I think needs to either  
25 resolve or mitigate or just acknowledge it can't be

1 mitigated any inconsistencies that we would have with  
2 the project and the General Plan.

3           What I really would like to do, though, at  
4 this point, because I think that covers several of the  
5 questions, at least in a very generalized way, is to --  
6 is to really focus on this last point about the issues  
7 that could be addressed prior to the release of the  
8 next environmental document.

9           I understand and I respect the fact that the  
10 County, with advice of its counsel, is wanting to  
11 undertake this process under the coordination approach  
12 that you've outlined, Mr. Chairman. Our lawyers see it  
13 differently, but I don't see why we should spend a lot  
14 of time worrying about that. What I'd like to try to  
15 suggest here today is that our attorneys and your  
16 counsel try to see if we can work out some type of  
17 Memorandum of Understanding between now and the time  
18 the environmental documents that would -- would be  
19 issued.

20           I'm not going to sit here and ask you to step  
21 away from something you feel is your legal right, that  
22 would be insulting to you and I will not do that. What  
23 I'm hoping is that finding an arrangement where we do  
24 not ask you to waive any legal rights that you may  
25 assert in the future, that we could try to find a way

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1 to sit down between now and the time the environmental  
2 document comes out and have interactions that would be  
3 appropriate for this community and acceptable to you on  
4 this Board.

5 And here is what I have in mind: My colleague  
6 and I are concerned that the way the environmental  
7 process works, once that document comes out, everything  
8 gets very formal at that point. People have to submit  
9 formal comments, agencies usually spend a lot of time  
10 in a very kind of defensive posture responding to  
11 comments and we miss some opportunities here.

12 I am respectful of the fact that under this  
13 approach that you've taken you want to see these things  
14 happen in meetings like this, open public meetings  
15 because the high level of concern that your community  
16 has, and I will respect that. And if that's what it  
17 takes, so be it.

18 Many of the questions, though, and many of the  
19 issues that Mr. Gatzka raised are highly technical, and  
20 I wanted to suggest that one way that I think that we  
21 might be able to do this, if we can work out an  
22 adequate legal arrangement that your counsel feels does  
23 not waive any of the rights that you may assert in the  
24 future, then my hope would be that we could actually  
25 have our technical experts working with yours, and

1 perhaps with some process where we come back in public  
2 meetings and there are reports made by the respective  
3 staffs to you, to us in public, so that this satisfies  
4 I think the -- the primary goal that you have at this  
5 point, because, frankly, we stubbed our toe a little  
6 bit in the past. You know, I understand that this  
7 community wants to set a higher standard of  
8 transparency and openness, and so be it, we will  
9 respect that. But I do think that there's a lot of  
10 work that can and should be done.

11 The question of how your emergency routes and  
12 your first responders can respond, I can sit here, but  
13 I think there are some of you who have a law  
14 enforcement background. I would never have the ability  
15 to talk about those issues with any intelligence, but  
16 we do have people who can. Those results I think can  
17 be presented then to the community in an open -- in an  
18 open way.

19 So I don't have all the answers for you today,  
20 sir, and gentlemen, I wish that I did. But we know  
21 that there are a number of areas that we've already  
22 identified where we have information and work that we  
23 can share with you, that we can listen to you about  
24 whether it's the impact on an interchange that needs to  
25 be rebuilt, whether it's talking about policies of how

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1 we would do mitigation.

2 One other point I need to make, and I think is  
3 very important to make to the public here, it's  
4 frustrating to my colleague and myself that the way the  
5 law works. We are limited by law from being able to  
6 sit here today and say let's talk about mitigation,  
7 let's talk about compensation, let's talk about the  
8 things that are most important to the families and  
9 farmers and dairymen, because all they're seeing is  
10 lines on a map. They don't know which one is going to  
11 be picked, they don't know if their land is going to be  
12 impacted and they don't know what's going to happen if  
13 it is.

14 And I wish we could be in a process right now  
15 to start those discussions, but the law says we can't  
16 do that until the environmental document is approved,  
17 at which point we intend to be very proactive in  
18 sitting down and doing everything we can to look at the  
19 kind of mitigation techniques that have been used where  
20 high speed trains have been built, in Europe and other  
21 places where they have dealt with land remainders  
22 through land swaps, where they have dealt with growers  
23 being able to work both sides of the tracks by putting  
24 in underpasses. We can talk in generalities about  
25 that, but, you know, if I owned a farm or an orchard, I

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1 would want a lot more than generalities at this point.

2 So I think one of the things we need to do is  
3 to lay out for people this is how the process can  
4 proceed. And I see a good window of opportunity here  
5 between now and the time the environmental documents  
6 are issued, which is probably going to be sometime  
7 early summer. Our two agencies can work together, and  
8 as I said, we can do this in a way where we have  
9 periodic open reporting, members of our board here in  
10 front of you as the staffs lay this out to really get  
11 into some of these details, which I respectfully  
12 suggest would be very hard to do even in meetings like  
13 this. And to do that, to focus on those issues, to  
14 make as many changes and deal with as many choices as  
15 we can between now and that time. Then we'll have to  
16 go into that comment period. Then when we adopt the  
17 plan, we'll be ready to hit the ground to start talking  
18 about the actual mitigations.

19 So with that I would just like to see if --  
20 excuse me -- my colleague would like to add anything to  
21 this at this point, and we'd be most happy to take your  
22 questions, and I know that you'll have questions and  
23 members of the public will. Thank you.

24 THE CHAIRMAN: You talk about answering our  
25 questions and stubbing toes, you know, we're concerned

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1 as Kings County. But if you will turn around and look  
2 at all these faces here, these -- this is Kings County  
3 right here, and they want answers. It's their  
4 property. So that's where we are.  
5           Okay, nevertheless, we'll --  
6           MR. RICHARD: May I just say, Chairman  
7 Fagundes, I've had one opportunity so far to visit some  
8 of the farms, orchards and dairies here. I came away  
9 thinking that, you know, every member of my Board  
10 before we vote on an alignment ought to see what it  
11 means on the ground. I intend to spend a considerable  
12 amount of time in the valley in general, and I will  
13 spend time that needs to be spent here in Kings County.  
14           I've started to meet some of the citizens  
15 whose lands would be affected, and I also want to just  
16 say that despite I think what is very natural, and I  
17 would feel this way, anxiety and concern over what  
18 might happen, not only to their property, but to a way  
19 of life, every person I've met here has been gracious  
20 and hospitable, which I appreciate, possibly even more  
21 so than I would be in that circumstance.  
22           THE CHAIRMAN: Thank you. Is there any  
23 comments from the Board or would we rather keep our  
24 comments till later?  
25           SUPERVISOR VERBOON: Till later.

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1           THE CHAIRMAN: Till later. Richard?  
2           SUPERVISOR VALLE: I'm fine.  
3           THE CHAIRMAN: Joe?  
4           SUPERVISOR NEVES: I'm okay.  
5           THE CHAIRMAN: Okay, item number two.  
6 Mr. Gatzka will also continue to outline the impacts  
7 omitted from the initial Draft EIR/EIS for the  
8 Fresno-Bakersfield segment.  
9           Greg, do you want to continue?  
10           MR. GATZKA: Thanks, Chairman. I think this  
11 kind of continues from some of the General Plan  
12 elements and resources that I've mentioned. Going more  
13 specifically into some of the general impact details,  
14 because we did have our first run of reviewing the  
15 Fresno-Bakersfield project level EIR for the BNSF east  
16 alignment, actually 17,000 pages for limited staff to  
17 review in 45 days, which was later turned to 60 days,  
18 that was kind of a monumental task.  
19           I think what some of Mr. Richard is mentioning  
20 would be very useful if these issues are addressed or  
21 at least worked on prior to the release of the next  
22 EIR. But in going -- going through this -- this first  
23 project ground, and obviously we know that it's subject  
24 to both CEQA, the California Environmental Quality Act,  
25 and also NEPA, which is the federal component for

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1 environmental review, we did look at that.  
2 Obviously, and I'm just -- I'm not going to go  
3 into great detail, but I am going to go kind of through  
4 a little bullet item, we did recognize potential  
5 significant impacts to Kings County: Loss of  
6 agricultural land and production; impact to our dairy  
7 industry; the repermitting of impacted dairies; loss  
8 and relocation of agricultural residences; disruption  
9 of the county circulation; impact to emergency  
10 services. And obviously we've heard a number of times  
11 that we have had unresolved responses from High Speed  
12 Rail in relation to how our newest Kings County Fire  
13 Station No. 4 and helipad are going to be impacted by  
14 that.  
15 Impact to energy production sites, Kings  
16 County being at the forefront of trying to accommodate  
17 solar -- commercial solar projects. We've also seen  
18 how that has to be balanced with preservation of  
19 agriculture, and just recently exploring -- just made a  
20 change to ensure that it's not going to be just treated  
21 automatically compatible with the Williamson Act, that  
22 was a significant change that the Board made. So we  
23 are constantly looking at how projects are impacting  
24 and relating to agricultural production.  
25 Impact to the agricultural supporting

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1 industries, not just the production value, but we have  
2 supporting industries with fruit -- fruit processors,  
3 food processors, dis -- transport, a number of other  
4 industries that relate to the ag production.  
5 And then we also have air quality, and that --  
6 that has been a interesting one that we have not been  
7 able to really get addressed with the High Speed Rail  
8 because having a brand new rail station located in the  
9 County, that would cause a new destination within the  
10 County that would bring a lot of additional vehicle  
11 miles traveled into the County that was not adequately  
12 addressed.  
13 In terms of CEQA, and again, I'm just going to  
14 go quickly through the bulleted item, agricultural  
15 resources, we do know there's going to be conversion of  
16 agricultural land, we are going to have farmland that's  
17 going to be disrupted, and we are going to have farm  
18 properties that are going to be split. So all of those  
19 are very critical to understanding how -- how that is  
20 going to impact our agricultural resources that we have  
21 here.  
22 Air quality, I mentioned the new destination  
23 generator. Hydrology and water, and unfortunately I  
24 missed the earlier Board, but I heard you had a  
25 fabulous session on the groundwater overdraft

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1 situation, and that is going to continually be an issue  
2 that any of the communities in the San Joaquin Valley  
3 are going to have to be addressing because for Kings  
4 County our service water deliveries come from outside  
5 the County, they come from the adjacent counties. We  
6 are predominately reliant on the groundwater so we have  
7 to take into account how those urban services and other  
8 agricultural uses really drain that limited resource,  
9 to make sure that we're -- we're conscious of that and  
10 considering that in our planning.

11 Land use and planning. The High Speed Rail  
12 Station obviously will cause some potential urban  
13 sprawl growth-inducing factors because of a new major  
14 urban transportation hub that may be located in the  
15 County. We do have prime agricultural soils, and as I  
16 referenced in the other maps, we do have some areas  
17 that are limited and highly prized for that, but we  
18 have the High Speed Rail going right through it and  
19 that needs to be factored in.

20 Noise. The High Speed Rail, if they're  
21 assuming one train every six minutes, and you have a  
22 new urban noise environment, that -- that still has a  
23 lot of unanswered questions in dealing with that  
24 aspect.

25 Public services. I mentioned our Kings County

1 Fire Station No. 4 helipad. We've had the Sheriff also  
2 bring up a number of other issues, and I know one of  
3 the commanders is here with a more specific list if you  
4 had more questions on that. But there have been key  
5 questions by the Sheriff wanting to know how emergency  
6 services were going to be integrated with High Speed  
7 Rail, who was going to be the point agency on the  
8 response, who was going to be responsible for the  
9 resources that are allocated to address those issues.  
10 And when you have a separated -- a grade separated  
11 infrastructure that's fenced off and completely  
12 cordoned off, there is a lot of concerns and questions  
13 related to that that we haven't had answered either.

14 Utilities and service systems. Obviously the  
15 water and sewer systems are some of the critical ones  
16 that come to mind, again, relying on groundwater. And  
17 we have our cities and community districts that are  
18 limited in their resources in providing that service.

19 So urban growth factors that were not done in  
20 coordination with our cities and the county to figure  
21 how that was going to be addressed, that leaves a lot  
22 of kind of uncertainty and unresolved issues in terms  
23 of how the new High Speed Rail Station fit into what we  
24 here in Kings County are doing to coordinate our  
25 limited growth considerations along with our ag

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1 preservation efforts.

2 One of the key maps that we have in our

3 General Plan that we use is our Priority Agricultural

4 Land Map. This is a GIS-based model. This one is

5 based on factors such as water availability, crop type,

6 ag production value, and a number of other factors

7 which gives us, as your land use professionals, a key

8 resource being able to evaluate how -- how a project is

9 going to impact those resources.

10 When you've seen some of the economic numbers

11 that we generated, we rely on these models to be able

12 to do that. What we've done as of just last night is

13 to overlay the Hanford west alignment and look at the

14 specific parcel -- I shouldn't say parcels, these are

15 actual crop growing areas with specific values to see

16 what those impacts may potentially be. So we use that

17 -- that as one of our resources.

18 Here is a map of the dairies. Obviously

19 we've -- through the -- I'm sorry, the BNSF east

20 alignment running east of Hanford, we identified

21 potentially 11 dairies that would be impacted by that.

22 So that is a critical impact because we here in Kings

23 County have worked very hard to make sure that we are

24 streamlining the environmental review process with the

25 dairies so that they can grow, they can expand, we can

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1 site new dairies and we know where to site them to

2 accommodate them in the county.

3 And as you can see, we've got orange areas

4 that represent our existing dairies, but the green area

5 is what is required to maintain those dairies. That is

6 a wastewater distribution area for field crops. So we

7 -- that's when we reference the dairy belt, this is

8 what we're talking about. The dairies that have

9 located in an area where we have streamlined the

10 processes have located south of Lemoore, east of

11 Lemoore and kind of in a pattern around the cities

12 where they can be accommodated.

13 The High Speed Rail slicing through a number

14 of those obviously puts into question how are those

15 dairies going to have to address the repermitting, the

16 relocation and are they going to be able to be

17 processed in a timely manner to actually keep them

18 whole and sustain them? That is obviously a critical

19 question that we've posed many times as a typical dairy

20 permit can run anywhere from eight months to three

21 years for staff to process that and to get project

22 approval.

23 The NEPA environmental review process does

24 allow one unique factor that CEQA does not, and that is

25 economic impacts, and so a lot of our analysis that

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1 we've presented to you, you've seen some figures,  
2 you've seen numbers, and I will just go through the  
3 bulleted item, most of this related to the BNSF east  
4 alignment that we previously analyzed for the first  
5 project EIR. We identified roughly 8700 parcels --  
6 parcel acres that would be cut across. But then later  
7 we found out that the overpasses, the additional  
8 structures, all the extra information that we did not  
9 have originally presented to us, that increased that  
10 amount of acres from 8700 up to 11,467. That's a  
11 critical piece of information that we need to know  
12 where the associated structures are, overpasses, how is  
13 the High Speed Rail going to be accommodated for 198,  
14 how the rail alignments arterials are going to be  
15 rerouted. Those are critical pieces to know how does  
16 this fit within our community.

17 We identified roughly about 7,000 agricultural  
18 growing fields, and that's what I have represented on  
19 that map. This was only for the BNSF east alignment.  
20 In our estimation of the agricultural production value  
21 in 2008 dollars was about eight million dollars  
22 annually. Based upon that, and in working with the Ag  
23 Commissioner, applying a factor to it, that's  
24 equivalent to about 28 million annually in other  
25 supporting industries that may be impacted.

1 The 11 dairies, loss of production,  
2 repermitting, even potentially shutting them down  
3 because the previous EIR indicated that, yes, dairies  
4 are going to be impacted and they'll probably just have  
5 to reduce their herds. That's unacceptable for Kings  
6 County.

7 We have an estimated value of 50 million  
8 annually potentially for those dairies that are  
9 impacted that were not addressed.

10 Then we've also heard a number of businesses  
11 in the Hanford downtown area who have been indicating  
12 that if anything happens with the Amtrack system,  
13 that's a potential loss of 11 million to downtown  
14 businesses and downtown Hanford. That's where we get  
15 our estimated hundred million dollars annually just on  
16 those factors, but that doesn't even take into account  
17 some of the industries, such as Baker Commodities that  
18 we know that vendors a lot of the cow carcasses and  
19 supports 700 to 800 dairies throughout the whole San  
20 Joaquin Valley, or other governmental services or other  
21 facilities like our Hanford Fire Station -- our Kings  
22 County Fire Station.

23 This is a more specific list of some of these  
24 that we have been bringing up. I mentioned the Baker  
25 Commodities, 700 cows per day, supports 800 dairies

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1 from Stanislaus County to Kern County. And there's  
2 only currently two businesses in the San Joaquin Valley  
3 that provide that service.

4 Kings County Fire Station No. 4, that happens  
5 to be our only ladder truck that we have operational in  
6 the County. It also houses the regional firefighters  
7 training grounds. And we also have our helipad that  
8 has the fire search and rescue helicopter, sheriff  
9 patrol helicopter, and then most recently did have the  
10 Sky Life Medical Transport.

11 Also the growth inducing, I mentioned that to  
12 you previously, so I won't go over that. But the added  
13 High Speed Rail Station does have a number of impacts  
14 that may relate to how we address growth in our sphere  
15 of influence boundaries.

16 Circulation patterns, a number of the arterial  
17 roads, the overpasses. There's been a number of  
18 questions have been brought up in terms of how farm  
19 equipment will get access over it, how will this be  
20 addressed during fog season. A number of common sense  
21 realities that our Kings County residents deal with,  
22 but yet so much uncertainty with not knowing how is  
23 this project going to be integrated to ensure that our  
24 community is going to be kept whole and made safe.

25 Agricultural operations, a lot of verbal

1 discussions with High Speed Rail staff in terms of what  
2 may be able to be done, what could be done, but when it  
3 came down to the environmental document, we didn't see  
4 any of that in writing, and that becomes problematic as  
5 well.

6 The farmland that's going to be impacted,  
7 obviously you have surface water deliveries, you have  
8 piping the water, you have farm equipment access that  
9 needs to get across, and then you also have pesticide  
10 spraying. A number of those that are key to  
11 agricultural operations still have remained unanswered.

12 So then in conclusion, obviously the EIR and  
13 EIS, the review time becomes more critical when we  
14 don't have these issues addressed. And I think  
15 Mr. Richard has -- has pointed that that is critical,  
16 so maybe it kind of relates to my last statement on  
17 there. And as our Board of Supervisors you're aware  
18 that we have spent countless hours having to find our  
19 own answers in the previous environmental document.  
20 That with limited staff really takes staff time away  
21 from new permitting for new jobs, businesses, home  
22 development, or anything else that needs our attention.  
23 And so having those -- those questions unanswered puts  
24 an extra burden upon the County to try to find its own.  
25 And given the lack of the answers that we had

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1 previously, a 45-day timeframe to review the other  
2 document that was then bumped to 60, obviously a very  
3 unreasonable timeframe to review 17,000 pages.

4 So our last comment really is that we would  
5 hope that Mr. Richard recognizes the importance of  
6 working together to address these issues prior to the  
7 next EIR/EIS release, and I think he already kind of  
8 beat me to the punch line on that one. That's all I  
9 have here.

10 MR. RICHARD: For once.

11 THE CHAIRMAN: Mr. Richard, would you like to  
12 comment?

13 MR. RICHARD: Yes, Mr. Chairman, thank you. I  
14 started to say for once we seem to maybe have gotten  
15 there ahead as opposed to behind.

16 I appreciate Mr. Gatzka's presentation on  
17 these issues. And let me start with the last bullet.  
18 Absolutely not only as Chairman, but certainly my  
19 colleague here, we -- we do recognize that this was the  
20 principal -- our principal hope for an avenue of  
21 discussion today, in addition to addressing any other  
22 questions that you have, was to try to get to that  
23 process. And I said -- as I said before, to do it in a  
24 way that does not ask you to step back from any other  
25 rights that -- that you feel you would have. I think

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1 that there is great opportunity to try to deal with  
2 some of these.

3 And members of the Board, let me say that Tom  
4 Richards, in particular in his community in Fresno, but  
5 the Authority staff and so forth up and down the line  
6 and some of the other communities, we have been able to  
7 have the kind of relationship that we have  
8 unfortunately not been able to forge here where we're  
9 literally looking at small alignment changes, things we  
10 can do here and there. I mean, I've stood on the road  
11 and looked at Baker Commodities. I had it explained to  
12 me exactly how essential that was to this community to  
13 support the dairy industry here. So we get it.

14 Working with Jeff today, he was already  
15 looking at the maps of, gee, you know, could we talk  
16 about a jog here or there. These are the kind of  
17 conversations that one needs to have. And that I'm not  
18 even presupposing that we would end up with the east  
19 alignment, we have to look at whether the east  
20 alignment or the west alignment is better, and we would  
21 understand that by getting more input from the  
22 community.

23 A lot of the issues that Mr. Gatzka has raised  
24 are ones that our staff has briefed us on, as they  
25 understand that they'll be important to Kings County,

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1 so I think we are ready to engage with your planning  
2 staff on these to try to deal with these issues.  
3 But this is the time over the next couple of  
4 months where we can really limit the number of issues  
5 that your staff would have to dig through in the Draft  
6 EIR/EIS document because we would try to be working as  
7 many of them as we could in advance. So, again, I'm  
8 not presupposing that at the end of the day that we'll  
9 be able to satisfy everything. You know, I don't want  
10 to give you happy talk about that. But I think that we  
11 should at least roll up our sleeves and try to see how  
12 far we can get, and -- and we will.  
13 So a number of these issues, like the public  
14 safety concerns, are very important to us as well, they  
15 need to be addressed. I think in some of the other  
16 portions of the alignment where we're dealing with  
17 similar issues and we're trying to resolve them in  
18 certain ways, and certainly we should be in a position,  
19 obviously your staff would be in a position to talk to  
20 those counties, but we should be in a position to help  
21 as well.  
22 So, I don't know if there are any specific  
23 points we want to make at this point, either of my  
24 colleagues.  
25 Jeff, did you want to --

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1 MR. ABERCROMBIE: You know, I --  
2 MR. RICHARD: Don't feel compelled, I'm not  
3 trying to put you on the spot. I just wanted to give  
4 you the opportunity.  
5 MR. ABERCROMBIE: You know, on some of these I  
6 tried to answer before, but one of the ones that I --  
7 that I am very confident in is with regards to the  
8 helicopter pads. I mean, that's the one that always  
9 strikes me, and that, you know, in looking at the  
10 flight patterns, being on the opposite side of the  
11 power lines for that particular alignment, we are not  
12 in the cone of influence for that, so that should not  
13 be -- you know, I don't see any problem with -- with  
14 their operation of the flight paths.  
15 The impact would be more along the lines of  
16 the road that's there and making sure that in that  
17 particular case we have to actually move it a little  
18 bit to the south if we don't want to disturb any of  
19 that, the facilities that are there on the training  
20 site, if that's acceptable. If you -- if in the wisdom  
21 of, you know, Kings County that, you know, that it's  
22 not appropriate to shift a road, then we have to talk  
23 about what we do to rebuild that facility in the right  
24 way. But in terms of the helicopter pads as they  
25 presently sit, those are not going to be an issue.

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1           And, you know, we do have those things, and I  
2 appreciate Dan, you know, the time he's taken for me to  
3 kind of walk through some of these with him to make  
4 sure that he understands since he has been out here and  
5 met with some of these and looked at them firsthand.  
6           MR. RICHARD: Also, if I might, I would like  
7 to just say a word for a moment about the dairies and  
8 the issue that Mr. Gatzka raised about repermitting the  
9 dairies. This was something that I, as a resident of  
10 the Bay area who just opens up cartons of milk, never  
11 had any idea, which is the difficulty that dairies have  
12 had in maintaining their operations in dealing with  
13 waste pond issues and so forth. And so I want to be  
14 very careful how I say this, but I've already raised  
15 this issue inside the -- inside the Brown  
16 Administration that we should not just be working as  
17 the High Speed Rail Authority with Kings County on  
18 this, but we should be working as the State of  
19 California with Kings County on this. Because if the  
20 High Speed Rail project is a priority project for the  
21 State of California, if we believe it's a strategic  
22 asset for the people of California up and down the  
23 State, then the State should find some ways to make  
24 sure that it mitigates impacts on dairies. And I know  
25 just saying to somebody, "Well, you can just go

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1           repermit a waste pond and move it over to the other  
2 side of your property because we're just taking this  
3 little piece," and, you know, that dairyman's looking  
4 at a three-year process if.  
5           And so this is an area that I would certainly  
6 pledge within the administration to try to pull  
7 together a group, and I know in a lot of the  
8 environmental permitting agencies and so forth, and I'm  
9 sure that they're going to have their own views, but  
10 it's my view that one of the things we can do here in  
11 Kings County is to really try to address this question.  
12           First we need to determine how we can find an  
13 alignment that minimizes impacts on dairies. Second,  
14 if there are issues that involve the repermitting of  
15 dairies, I think it ought to be something that the  
16 State takes on as a responsibility and not just leave  
17 it to your staff in Kings County to figure out a way to  
18 try to help make that happen. So that is one thing  
19 that I take back to Sacramento with me from this --  
20 from this brief.  
21           THE CHAIRMAN: Thank you. Any comments?  
22           SUPERVISOR VALLE: Mr. Chair? Is it turned up  
23 too loud?  
24           MR. SPIKES: What we're trying to do here is  
25 accommodate the folks that are in the other room that

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1 are listening on the P.A. system. So, again, I  
2 appreciate your efforts to try to speak into the  
3 microphones as much as possible, because we have it  
4 really cranked up and it causes feedback in here, but  
5 we're trying to accommodate next door.  
6 SUPERVISOR VALLE: Okay. Mr. Chair, as a  
7 matter of fact, before I ask a question I would like to  
8 welcome and introduce to the Kings County chambers  
9 Fresno County Supervisor Judy Case.  
10 Thank you, Supervisor, for being here to  
11 listen today to your neighbors to the south of your  
12 county.  
13 Mr. Chair, you -- you suggested that it's your  
14 hopes that we can move forward here in Kings County  
15 today with an MOU in place, but framed the rest of this  
16 discussion today, is it fair to say, that the High  
17 Speed Rail project would continue to move through Kings  
18 County as we continue to wait for our long overdue  
19 answers?  
20 MR. RICHARD: Supervisor Valle, when you say  
21 "move through," I want to make sure that I don't  
22 misunderstand your question. We -- we are moving  
23 forward to develop an environmental document, and it is  
24 our hope that that environmental document under both  
25 state and federal environmental rules would be issued

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1 in draft sometime in the early summer.  
2 So the process that we're talking about here  
3 is to try to resolve as many of those issues as  
4 possible prior to that document coming out. So that,  
5 yes, our lawyers and experts would be preparing that  
6 document, but this is -- this is the time, this is the  
7 window we have to address as many, if not all, the  
8 issues that you have raised, that your staff has raised  
9 before that document comes out.  
10 So I -- I think what your concern was if I --  
11 if I'm hearing you correctly, sir, and I don't want to  
12 put words in your mouth, but I think your concern was  
13 are we going to be talking over here in this corner  
14 while the High Speed Rail Authority is going to be  
15 ramming ahead over here?  
16 SUPERVISOR VALLE: Uh-huh.  
17 MR. RICHARD: And the answer to that is no,  
18 because this is all part of developing the  
19 environmental process, and what we're trying to do is  
20 make sure in this period between now and when the  
21 document comes out we work as hard as we can so that  
22 those issues are understood and resolved before we get  
23 to that process. Mr. Gatzka and your staff is far more  
24 expert on this than I'm ever going to be, but I'm  
25 hoping that he sees it the same way.

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1 SUPERVISOR VALLE: Mr. Chair, the reason why I  
2 ask that, and the point I'm trying to get to is just to  
3 narrow down the scope of what we have, because when we  
4 see the alignment on the map, you know, it is more than  
5 just red lines on a map, it's -- it's cross hairs  
6 and -- and a target of the folks in this room, their  
7 homes, their farms, their schools, their churches.  
8 And -- and I ask that because just from a simple visit  
9 to a home that's on the alignment, Miss Charlene Hook  
10 from Corcoran, I go to her home, look at her property,  
11 and she's sitting there, she has a new fence that she  
12 needed to build on her property and the supplies were  
13 there and all the wood and everything is ready to go,  
14 but something that simple as a fence needing to go up,  
15 her family held back on that because they don't know  
16 what the future is regarding their property.

17 So, again, to frame the rest of this  
18 discussion today, there's going to be a lot of public  
19 comment, Kings County currently is the alignment,  
20 correct?

21 MR. RICHARD: Yes, sir. And I want to be -- I  
22 want to be straightforward about that. Kings County  
23 currently is in the alignment, both of those  
24 alignments. And we can talk about that, but -- but I'm  
25 not here to play games with you.

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1 If I might just also, Supervisor, I appreciate  
2 and understand your -- your concern for that  
3 constituent and all your constituents. One of the  
4 things that I think is hard about a project like this,  
5 and my colleague, Tom Richards, and I talk about this a  
6 lot, is that it is our legal and moral responsibility  
7 to make sure, I mean this is property owned by private  
8 citizens. If a government decides for whatever reason  
9 that is legitimate that it has a value for a broader  
10 purpose, the property owner must be made whole. And we  
11 have talked about that because in many cases, you know,  
12 people play games with that. We have a lot of  
13 challenges. Let's just talk about them right here.

14 If there's a home that ends up being taken in  
15 this environment when home prices may be lower than  
16 outstanding mortgages, we -- you know, we have to be  
17 very wise and very fair about how we talk about a fair  
18 market value in a situation like that. So this is an  
19 area also where we are working very hard to establish  
20 policies that can give people some sense.

21 Now, the resident you talked about, if she  
22 decides to put up that fence, and if, heaven forbid, we  
23 end up impinging on her property, it's our  
24 responsibility, legal and morally, to make her family  
25 whole for that. If there is a business that would be

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1 impacted and doesn't know if it can sublease its  
2 property because it can't do a three-year lease because  
3 it doesn't know, the law provides that those kinds of  
4 uncertainties can be compensated.

5 So a big part of the problem here is just I  
6 think that this project is so huge and could affect so  
7 many parcels of land as you've heard, and people don't  
8 know what it means to them and they have no idea at  
9 this point how they would be compensated, how these  
10 things would be mitigated. So this is another area  
11 where we're trying to develop policies, tell people  
12 that we're very aware of these issues and that we don't  
13 intend to preside over something where people's land is  
14 impinged upon and somehow they're not fairly  
15 compensated.

16 MR. RICHARDS: Supervisor, I think that what  
17 Dan is saying, or the Chairman is saying, and how we  
18 strongly feel, is that regardless of the perception and  
19 the reality of what has occurred in the past, we are  
20 very strongly committed to ensuring that the reality of  
21 the process is that it stresses the law as far as it  
22 possibly can to ensure its fairness on the people who  
23 are being impacted.

24 And secondly, the thing that -- in addition to  
25 that that has concerned me so much over these last

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1 several months is the lack of communication which has  
2 caused anxiety levels far beyond what people ought to  
3 have to put up with or be responsive to. Those are the  
4 things that I think we think clearly need to be changed  
5 and the importance of the establishment of this  
6 communication, and to do as much work together as we  
7 possibly can before this other document comes out.

8 And I believe that with your concurrence and  
9 the people you represent we will commit to devote all  
10 the time that our staff has available to ensure that we  
11 do everything we can do to catch up for these months  
12 that we have not communicated.

13 SUPERVISOR VALLE: Okay, then the last  
14 question, Mr. Chair. As we've -- a lot of us here in  
15 this room, board members and members of the audience,  
16 have followed -- come to your meetings and have been at  
17 your podium, Mr. Chair, and come to your High Speed  
18 Rail Authority meetings. You hear -- we've been in the  
19 room when we hear your Board taking testimony about the  
20 jobs that are going to be created. And in other areas  
21 of the State people are excited, yes, it's creating new  
22 jobs, bringing new jobs. But as you sit here in Kings  
23 County today, can you please realize and understand  
24 that those jobs are at the sake of our jobs. That the  
25 loss of dairies, the loss of farms that you're seeing

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1 on these maps are real people that are impacts on our  
2 constituency from here to Avenal to Kettleman to  
3 Stratford. That those are people who are going to be  
4 out of work.  
5 And -- and -- and that's important for us that  
6 you realize that and know that when we're sitting in  
7 San Francisco next week on the 12th and people are  
8 going to be at your podiums and they're talking about  
9 all these jobs it's going to create. It's jobs for the  
10 sake of our jobs here.  
11 MR. RICHARD: Supervisor, I think that's very  
12 well said. I think that's an important thing for us to  
13 keep in mind. You have come to our meetings. Some of  
14 your citizens have come to our meetings many, many  
15 times. And I -- let me just say I think that that was  
16 very well said and I think it's incumbent on us to  
17 understand that.  
18 SUPERVISOR VALLE: I'm finished, Chair.  
19 THE CHAIRMAN: Thank you. Mr. Richard, our  
20 next question, number three. Mr. Richard, Kings County  
21 is very concerned about the impacts that the High Speed  
22 Rail project will have on our existing Amtrack service  
23 through Kings County and the two Amtrack stations in  
24 both Corcoran and Hanford. Can you clarify the term  
25 contained in the High Speed Rail Act regarding

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1 "independent utility" and how the Authority plans to  
2 demonstrate it, if at all, in Kings County?  
3 MR. RICHARD: There are two parts to that  
4 question as I understand it, Mr. Chairman. Let me --  
5 well, let me take them in order. One of the things we  
6 need to work on, and that we've already started to  
7 think about is the impact on the Amtrack service.  
8 I took the Amtrack train from Sacramento down  
9 to Fresno Sunday night for our meetings in Fresno  
10 yesterday. I've been on a train several times. That  
11 line, by the way, I don't think I need to tell you, is  
12 highly popular. Some people might be surprised to find  
13 that it's the fifth busiest Amtrack corridor in the  
14 United States, and it's had 16 months of continuous  
15 growth of ridership.  
16 For many people here in this part of the  
17 valley, my understanding is both talking to people and  
18 looking at it, it almost operates like a bus between  
19 some of the communities. People jump on it, go down,  
20 jump off in the middle of Hanford, go over to the  
21 Dairy, get an ice-cream. I mean, it's things that  
22 people do.  
23 There's a big concern here because the High  
24 Speed Rail service in effect would move passenger rail  
25 service off of that line, and it would have a new

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1 passenger line. So I would say that right now the  
2 future of that Amtrack service is a question and it's a  
3 question that we should work together to try to  
4 resolve.

5 Now I was just down in Kern County, and the  
6 folks in the Kern County counsel governments down there  
7 actually have an idea for the continued use and even  
8 taking over that line to maintain that kind of service  
9 up and down so that these communities are still served.

10 One of the things that's happening is that the  
11 High Speed Rail Authority is being put under a new  
12 transportation department with Caltrans as our sister  
13 agency. So we've been working very, very closely with  
14 Caltrans, they run that service. And I've had personal  
15 conversations with the acting director of Caltrans,  
16 who's a gentleman who used to run the Caltrans district  
17 down here out of Fresno. And he said to me, "We need  
18 to talk about this Amtrack service. It's very  
19 important to people in this community." And I said,  
20 "I'm understanding that."

21 So, I don't have an answer for you today about  
22 what's going to happen with that service. I think  
23 Kings County, Kern County, Fresno County, High Speed  
24 Rail Authority, Caltrans ought to be sitting down right  
25 now to make sure that if we're moving passenger service

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1 off of those lines onto a new High Speed Rail line,  
2 what's it mean for the little communities that we're  
3 not going to stop in that are currently served by that  
4 line? And what's it mean for further State support,  
5 how can we set that up?

6 One of the things I did in a prior portion of  
7 my life was we set up service between the Bay area and  
8 the Capitol, the Capitol corridor service. I helped  
9 work to create that. We took it out of the State, we  
10 set up a joint powers authority. We have been very,  
11 very successful, it's a highly popular service. And  
12 there are ways that we can do this. There are other  
13 train services that are looking at trying to  
14 consolidate some service down the valley, like the Ace  
15 train, and this is a very good and important  
16 opportunity for us to figure out that question.

17 But I guess my answer to you today is that  
18 it's very much on our mind, and we know that moving to  
19 a high speed passenger service threatens to leave some  
20 communities that need that kind of feeder service  
21 behind. I think we can all work together and make sure  
22 that doesn't happen.

23 The second part of your question goes to the  
24 independent utility question, and there, Mr. Chairman,  
25 I think that we may have answered that question in a

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1 different way, because at the time that question was  
2 written, unless it was written last night, we were  
3 looking at our first investment here in the valley as  
4 the -- as the initial construction segment, the six  
5 billion dollar facility which was a track between  
6 Madera and Bakersfield.

7 But we now announced yesterday our revised  
8 business plan, and what we're looking at now, thanks to  
9 a more clarified funding picture, is actually building  
10 the first real operating line, not just stopping with  
11 the track here, but building a line that will  
12 connect eventually Merced all the way down into the San  
13 Fernando Valley, and we would open that service within  
14 ten years. And our estimates are that that can operate  
15 as a profitable High Speed Rail system.

16 One of the issues we need to work with you on,  
17 quite frankly, and I think it's something that Kings  
18 County needs to take the lead on, is do you want a  
19 station here or do you not want a station here? Your  
20 staff has told you that a station could have certain  
21 growth-inducing impacts. On the other hand, a station  
22 could provide some economic stimulus to the County as  
23 well. That's an issue that I think we're going to let  
24 you take the lead on as opposed to try to just make  
25 that decision for you. And I think we can work in

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1 either direction on that and it comes down to what the  
2 County wants.

3 So we're prepared to do either one. And let  
4 me just be clear, the environmental documents back in  
5 2005 anticipated that there was no station between  
6 Fresno and Bakersfield, but the lawyers have confirmed  
7 for us that that does not stop us from planning for a  
8 station now and handling it under the environmental  
9 project level documents. So we could -- we can work  
10 with you in whatever direction you think works best for  
11 your County.

12 One of the things I've learned by spending  
13 time in Kings County is that probably of all the  
14 counties in the entire valley, this County has had, I  
15 think, some of the most thoughtful preservation and  
16 urban -- urban limit-type approaches to your land use  
17 planning. And so the station could be growth-inducing  
18 or it could be something that would be an economic  
19 value. That's an issue that we should think through  
20 together and something that we would work with you on.

21 Tom?

22 MR. RICHARDS: That's right.

23 MR. RICHARD: Let me ask my staff, did I  
24 misstate any of that? Because if I did, I would like  
25 to know right now.

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1 MR. ABERCROMBIE: No, that's --  
2 MR. RICHARD: Okay.  
3 MR. ABERCROMBIE: You got it.  
4 THE CHAIRMAN: Okay, thank you. Any comments?  
5 SUPERVISOR VERBOON: No, just continue.  
6 THE CHAIRMAN: Okay, next question, number  
7 four. Mr. Richard, Kings County would like to request  
8 a supplemental environmental document to address the  
9 incompatibility of both the east and Hanford west of  
10 Hanford purpose alignments through Kings County. The  
11 supplement EIR and EIS should acknowledge and resolve  
12 consistencies of all two -- all of these two alignments  
13 and the preferred alignment in the Programmatic EIR  
14 adopted in 2005.  
15 Will you please discuss this matter and tell  
16 us whether you are willing to commit to this request?  
17 MR. SPIKES: Mr. Chair, I think you said  
18 consistent, I think it's inconsistencies of these  
19 alignments, just for the record. I think you may have  
20 said that, I'm just thinking you said consistencies,  
21 but it's inconsistencies in the alignments.  
22 MR. RICHARD: I understood it as  
23 inconsistencies -- I mean I understand that was the  
24 intent of the question.  
25 MR. SPIKES: My bad, sorry.

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1 MR. RICHARD: No, no, you're fine.  
2 Mr. Chairman, that's a -- that's a question  
3 that gets into the legal technicalities of CEQA that I  
4 just don't understand, so with respect I'd like to take  
5 that back to our lawyers and figure that out and get  
6 back to you with a response.  
7 I kind of think that what happens is if we can  
8 work through this process here before we even put out  
9 the first EIR, I'd like to think that maybe we can  
10 avoid the need for what you were just asking for.  
11 Probably that question came up before we knew if there  
12 was going to be that level of interaction with the  
13 staff.  
14 But, if I might, Mr. Chairman, that's just  
15 beyond my knowledge of the CEQA process, and I would  
16 like to give that to our -- our lawyers and get back to  
17 you. But I'd also like to see whether or not this  
18 discussion we've had about working between now and the  
19 time the draft comes out might achieve that same  
20 purpose that you're trying to achieve there.  
21 THE CHAIRMAN: Some of these questions you've  
22 touched based on a little earlier.  
23 MR. RICHARD: That's fine, sir, whatever.  
24 THE CHAIRMAN: They're here, I've got to ask  
25 them.

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1 MR. RICHARD: Yes, sir.  
2 THE CHAIRMAN: Okay, that's all you have on  
3 that?  
4 MR. RICHARD: Yes.  
5 THE CHAIRMAN: Okay. Number five, Kings  
6 County would like to request a supplemental  
7 environmental document to address the economic impacts  
8 of your project on Kings County, and will be willing to  
9 commit -- will you be willing to commit to this  
10 request?  
11 MR. RICHARD: I think I'm going to have the  
12 same answer that I had before about the supplemental.  
13 THE CHAIRMAN: Okay.  
14 MR. RICHARD: But I will say that I think the  
15 environmental process must address the economic impacts  
16 on your County, I don't think there's any question  
17 about that.  
18 THE CHAIRMAN: Okay. Thank you.  
19 Okay. Number six, along the same lines as the  
20 last question, we would like to request a pre-release  
21 of the updated supplemental environmental document so  
22 that we can contain -- or assert -- can be certain each  
23 of the inconsistencies -- inconsistencies we have  
24 raised sufficient -- sufficiently resolved, and will we  
25 please -- will you please tell us whether you are

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1 willing to commit to this request? The same answer I  
2 imagine?  
3 MR. RICHARD: Yes, sir. Although I do think  
4 this is a good opportunity for County Counsel and our  
5 attorneys to have a conversation about this and get to  
6 a place that works for everybody. I'm not trying to  
7 give counsel extra work.  
8 MS. CARLSEN: Oh, no problem, but I would like  
9 to respond to that if you don't mind, Mr. Chairman.  
10 THE CHAIRMAN: Yes.  
11 MS. CARLSEN: You know, the willingness to  
12 work has always been here. I don't want to be  
13 distracted by a bunch of lawyers in a room trying to  
14 figure out the details of how we're going to work  
15 together. I want to work together. And so I want that  
16 to be clearly stated back to your counsel, that we  
17 don't need to spend the next two months figuring out an  
18 MOU. We need to spend the next two months figuring out  
19 how we're going to resolve these inconsistencies.  
20 And while I am talking about that, I would  
21 certainly like to say that this is not only about CEQA.  
22 It's about NEPA too, because you have a lot of federal  
23 dollars in here. And so whether the Authority agrees  
24 or not that NEPA requires coordination, I think that we  
25 can agree, as outlined, and I'm going to quote this, in

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1 the Sierra Club versus Bosworth, that "NEPA is a  
2 procedural statute designed to ensure that federal  
3 agencies taking major actions affecting the quality of  
4 the human environment will not act on incomplete  
5 information, only to regret its decision at a later  
6 date." We're trying to give you the information you  
7 need now to act properly so you won't regret it later.

8 The major concern has been how the Authority  
9 could be planning the largest transportation project in  
10 California's history with incomplete information.  
11 Refusing to speak to the agencies that are responsible  
12 for the geography and the communities that compose the  
13 backbone of this project. We don't need to look to  
14 other countries, we need to comply with the laws we  
15 have in place. We need to look to the planning  
16 documents that our own State requires. And it's not  
17 only your moral obligation to deal with landowners,  
18 it's your constitutional obligation.

19 Thank you, Mr. Chairman.

20 MR. RICHARD: Mr. Chairman, with your  
21 permission could I just comment --

22 THE CHAIRMAN: Yes.

23 MR. RICHARD: -- on what your counsel just  
24 said?

25 Just working on -- yes, when I said it was our

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1 legal and moral obligation, yes, of course under the  
2 Constitution and under the laws of the State of  
3 California I agree with her completely. And let me  
4 also assure counsel that I'm not going to have any  
5 tolerance for lawyers on our side spending a lot of  
6 time trying to figure out the shape of the table when  
7 we need to figure out what the -- what the issues are.

8 I will just share with you when I came here  
9 with my colleague we were very aware that the County  
10 feels that there is a particular legal requirement  
11 called "coordination" and points to particular statutes  
12 in the Federal Act to get to that point. Our lawyers,  
13 the lawyers with our federal counterparts, don't agree  
14 with that. What -- the only reason that I mentioned  
15 the MOU was to try to find a way that we could do  
16 exactly what counsel just suggested, which is to start  
17 working to resolve the questions without asking your  
18 body to give up any rights that you think you may have.

19 So I apologize if I was implying that I just  
20 wanted us to all go off and get into a big legal whoha  
21 for a bunch of months, because I don't. Our real  
22 effort here is to see if we can begin this  
23 communication working, or restart it working on these  
24 issues that counsel talked about. I was just trying to  
25 be respectful to not ask you in doing that to give up

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1 any rights that you thought you had. And so I  
2 certainly would direct anybody, and by the way,  
3 Mr. Richards here is the Vice Chairman of the Board, so  
4 you have both the Chairman and the Vice Chairman of the  
5 High Speed Rail Authority, and so we would simply tell  
6 our people, "Work out whatever needs to be worked out  
7 with the County so they don't feel that they're giving  
8 up any rights." That shouldn't take very long. In  
9 fact, we've already -- we were on the phone with our  
10 lawyers this morning saying that's exactly what we were  
11 going to say to this Board. They understood that, they  
12 have no problem with that. So we can get that to a  
13 place where that's okay, and quickly get staff people  
14 to staff people so that we can get into these issues  
15 that we're talking about. That was our intent, and if  
16 I misstated that in any way, I -- I regret it.

17 THE CHAIRMAN: Are you done, Colleen?

18 MS. CARLSEN: Just a brief response to that.

19 I think it would go a long way, and I think one of the  
20 reasons that we've insisted on this open forum is  
21 because promises have been made that we're aware of  
22 behind the scenes in these staff-to-staff meetings that  
23 never come through. And so one of the important  
24 elements of -- of making progress would be if we agreed  
25 to have staff-to-staff meetings, that they -- if they

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1 may not involve the public, but that they be reported  
2 so that we can have -- we can have some accountability.  
3 MR. RICHARD: Mr. Chairman, I think we can  
4 agree to that right now. And as we said, we also would  
5 certainly agree that those staff-to-staff interactions  
6 could be reported back in an open forum like this with  
7 us here as well as you so what counsel is trying to  
8 make certain of that things are not promised behind  
9 closed doors that are then backed away from. I think  
10 we can find a couple different ways to agree with that.  
11 Her suggestion of recordation of the meetings is  
12 acceptable to us, as is any number of other ways to  
13 guarantee that.

14 THE CHAIRMAN: Okay, thank you.

15 MR. SPIKES: Mr. Chair.

16 THE CHAIRMAN: Yes.

17 MR. SPIKES: Just to follow up on that, it's  
18 interesting, and one of the frustrations we've had is  
19 that those efforts to meet staff-to-staff and anything  
20 that took place prior to the insistence that we started  
21 having with respect to coordination actually was being  
22 counted as coordination, so it's a little troubling  
23 from the standpoint that we wanted to formalize this  
24 process, put it on the record, make sure everything is  
25 aboveboard and transparent, that the position is being

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1 taken that this is not subject to coordination, as  
2 we've described it, yet I think there was an intent  
3 prior to our establishment that this is the way you  
4 want to go, that these meetings that were being taken  
5 place by staff-to-staff were counting as coordination.

6 So it's almost as if the High Speed Rail  
7 Authority to me, and I see Mr. Abercrombie kind of  
8 frowning at that, but I've seen the list of -- maybe  
9 not, maybe that's my misinterpretation.

10 SUPERVISOR NEVES: He looks like that all the  
11 time. I was trying to help you out, Jeff.

12 MR. ABERCROMBIE: It's okay.

13 MR. SPIKES: There's been this -- this  
14 indication that you were coordinating and in our  
15 estimation that was not.

16 MR. RICHARD: Right.

17 MR. SPIKES: And now it's like, well, we don't  
18 really have to coordinate when we've called for you to  
19 do it this way. So that's a little frustrating I think  
20 for us.

21 MR. RICHARD: May I respond to that?

22 THE CHAIRMAN: Go ahead.

23 MR. RICHARD: Mr. Spikes, I understand that  
24 completely. And what I had in mind when I said that we  
25 wanted to be in a position where we could have an

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1 agreement with you where you did not waive any of your  
2 rights went exactly to that point that you just raised.  
3 That, in other words, regardless of what our lawyers  
4 say we must do or anything else, that we would not then  
5 be able to come back in and say, "Oh, well, that was  
6 it," because we would have already agreed, our counsel  
7 and your counsel, that, no, you're not waiving your  
8 rights. And if you believe that those meetings do not  
9 satisfy the coordination standards, then we would not  
10 be able to assert that they did. And that's really all  
11 I was trying to get to there.

12 Tom and I are worried about the clock running  
13 before we get to the Draft EIR, and we want to be able  
14 to engage fully with -- with you, with the members of  
15 the Board and with your County. We -- we don't want to  
16 let any of the -- the other -- at the legal level  
17 disagreements or lack of being on the same page stand  
18 in the way of that. And our way of thinking about that  
19 was to say, no harm, no foul, anything that we would do  
20 with you, we would not get to turn around and assert  
21 what you just said could be asserted.

22 And so I think we can work that out very, very  
23 quickly. I think the important thing is to get  
24 Mr. Gatzka and our people together under -- we're going  
25 to be watching this. I mean, this is -- this is not

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1 going to happen in a vacuum. Tom and I and other  
2 members of our Authority board, and frankly, this is  
3 somewhat new, have been much more active in these  
4 matters than perhaps has been the case in the past. So  
5 that's how it would proceed.

6 But I understand your frustration with that,  
7 Mr. Spikes, and I'm not trying to lead down that road  
8 again. In fact, I want to make sure that we are very  
9 clear that we're not asking you to do that.

10 MR. SPIKES: Okay, thank you.

11 THE CHAIRMAN: Thank you, Mr. Richard.

12 Mr. Richard, number -- we're getting close.  
13 Number seven, the initial release of the Fresno to  
14 Bakersfield EIR and EIS consisted of over 17,000 pages  
15 not including technical reports and other documents  
16 referred to in the report the last time. We were only  
17 allowed a 45-day period which was later extended to 60  
18 days. This was an insufficient time to fully review  
19 and determine whether the issues have been addressed  
20 and resolved as previously promised.

21 We request in advance that you allow at least  
22 120 days for the next EIR/EIS review and comment  
23 period. Would you be willing to commit to that  
24 request?

25 MR. RICHARD: Well, I was doing pretty well up

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1 till now. So let me just say that what we're trying to  
2 do is we're trying to see if we can standardize a  
3 period across all of our -- all of our projects. We'd  
4 like it to be -- I think we understand the 45 days is  
5 probably too narrow. We'd like it to be the 60-day  
6 period and that's what we'd like to start with.

7 So what I would say respectfully is I'm not in  
8 a position to commit to that today. What I would hope  
9 is that if we work through this in advance, we narrow  
10 the number of issues so that the 60 days is sufficient,  
11 and then my colleagues and I on the Board, that's a  
12 Board decision, we would -- we would look at that down  
13 the road. So that's the honest answer at this point.

14 I'm not in a position to commit to that today,  
15 but I would commit to you that we understand that this  
16 is a complex process, and that it should not be  
17 something that is taken lightly. So I think you will  
18 see us going out with a 60-day period to start,  
19 hopefully that will be sufficient given all this other  
20 work, and if it's not, Mr. Chairman, then I would kind  
21 of like to take it up at that point as opposed to  
22 promising in advance.

23 THE CHAIRMAN: Colleen, do you have anything  
24 on that?

25 MS. CARLSEN: I do.

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1 MR. RICHARD: I'm sure.  
2 MS. CARLSEN: And I'm not going to be able to  
3 remember this exactly, but I don't think the average  
4 person reading six hours a day every day of that 60-day  
5 period can get through 17,000 pages. It's not  
6 possible. And so when you take that into  
7 consideration, and the fact that this is highly  
8 technical information that has to be reviewed by  
9 specialized people who are not always immediately  
10 available, I think that's not only unreasonable, it's  
11 highly unreasonable. And I think that's something that  
12 you can easily commit to in light of just that little  
13 bit of information I just gave you.  
14 Again, we're talking about the largest  
15 transportation project in California's history and  
16 17,000 pages of technical documents, and I believe that  
17 120 days is not asking for much.  
18 Thank you, Mr. Chairman.  
19 MR. RICHARD: Mr. Chairman, I would just say I  
20 understand counsel's position on it. The problem I  
21 have is I can't read 17,000 pages in 60 days, I can't  
22 read 17,000 pages really in 120 days. 120 days at a  
23 hundred pages a day would be 12,000 pages, so, you  
24 know, sitting down reading 150 pages a day of highly  
25 technical stuff, I don't know that 120 days does it.

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1 We've had people in the past ask us for six  
2 months. I think the key is that, you know, as these  
3 documents come out, sections of them get broken up and  
4 sent to the experts, and so people are looking at that.  
5 I know the average citizen is going to have a hard  
6 time, it's just an unfortunate fact of life no matter  
7 how much time you give. Frankly, if we gave people a  
8 year, and just, you know, any -- any person in this  
9 room and told them you have a year to get through  
10 17,000 pages of stuff on, you know, deposition rates  
11 and all this other stuff, you know, I don't know that  
12 that would do any good for me.  
13 I think the key here is that we have people  
14 that you have on your staff, that your staff will  
15 probably need additional resources to deal with this as  
16 well because just the magnitude of this, but we can --  
17 we can work with people, we can give the extra stuff  
18 there. And counsel is right, this is big, it's  
19 complicated. What I would like to do, though, is see  
20 if we can find a way -- I don't -- I don't think the  
21 time itself is the answer, because this thing is  
22 complex. I think it's a question of how we break it  
23 down, how we break it into pieces, who has to look at  
24 those pieces. Your -- your public safety people don't  
25 need to read the sections of the document about, you

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1 know, certain other technical aspects of stuff, or  
2 whatever, and so forth. So that's how I see the  
3 document.  
4 But I know counsel and -- and the Board may  
5 disagree with me, but I think if we start with the 60  
6 days, we work together, if it's clearly not enough, my  
7 colleague and I will take it back to our colleagues and  
8 we will -- we will look at that.  
9 SUPERVISOR VERBOON: If I could make a  
10 comment. You know, we're not the ones that want the  
11 train, you do. So it would be your legal and moral  
12 right -- it would be your legal and moral right to  
13 allow us this time to do that. Everybody in our County  
14 has a job already, and you're creating more work for  
15 them and making them jump through your hoops. You're  
16 in Kings County, you need to jump through our hoops.  
17 And if you want us to work for you, you need to provide  
18 us for the time we ask for.  
19 MR. RICHARD: Supervisor, I understand, and  
20 let me just say, I think for today I've done the best I  
21 can. We will have to just give this some more thought.  
22 SUPERVISOR VERBOON: Well, a couple of  
23 comments you made here. Legal and moral. You made  
24 that comment. That did not exist last May and June  
25 when you guys pushed us to the side and never answered

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1 none of our questions. You also made a comment, legal  
2 right that you think you may have. Now what kind of a  
3 comment is that? I mean either we have rights or we  
4 don't.  
5 We read the -- we read the -- the one -- the  
6 Prop 1A on rail and that's how we interpret it. We  
7 have questions and concerns here in Kings County and  
8 you need to answer them. You have 60 questions that  
9 you need to answer, and you have about 11 months you  
10 need to make up for right now. And we're only asking  
11 for one thing is a few more days to -- on the review of  
12 the EIR/EIS report, and I don't think 45 days is  
13 enough, I think we need more. Or answer the questions  
14 in public like you are here today. You know, you need  
15 to work with us. And like I said, you -- you want the  
16 train, we don't. So, you know, you got to sell it to  
17 us. You got to work with us, not us working with you.  
18 And then also we represent the people that  
19 want the train, also people that don't want the train.  
20 And you put us in a bad position, not you personally,  
21 but the High Speed Rail Authority put us in a bad  
22 position a year ago when you stopped talking to us.  
23 That was wrong on all means. So, you know, the ball's  
24 in your court.  
25 We asked the Governor to step in. He said he

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1 appointed you, but he has not talked to us. You --  
2 you're the vice chair and the chair right here, you can  
3 make the decisions today right now. So you need to  
4 make these decisions as you see fit, and take it back  
5 to your Board, just like we have to make decisions and  
6 take it to our Board. And we need -- you know, if you  
7 want -- if you want this train in our County, you need  
8 to work with us, not us working with you. We already  
9 have a job.

10 MR. RICHARD: Fair enough, Supervisor. If I  
11 might, let me just say a couple things. First of all,  
12 when I said whatever rights you think you may have, I  
13 wasn't trying to be insulting. It's just, you know, we  
14 have lawsuits in this country because one person thinks  
15 they have one right and another person thinks they have  
16 another. And all I'm trying to do is just kind of keep  
17 that off to the side and recognize that your lawyers  
18 think one thing, ours think another, and that ought to  
19 just be off to the side while we figure out how to work  
20 on these issues.

21 Second, I did make a decision sitting here,  
22 which was that the legal requirement is only 45 days,  
23 and I said it will be 60 days at least, and then we'll  
24 go back and look at -- and look at the other.

25 Supervisor, you may disagree with me on that,

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1 I understand, but I'm not trying to hide behind, you  
2 know, our Board. Beyond that, we would need to take it  
3 back and discuss it with folks.

4 And Supervisor Verboon, I wish I could turn  
5 the clock back to May. You know, the Governor said  
6 something to me the other day, and I said, "Well, you  
7 know, it would have been nice if you put me on this  
8 Board a year ago, maybe we could have avoided some of  
9 this stuff." Tom Richards came on the Board a little  
10 bit before I did. The first day I was appointed he  
11 called me up, he was expressing his concerns about the  
12 way things had happened. And I can tell you that I  
13 wish it hadn't happened that way.

14 You're absolutely right, people in this  
15 community are right to be angry about that. And I will  
16 say it again, that is no way that this community should  
17 have been treated, that's no way this Board should have  
18 been treated, it's no way your staff should have been  
19 treated.

20 What I'd like to do is starting today is to do  
21 what you said, sir, which is to come here,  
22 understanding that we're the ones who want to build the  
23 train, and to try to see if we can do that in a way  
24 that not only limits the damage that would be done or  
25 the impacts on your community, but if we can find some

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1 ways to do some things that would have some value. You  
2 know, there are intersections that have to be rebuilt  
3 as we come through there, there are things that have to  
4 be done. There are opportunities to provide facilities  
5 and infrastructure that could be important to the  
6 County. That doesn't mean you trade somebody's farm  
7 for it, I'm not suggesting that. I'm just saying that  
8 we have a responsibility to mitigate the impacts on  
9 farms and businesses, but also at the same time be  
10 working with your County as we come through, touch your  
11 roads, if somebody's got an intersection that they've  
12 got an interchange needs to be done, this is where we  
13 have been -- I think have an opportunity to try to find  
14 some ways that there are things that we can do for  
15 Kings County and not just do things to Kings County.  
16 And that's where I'd like to go from here.

17 SUPERVISOR VERBOON: Okay, and no disrespect  
18 towards you.

19 MR. RICHARD: None taken.

20 SUPERVISOR VERBOON: I mean, we really  
21 appreciate the Vice Chair and the Chairman coming here  
22 to Kings County and try to work with us, but we have a  
23 lot of issues and we don't want this train run through  
24 our County, we want input with it and we want to work  
25 together, and, you know, the ball's in your court, you

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1 need to make it work.

2 MR. RICHARD: Yes.

3 MS. CARLSEN: Mr. Chairman. I'm sorry. The  
4 Court Reporter has been typing away for an hour and a  
5 half now and she may need a break. I know we only have  
6 one more question, and it does relate to whether you're  
7 willing to come back and meet. You've already  
8 indicated that you would be, we need to talk about  
9 those details, but I really think we need to give the  
10 Court Reporter a break.

11 THE CHAIRMAN: I was going to take the last  
12 question and then go, but if you want to take a break  
13 now we can.

14 MS. CARLSEN: Leave it up to her.

15 THE COURT REPORTER: Do the question and then  
16 we'll take a break.

17 SUPERVISOR VALLE: Just before we segue over  
18 to the next topic, just going off Supervisor Verboon's  
19 comments and what I tried to get to earlier when I  
20 asked you if, in fact, the project is coming through  
21 the County, Kings County, because that's what the folks  
22 in the room want to know, and I know after the break it  
23 looks like we're going to get into public comment, and  
24 you may see and hear more of how Supervisor Verboon  
25 just commented and -- and discussed with you.

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1           But, Mr. Richard, you know, on the day you  
2 were appointed and many of us were there and you did  
3 come to the audience and you came to me and you said,  
4 "Supervisor, I'm coming to Kings County," and you said  
5 a lot of what you've said publicly, that historically  
6 you realized from day one we haven't been treated fair  
7 and that to give you that opportunity. So there is --  
8 you have to give credit where credit is due, and you  
9 kept true to your word and you are here today, and --  
10 and I appreciate that.

11           But you do need to realize, Mr. Chair, that  
12 the people here they -- they're in the fight of their  
13 lives. They're -- they're fighting to protect their  
14 farms, their churches, their houses. And when you talk  
15 about we could mitigate, we could replace, well, you  
16 can't replace what is irreplaceable. And it's not only  
17 the people in the room here today, but it's also a lot  
18 of our -- a lot of our community, a lot of our  
19 community who has come together along the alignment to  
20 come and to show their opposition, to show their  
21 opposition with a simple photo.

22           And you've seen this, because I've been at  
23 your podium with these photos of Corcoran and Hanford,  
24 but these are the folks who -- who today are at work,  
25 can't be here in the meeting, but they're here in

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1           spirit with us today. And as we represent them, it is  
2 fair to ask the hard questions that Supervisor Verboon  
3 just asked, and it is fair for you to hear what you're  
4 probably going to hear during public comment.

5           MR. RICHARD: Thank you, Supervisor. And,  
6 first of all, thank you for your kind words, but also  
7 thank you because I understand what you're saying  
8 expresses what's in the heart of many people here in  
9 this community. We're hoping to -- to start down a  
10 different path here.

11           Mr. Chairman and members, I do want to say in  
12 response to counsel's question, yes, what I'd like to  
13 do is when it's appropriate, perhaps after the meeting  
14 working with your CAO or counsel, let's pick a couple  
15 of dates between now and the time that that document  
16 does get released. We would have staff-to-staff work  
17 in between. I certainly would commit to be back here  
18 to hear in public any concerns, any commitments that  
19 were made that need to be reaffirmed, things like that.

20           So, yes, let's pick a couple dates between now  
21 and that period of time when, if it's the will of this  
22 Board, we'll be here for a session like this.

23           THE CHAIRMAN: Last question, you almost  
24 answered it. If you commit to it, we're on a break.

25           Mr. Richard, to continue our coordination

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1 efforts we would like to propose setting future  
2 coordination meetings. We propose scheduling meetings  
3 for the second Tuesday of each month beginning May 8th,  
4 2012, at 1:30. We were told the Revised EIR and EIS  
5 would be released in June of 2012. It is very  
6 important that we meet as often as necessary to resolve  
7 these conflicts, and would you be willing to commit to  
8 this schedule?

9 MR. RICHARD: Mr. Chairman, I think so. I  
10 don't have my schedule in front of me, and my executive  
11 assistant is on vacation this week, but the only thing  
12 I would need to check, it's a Tuesday, so it should not  
13 conflict with our Board meetings. I believe I'm going  
14 to be able to accommodate that. What I will be able to  
15 do is to nail that down, if not today, within 24 hours.  
16 But for right now why don't we plan on May 8th being  
17 the next time we get together, and then I can work  
18 with -- I can work with the County Administrator on  
19 that.

20 THE CHAIRMAN: Okay. Email Colleen.  
21 Colleen, do you have a question?

22 MS. CARLSEN: No. I was going to suggest that  
23 that would be good, we will work with him to get some  
24 dates. And that we go off the record now. And that I  
25 remind everybody that wants to speak to get a speaker

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1 card to be prepared for public comment.

2 MR. SPIKES: And also, Mr. Chair, if I can, I  
3 have a couple other questions, but in deference to the  
4 Court Reporter we can do that before we start the  
5 public comment period, if that's okay.

6 MR. RICHARD: That's fine with us.

7 THE CHAIRMAN: Okay, we'll take a five-minute  
8 break, and -- or ten-minute break. Let's do ten  
9 minutes.

10 (Recess taken.)

11 THE CHAIRMAN: Let's get started, please. I'm  
12 going to go into the public comment period now, but,  
13 Mr. Richard, first of all, I'd like to thank you for  
14 coming and I'd like to ask you if you and your staff  
15 would like to turn around and move your chairs here or  
16 sit somewhere --

17 MR. SPIKES: Well, Mr. Chair, if I may, I have  
18 a couple questions before we do that, and what  
19 Supervisor Chairman Fagundes is requesting is that when  
20 folks start coming up to make public comments, I don't  
21 think we want to have you sitting with your backs, I  
22 don't think you want to sit that same way. So maybe we  
23 were thinking you could move your chairs around this  
24 way, or you can sit elsewhere, because really the  
25 comments need to be directed to the Board of

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1 Supervisors, and you can take note, and if it's  
2 possible you can respond, fine; if not, please note  
3 those questions.

4 But before we get into that if I may,  
5 Mr. Chair?

6 THE CHAIRMAN: Yes, go ahead.

7 MR. SPIKES: Some of the questions that I had  
8 that came to my mind as we were sitting here -- as we  
9 sat here and listened to some of the comments you made,  
10 and one of the things that I find frustrating from our  
11 standpoint is you've indicated that the -- the route is  
12 going to go through Kings County. And I was, I think,  
13 happy to hear earlier today in your comments on the  
14 radio that, for instance, the Altamont Pass is still an  
15 option compared to the Pacheco Pass. And I believe it  
16 had been suggested earlier at some point in time that  
17 you felt like 99 was still open for discussion. So I  
18 guess my thought would be if, in fact, Altamont is  
19 still available, why not 99?

20 MR. RICHARD: You're correct, I did say both  
21 of those things, and, in fact, the person who reported  
22 my comments about the 99 is sitting here. I just had a  
23 conversation with -- with your reporter from the  
24 Hanford Sentinel.

25 I guess there's two ways to answer this

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1 question. The first -- well, let's forget about the  
2 legal CEQA other things for the moment, because those  
3 issues were looked at. I mean, in that context the  
4 9 -- well, the 99 was looked at. I know that the --  
5 the federal side -- as your counsel pointed out, this  
6 is not just California law, but also federal law. On  
7 the federal side those agencies, the Corps of Engineers  
8 and the Environmental Protection Agency, had some real  
9 issues with that.

10 But beyond that, and this is an area that it  
11 perplexes me that we have just not dealt with this very  
12 well, because I get these questions all the time, and  
13 somehow the High Speed Rail Authority has never had the  
14 courtesy to say to citizens, you know, "We looked at  
15 this and we decided this doesn't make sense," or "We  
16 looked at this and it's outside the environmental  
17 process because the environmental agency said it would  
18 be," or, you know, to explain. Because any normal  
19 citizen, including myself as a brand new member of the  
20 Authority Board, I mean Jeff will remember in our very  
21 first meeting I asked him, "Well, what about the I-5?"  
22 So I have people coming up all the time saying, "What  
23 about the I-5? What about the 99? Why is the High  
24 Speed Rail project not going there?"

25 And I think at this late date for us to have

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1 never really stood up and shared the thinking with  
2 people is -- is -- is extremely unfortunate.

3 But when I was being interviewed by staff at  
4 the Hanford Sentinel, he said, "Are you open to  
5 relooking at the 99?" And I said, "Hey, I'm new, I'm  
6 open to relooking at anything," which, of course, when  
7 I walked out counsel will imagine the reaction that I  
8 got from the lawyers and the staff on that, but I was.

9 And I asked the staff to pull together for me  
10 all the materials that they could about why that  
11 alignment had been looked at and why that alignment was  
12 not favored. And what they came back with, and I  
13 actually had a piece that I was going to submit, and I  
14 thought about submitting it before this hearing, but  
15 decided for other reasons that it might just complicate  
16 things, but I'll tell you now, what I found, which was  
17 that it gets -- it gets very difficult -- people drive  
18 the 99 and they think, well, that's a straight road.  
19 But, in fact, when you're trying to put a train through  
20 that is going at the speeds that these would go and  
21 they need big curves, it's not straight enough. And so  
22 you're constantly, as you try to hug that alignment,  
23 which every person in this room knows what I'm about to  
24 say, which is the law requires us as much as possible  
25 to follow an existing transportation or utility

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1 corridor.

2 As you try to do that on the 99, it gets very  
3 difficult because interchange after interchange after  
4 interchange gets broken through and has to be rebuilt,  
5 or, which gets to be impractical in some cases, and it  
6 forces you out into actually dramatically more ag land  
7 take than -- than not.

8 So the best routes seem to be the ones that  
9 come down along the railroad alignments. And our  
10 problem here in Kings County, and I say this still  
11 learning much about this, but right now my impression  
12 is that Kings County is one of the more challenging  
13 places we're going to have on the whole alignment  
14 because this is where the rail line of BNSF makes a  
15 turn that we can't follow. And that -- that tends to  
16 sweep us out into more ag land. Not because we're  
17 saying, "Oh, yeah, we just want to go out to the ag  
18 land, gee, there's nobody there, won't that be easy."  
19 Hardly.

20 But the two choices are if we -- if we can't  
21 do the 99, which the federal agencies were adamantly  
22 opposed to, which seems to have, at least as I'm  
23 understanding it, and people may correct me, these very  
24 difficult problems that could lead to greater  
25 agricultural loss, then our two choices were to come

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1 through Hanford, which was discussed and looked at, and  
2 my understanding is the City of Hanford staff spent  
3 quite a bit of time trying to see if there was some  
4 way, even with an elevated structure, to make that  
5 work, and it just looked like it couldn't. So it puts  
6 us back on as much of the alignment as possible.

7           Jeff will correct me if I'm wrong, but I think  
8 that here in the County there's something like 114  
9 miles of, or what, 20 --

10           MR. ABERCROMBIE: Not miles in the county,  
11 that's the Fresno to Bakersfield.

12           MR. RICHARD: Fresno to Bakersfield. Well,  
13 let me not make a statement. I was trying to say how  
14 much we were off the rail line that we can get back to.  
15 It's not that we're not open to it, I went back and  
16 really tried to look, but that's my best explanation,  
17 which may be inadequate, and my colleagues may have a  
18 better understanding of -- I mean, I did try to go back  
19 and give that a fair look.

20           MR. SPIKES: Well, I think, and you may hear  
21 this in public comments, that there are people that  
22 recognize, and I think everybody recognizes that  
23 geometry associated with high speed is such that those  
24 curves cannot follow, for instance, BNSF, and even 99  
25 and I think there's a recognition of that. But I think

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1 you would probably hear from some people who will  
2 suggest that they have property along BNSF that they  
3 will be happy to work with you on as opposed to  
4 something that just takes out property away from that  
5 existing right of way, that transportation corridor.  
6 So I think there is some willingness to work in that  
7 regard.

8           MR. RICHARD: Good.

9           MR. SPIKES: But also it -- it seems a little  
10 frustrating along those lines that now that you've  
11 released your revised business plan, there's a  
12 suggestion that you will utilize existing  
13 transportation corridors on the north and south end  
14 with respect to the L.A. area and San Francisco area,  
15 which it seems to be as a result of the cryout -- the  
16 outcry of the citizens of those areas, and it just  
17 seems frustrating that we don't seem to be getting the  
18 same recognition here about using transportation  
19 corridors. And maybe it's not possible here, but I  
20 think that that's a frustrating thing for those of us  
21 that feel like -- because there is a sense that, well,  
22 just take it out over a bunch of agricultural land, oh,  
23 well, not so many people are affected by that, and I  
24 think that's a bit frustrating.

25           MR. RICHARD: I know that -- I know that there

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1 is that sense, Mr. Spikes, and let me just say that  
2 the -- you're right, we are talking about using not  
3 only existing transportation corridors, but existing  
4 tracks between San Jose and San Francisco. The thing  
5 that makes it possible to do that is that -- well, when  
6 we originally proposed -- I should say "they," I wasn't  
7 on the Board then, Tom wasn't on the Board then, but  
8 when it was originally proposed that High Speed Rail  
9 have its own set of tracks between San Jose and San  
10 Francisco, they were going to go right next to the  
11 tracks that were there and they were able to do that.  
12 That alignment was straight enough to do that. So  
13 there is really a question of do you build right next  
14 to or do you just use the facility that's there because  
15 of the speeds that we would be going in that particular  
16 part of it.

17 But we -- we are absolutely wanting to follow  
18 the existing transportation corridor as much as  
19 possible. I can't tell you the number of times that  
20 we've sat there with a map and say, "Well, what about  
21 this or what about that?" I mean, Visalia wanted a  
22 station. They wanted to have High Speed Rail come  
23 through Tulare County.

24 MR. SPIKES: And we supported that, by the  
25 way.

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1 MR. RICHARD: I'm sure. I understand. But  
2 trying to figure out how to get out there and over in  
3 that direction. Of course, if the community wanted to  
4 have us come there, you know, heck, Palmdale sued us  
5 when we said we weren't going to go through Palmdale,  
6 so it's nice to be loved, I suppose. But the -- but  
7 the fact was we couldn't get there without a huge sweep  
8 that again took out more ag land.

9 Now, if you're the particular farmer or  
10 dairyman in Kings County, that doesn't sound so hot to  
11 you, but looking at the entire map, it just took much  
12 more ag land to try to get over there to then go back  
13 down that alignment. These are some of the difficult  
14 choices that we've had. I don't expect anybody to shed  
15 tears over us, but we've -- I can tell you in working  
16 with the staff we truly have tried to bring this train  
17 down existing alignments as much as possible. And it's  
18 just what we try to do on this stretch of the alignment  
19 needs to come off of some other part of the alignment,  
20 and so every time you change something, the geometry  
21 changes up and down the line. And that's the thing  
22 that's been so difficult to try and make work.

23 So we're left with the things that we think  
24 optimize across the system. We are in no way saying,  
25 "Oh, well, Kings County matters less than Fresno County

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1 or Kern County." It's just as we look at the geometry  
2 of the whole alignment, we're trying to minimize the  
3 entire impact on ag land on communities and stay  
4 faithful to the requirement that we follow these  
5 existing transportation corridors.  
6 I wish that we had done a better job of -- you  
7 want to talk about having an open public discussion,  
8 that would have been a really great one, because then  
9 people could see the kind of choices that we've been  
10 forced to make and how we've tried to deal with them.  
11 And -- and maybe at some point that would be a good  
12 thing to do is to just have kind of a workshop and kind  
13 of, you know, have people come in and have at it and  
14 let people say, "Well, this is why we looked at it this  
15 way and this is why we looked at it that way." But we  
16 are where we are now, and -- and I understand your  
17 question, but I wanted to assure you that it's not  
18 because we intend to treat this County with any less  
19 respect than anybody else.

20 MR. SPIKES: No, and again, I have just one  
21 more thing, Mr. Chair. I do want to say that I  
22 appreciate the fact that finally we broke through that  
23 logjam and you and Mr. Richards and Mr. Abercrombie and  
24 the rest of your staff are here. And I think that from  
25 County Counsel and myself and staff, on behalf of the

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1 Board, I think that the idea of working together and  
2 maybe doing something at least on the record that could  
3 then result in coming back in this kind of setting and  
4 whoever else you want to bring, I think would be --  
5 we'd be open to that.  
6 And one last thing with respect to where  
7 you're at with your business plan. I mean, you  
8 probably know the history here with respect to the  
9 Kings County Board of Supervisors a little more than a  
10 year ago adopting a resolution that supported High  
11 Speed Rail but only down existing transportation  
12 corridors. And then the subsequent way things fell  
13 apart we were getting frustrated, the Board was getting  
14 extremely frustrated with respect to not getting any  
15 answers to our questions, ultimately they chose to take  
16 a position being opposed to High Speed Rail as  
17 presently being discussed. And I think since that  
18 time, and a lot of what we did had to do with the  
19 Environmental Impact Report, Environmental Impact  
20 Statement, the fact we couldn't get any answers with  
21 respect to our General Plan.

22 And so in the meantime, you've had your own  
23 issues come up on a business plan, because that last  
24 revised -- the draft business plan, rather, had all  
25 sorts of attacks on it that weren't even generated in

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1 Kings County. Your peer review, the LAO and the, what,  
2 State Auditor and everybody was jumping on that. And I  
3 must say that I think that the High Speed Rail  
4 Authority, their position was -- they were pretty giddy  
5 about the fact that, hey, we're not hiding the ball  
6 anymore. It's really going to cost us 98 billion  
7 dollars. And it was, like, are you serious? Because  
8 now everybody is really wondering what the heck the  
9 voters were sold on Prop 1A. And now I think there's a  
10 recognition, well, that's not going to work so we  
11 better back it off. And I recognize your position is  
12 that you're saving a lot of money on each end of this.

13 But, you know, we haven't really gotten into  
14 the business plan, but I think there's -- once we've  
15 had time to look at that, I'm sure that we'll want to.  
16 And I'm sure the peer review and others will, too. And  
17 I think there's a lot of questions about the revenue  
18 that's going to be generated somehow on carbon credits  
19 taken out in trade, I think there's a lot of question  
20 about where the money is going to come from. But I  
21 won't belabor that point.

22 I just have one question right now with  
23 respect to now that the revised business plan has been  
24 released, one of the questions has been asked of me  
25 is -- is are there any reductions in emissions as a

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1 result of your new business plan with respect to what  
2 you understood it before to be? And I guess that's  
3 related primarily to the fact that you're looking at a  
4 different model with respect to the shared tracks, et  
5 cetera, so have you guys identified any of those  
6 reduced emissions?

7 MR. RICHARD: I'm sure our staff has,  
8 Mr. Spikes. I -- I don't have that information here.  
9 I have a number in my head that's the total emissions  
10 reductions, but I think your question was relative to  
11 the earlier plan and now the use of the -- of the  
12 shared tracks. So if I may, I'd like to just get that  
13 information back to you.

14 MR. SPIKES: That's fine. And then, I'm  
15 sorry, one last thing. I'm sorry.

16 I just want to point out when we started this  
17 process there was not just Kings County Board of  
18 Supervisors and staff, but it also included Kings  
19 County Water District and Kit Carson School District,  
20 both of which responded to our request to come and  
21 participate in the coordination process.

22 Kings County Water District could not be here,  
23 but Leonard Dias is sitting over there. He's one of  
24 the Board members of Kit Carson School District and we  
25 invited him to be here. And so I don't know if Leonard

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1 had anything else to add and wanted to get on the  
2 record, but I did want to -- I cleared it with the  
3 Chairman to go ahead and afford him that opportunity  
4 once -- once we got to this point in the process, so I  
5 offer him that opportunity right now.

6 MR. DIAS: Well, thank you, Mr. Spikes. I'd  
7 like on behalf of the Kit Carson School to thank the  
8 Kings County Board of Supervisors, though, for allowing  
9 us to become a part of the coordination process with  
10 the High Speed Rail.

11 Kit Carson, the east side alignment runs right  
12 through our District, actually kind of cuts our  
13 District off from the western portion. We're a very  
14 rural ag -- ag school. We've been there for now 60  
15 years educating the kids in the rural area. We have --  
16 over the last 11 years I've been on the Board we have  
17 had multiple challenges in budget. You know, 17  
18 billion dollars cut to education. So I congratulate  
19 the Authority for being able to get money from the  
20 State when education can't.

21 But we also set aside quite a few issues last  
22 year that have yet to be answered also. We have had a  
23 meeting with the Authority a year ago, that's why we  
24 decided to go in coordination here, because we felt  
25 like we were not being listened to. We were just

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1 another mark to be checked off. You know, how the  
2 Authority compensates the District for enrollment  
3 decline due to the elimination of the Ponderosa area.  
4 If you do go to the east side alignment, that's one of  
5 the neighborhoods that affects our District. And I  
6 understand that there's only going to be certain houses  
7 taken out, but by going right through the middle of  
8 that neighborhood you've basically decimated everybody  
9 there. Like I said, we're a small district, 420  
10 children. You eliminate eight to ten kids out of a  
11 neighborhood, that's just the houses you're taking out,  
12 that's a big hit in our budget. How do you plan on  
13 compensating Kit Carson School?

14 We have yet to really find out what roads are  
15 going to be closed. East Lacey Boulevard was continued  
16 and attached to Kit Carson from 43 to 7th Avenue  
17 because of the Highway 198 project. Now we're not  
18 certain is that road going to be closed, is it going to  
19 be open, how is it going to work? Our bus routes now  
20 have to be changed. Cuts in transportation are coming  
21 up. They've already tried this year, they did give us  
22 some, we're still hitting into our general fund to help  
23 pay for our transportation. As a rural district that's  
24 how our kids get there. We don't have kids walking to  
25 school. It would be too dangerous for any of our kids

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1 to do that. So now we have extra costs in fuel, time  
2 of our staff. So there's a lot of questions we have on  
3 that aspect.

4 The potential noise level, this is less than a  
5 half mile from our school district. Twelve trains in  
6 an hour. A train every six minutes, that's a big  
7 disruption going through our -- through our little  
8 District, and that will be heard in our school. That's  
9 a big disruption.

10 How much dust is going to be affected? That's  
11 a lot of dust being thrown up. We're constantly being  
12 told we have to be very careful in how we do everything  
13 at the school. So now we have to worry about the dust  
14 that's coming up here, because that's a very rural  
15 area, you're going right through the middle of the  
16 field.

17 The route -- is the route from Grangeville  
18 going to be elevated -- is the route from Grangeville  
19 going to be elevated above the grade levels that  
20 farmers can still farm the land? Again, the last EIR  
21 really doesn't give us that information.

22 And then we had a project that we had to do  
23 just trying to connect water, safe drinking water to  
24 our school, and we had to jump through a bunch of hoops  
25 in the environmental process. So I understand the

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1 environmental process. We had to worry about kit foxes  
2 and owls and everything else like that. And then  
3 whatever we did, we had to put back exactly the way we  
4 found it. Here comes a train that basically is going  
5 to decimate that area anyway, so I guess you guys live  
6 by a different standard than we do.

7 MR. RICHARD: No, sir.

8 MR. DIAS: I know one thing that's very  
9 concerned, the community -- Kit Carson School has  
10 always opened up its school, its multipurpose room for  
11 community meetings, we're a community hub. At several  
12 of the meetings we've had there were comment cards were  
13 given out to the public and we were told, people there  
14 at Kit Carson were told that we would -- "write your  
15 comments down, we'll get back with you with your  
16 answers." I don't think there's a person that's been  
17 to those meetings have heard one thing yet in  
18 comment to those comment cards? I'd like to know  
19 whatever happened to those comment cards. No one's  
20 ever answered anybody's questions. That's where this  
21 has gotten to this point here.

22 So, again, I would like to say thank you to  
23 the Kings County Board of Supervisors for being our  
24 voice for Kit Carson School and for the rest of the  
25 County.

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1 THE CHAIRMAN: Would you like to comment?  
2 MR. RICHARD: I'm not sure what I could say  
3 that would make up for some of the deficiencies that  
4 Mr. Dias mentioned. Let me just say that when we say  
5 that we want to work with Kings County, we understand  
6 that this Board of Supervisors represents the County,  
7 but that you have other districts within the County  
8 that you work with, and so we will work with them as  
9 well. I can pledge that to Mr. Dias today, and when we  
10 come back here he will be able to comment on how well  
11 we're doing then.  
12 THE CHAIRMAN: Okay, thank you. Tony, do you  
13 have anything?  
14 SUPERVISOR VALLE: No, sir.  
15 THE CHAIRMAN: Thank you, Leonard, appreciate  
16 it.  
17 MR. RICHARD: I think Mr. --  
18 THE CHAIRMAN: Larry -- go ahead. Okay,  
19 now --  
20 MR. SPIKES: I think Mr. Richard had  
21 something.  
22 THE CHAIRMAN: Okay.  
23 MR. RICHARD: Mr. Chairman, I only wanted to  
24 ask just in terms of how you want to do this. I think  
25 your citizens have a right to address your Board. If

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1 we can find some chairs, we can just even sit over on  
2 the side. We can observe. However you want us to do  
3 it.  
4 MR. SPIKES: I think there's three chairs  
5 right over there in the first row.  
6 MR. RICHARD: That's fine.  
7 MR. SPIKES: And because I think you're right,  
8 I think, like I said earlier, we didn't want you guys  
9 to have -- you gentlemen to have your backs to the  
10 public, and the comments need to be directed to the  
11 Board of Supervisors anyway. But I think you will be  
12 afforded, where appropriate, the opportunity to respond  
13 if you can.  
14 MR. RICHARD: And we'll follow your lead,  
15 Mr. Chairman. Where you want us to respond, we'll  
16 certainly do our best. But I know this is the public's  
17 time to speak and so I don't want to make it look like  
18 we're trying to -- to diminish that with responding,  
19 but we'll respect however you want to do that.  
20 THE CHAIRMAN: Okay. And, again, thank you,  
21 Mr. Richard, and also your staff for attending today.  
22 Okay, now we'll open the public comment  
23 period. Before we open the comment period I would like  
24 to remind everyone to address their comments to the  
25 Board of Supervisors. As a reminder we will limit the

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1 total comment period to one hour.  
2 We'll take comments from any elected official  
3 in the audience first if they'd like, if not, that's  
4 fine.  
5 SUPERVISOR VALLE: Supervisor Case.  
6 THE CHAIRMAN: She said she didn't. Okay.  
7 Okay, we've got No. 1?  
8 MR. HOGGARD: I've got No. 1.  
9 THE CHAIRMAN: Okay, thank you. State your  
10 name please clearly.  
11 MR. HOGGARD: My name is Ron Hoggard. I am  
12 the current interim City Manager in Hanford, past City  
13 Manager in Corcoran, and a 60-year resident of Kings  
14 County. I'm grateful for this opportunity to address  
15 the Board, and I know there are a lot of folks here  
16 that will talk about the devastation to their -- their  
17 homes, their farms, their dairies and how long they  
18 have lived on property in Kings County that's being  
19 affected so I won't talk about that.  
20 I just wanted to talk about the cost for a  
21 second, for a moment. And I'm hardened to hear that  
22 the cost has been reduced by 30 million dollars, that's  
23 a lot of money. We know that even one billion dollars  
24 would raise the damn at Shasta by 18 feet and bring  
25 surface water needed here in the valley. But even

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1 lowering the cost by 30 billion dollars, it's still  
2 twice the cost that the voters voted to support when  
3 they passed the proposition for a High Speed Rail. And  
4 so I don't see how in all good conscience we can go  
5 forward with that without having the voters having the  
6 opportunity to address that again.  
7 But in that same vain having to do with cost,  
8 there's some other things that we need to look at.  
9 We're told that the High Speed Rail will be looking at  
10 other funding opportunities, including the Federal  
11 Government. Well, we need to look at the intended and  
12 maybe unintended consequences of that. Will we in  
13 Kings County and other parts of the State then not be  
14 able to get money that's needed for roads, bridges and  
15 other infrastructure, surface water, storage facilities  
16 that are needed because the Federal Government -- if,  
17 in fact, the High Speed Rail is successful in getting  
18 this money, our Federal Government will say, "Well, you  
19 know, we've given a lot of money to California, you  
20 need to be grateful for what -- what you're getting."  
21 But if it takes up all of the money available to us,  
22 then other needed things won't be done. And so I think  
23 that needs to be taken in consideration. Thank you.  
24 THE CHAIRMAN: Thank you, Mr. Hoggard.  
25 Okay, next, No. 2.

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1 MR. MERIDIAN: Thank you, Board of  
2 Supervisors, for having the concern of letting us  
3 citizens come to speak to you also. The Authority  
4 has --  
5 THE CHAIRMAN: Your name.  
6 MR. MERIDIAN: My name is Paul Meridian, I'm a  
7 landowner of one of the parcels being covered by the  
8 overpass. The Authority has not addressed the cost or  
9 the quantity of fill dirt necessary for all High Speed  
10 Rail construction and associated infrastructure  
11 improvements, like overpasses and any elevated portions  
12 of the rail. What is the cost and will they reimburse  
13 these costs of all the additional lost production of  
14 the surrounding farmland that will be needed to supply  
15 this dirt?  
16 And another issue, the High Speed Rail will  
17 consume the equivalent of 430,000 households of  
18 electricity usage. This is roughly the size of three  
19 entire cities the size of Fresno being added to the  
20 service demand for our electricity. Where will all  
21 this electricity come from, and who is going to pay for  
22 all the extra capacity generation which could reach  
23 billions of dollars in utility company construction and  
24 investments?  
25 Thank you again for your consideration.

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1 THE CHAIRMAN: Thank you, Paul.  
2 Okay, next.  
3 MS. STOUT: Good afternoon. My name is Karen  
4 Stout and I'm from Stout Farms. And I, first of all,  
5 want to thank the Board of Supervisors for  
6 acknowledging the farmers and the dairymen's concerns,  
7 and I also want to thank the Authority for coming to  
8 Hanford.  
9 My family has a 80-acre walnut farm just south  
10 of the Kings River in Kings County. And I'm concerned  
11 that the Authority has not performed an inventory of  
12 groundwater wells that will be destroyed by the  
13 alignment or by over or underpasses. Just the ones  
14 that need to be replaced, the Kings County Farm Bureau  
15 has estimated that that will be 13.75 million dollars  
16 just to replace those that have been destroyed.  
17 I'm going to switch to my concern on my  
18 property is hopefully the one on my 40 will be very  
19 close to the track, but I'm also not told if that will  
20 remain, because they don't tell us how close a  
21 groundwater irrigation well can be to your track. But  
22 assuming that that one will stay on my 40, the majority  
23 of my 40 will not have any water to it because it is on  
24 the smaller side.  
25 My concern is I will need two additional wells

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1 to irrigate my existing trees that I have now. And I  
2 know that each one of these wells is going to be 12 to  
3 \$15,000, and that's a major impact for you. And each  
4 of -- on my 40 I'll need more than a quarter of a mile  
5 of pipeline to run along your track and at a 45 degree  
6 angle to my property, and you will be dissecting my 40  
7 and my two 20s at that 45 degree angle and it's just  
8 chopping me right in half.

9 Anyway, I'm getting off track a little bit  
10 here. But a lot of acreage, a lot of properties that  
11 will need all these additional facilities to make them  
12 whole, as Mr. Richard says. And I don't know if you've  
13 taken those into accounts or if you even know where the  
14 groundwater wells are on these properties that you're  
15 impacting and what you'll need to make them whole.

16 I'm also concerned that we've not been told --  
17 well, we were told once that water would not be able to  
18 go under the track bed, which means that these  
19 irrigation wells would be necessary, and then we were  
20 told, well, maybe we will be able to go underneath the  
21 track. And so we don't know for sure, we're never  
22 given any real good answers on anything.

23 So if you were to choose to lower your  
24 expenses and let us have our own water from another  
25 well underneath the track, we would need to have legal

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1 access to this. Because myself, I have a permanent  
2 crop, like walnut trees, vines are permanent crops, and  
3 I'm not going to be reliant on the High Speed Train  
4 Authority to say when and when I can't repair these  
5 pipes or my trees will just up and die because you  
6 can't get around to it in a reasonable amount of time.

7 So getting back to my given situation, my  
8 property is shaped like an upsidedown L. The 40 is --  
9 as you're looking north, the 40 is on the west and the  
10 20 is right directly across from it, and then there's a  
11 20 directly south of that first 20. The second 20 --

12 MR. SPIKES: Miss -- Miss Stout?

13 MS. STOUT: Yes.

14 MR. SPIKES: Your time is up so I wanted you  
15 to please wrap up your comments as quickly as you  
16 could.

17 MS. STOUT: What I wanted to wrap up, these  
18 are just -- these are just the irrigation impacts that  
19 I've just addressed so far, and I've got two dwellings  
20 that will also be gone, and that will move my  
21 mother-in-law and my mother, who are both  
22 octogenarians. And I don't know how you're going to  
23 make my property whole when my brother-in-law and  
24 sister-in-law are on the opposite side of the tracks on  
25 my given 40.

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1 THE CHAIRMAN: Thank you, Miss Stout.  
2 Next, No. 4.  
3 MR. SPIKES: If I may, Mr. Chair, just to let  
4 everybody know, you don't have to come to this podium,  
5 you can use that podium over there, whichever one is  
6 more convenient.  
7 DR. PARSONS: Thank you. This one is more  
8 convenient.  
9 Thank you, Chairman, and Board of Supervisors,  
10 for hearing us today. My name is Dr. Glen Parsons, and  
11 I would like to point out that I'm the great grandson  
12 of Grant Gardner, the longest serving Kings County  
13 Board of Supervisors -- Supervisor in the history of  
14 Kings County, 37 years served on this Board, and I'm  
15 his great grandson. So I have some history and  
16 heritage here.  
17 Currently I am semiretired teaching economics  
18 at the university and college level, and so I feel  
19 inclined to say a little bit about economics. We're  
20 addressing here the issue of negative externalities.  
21 And a common example of that in class we talk about a  
22 factory upstream who produces a product that everybody  
23 enjoys and consumes, but downstream is a community that  
24 has to absorb the pollution involved in the manufacture  
25 of that product.

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1 I'm telling you here today that Kings County  
2 is downstream. The High Speed Rail will provide mainly  
3 services to people who travel the longest distances  
4 saving them the most time. We happen to be located in  
5 the middle. You can internalize an externality by  
6 removing the pollution, the factory doing so. In this  
7 case, it might be removing all the pollution from us,  
8 but we see that every time we look up and see the  
9 planes fly over have no affect on us.  
10 The other alternative is to compensate that  
11 community for the cost that they're having to deal with  
12 by this product being provided. And that's what we're  
13 faced with if High Speed Rail comes through here is  
14 absorbing the cost and being compensated.  
15 Specifically my comments are short, I think I  
16 can get them in in a minute. In the area where we live  
17 there are limited replacements for homes such as mine.  
18 My brother and I purchased adjoining two-and-a-half  
19 acre lots about 20 years ago within walking distance of  
20 our more than a century-old family farm. How will the  
21 Authority relocate us and people like us to similar  
22 properties if they are not available in Kings County?  
23 The County has a restriction on development of rural  
24 residential homes in order to save agricultural land.  
25 How will my brother and I be relocated to

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1 something of equal value? To that matter what about  
2 our family farm, and my parents, my youngest brother,  
3 my niece and her husband who all live on that family  
4 farm? How will they and people like them and like us  
5 not be hurt from High Speed Rail coming through our  
6 properties? How will we be compensated for the  
7 pollution that's coming to us downstream?

8 Thank you for your time.

9 THE CHAIRMAN: Thank you, Glen.

10 Next, No. 5.

11 MR. BROWNING: Good afternoon. My name is  
12 Ross Browning. I'm a proud resident of the County of  
13 Kings. I reside in that part of Kings that Greg had so  
14 brilliantly illustrated as the -- with the colors as  
15 the nut and fruit areas. And since nut and fruit trees  
16 are doing what they do now, I may lose my voice and  
17 this may be for nothing real quick, but I'm sure you'll  
18 understand.

19 I want to thank the Chairman and the  
20 Supervisors, the support staff and counsel and  
21 Mr. Spikes for having us here and having this public  
22 forum. I had a prepared statement, but then I've  
23 decided to pitch it away because of something  
24 Mr. Spikes said and was responded to by -- by Chairman  
25 Richard.

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1 The one thing that they've kind of blown over  
2 is I-5. I wrote the Authority and asked them if they  
3 could please provide me with nothing but just the  
4 man-hours that were used to study I-5 in the  
5 programmatic report. I don't want anything else, just  
6 the number of man-hours, engineering man-hours  
7 expended. And I was told in the response that these  
8 figures were -- the data was done by a previous  
9 committee, if you will, not this administration, but  
10 whoever was in charge before them that the information  
11 is not available. Well, how can you not have that  
12 information available when you can take the results of  
13 that study and pound it down our throats? I just don't  
14 understand. All I wanted was how many man-hours.

15 I'll tell you right now my goal was to show,  
16 and hopefully prove, maybe I would be wrong, but to  
17 show that they did not expend nearly the same amount of  
18 hours studying I-5 as they have done studying the 99,  
19 or as each of those have not expended the same amount  
20 of time as they've studied coming down -- right down  
21 the middle of us.

22 So we're downstream, like the gentleman before  
23 me said, we're downstream. You know, if you ask for  
24 numbers from them, I'd be very -- pleasantly surprised  
25 if you ever get them. Thank you very much.

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1 THE CHAIRMAN: Thank you.  
2 Next, No. 6. Aaron.  
3 MR. FUKUDA: Hi, guys. Aaron Fukuda, 7450  
4 Mountain View Street in Hanford, California.  
5 Thank you, Chairman, and thank you, Board of  
6 Supervisors, for standing up for this issue and  
7 representing the landowners. I know it's been a lot of  
8 time on your part, but we really greatly appreciate it.  
9 And really I want to thank the staff. I saw a  
10 presentation together -- that was put together that  
11 rivals anything that I've seen in any public forum.  
12 They laid it out succinctly, perfectly and the impacts  
13 were there.  
14 I want to remind the Authority that was there  
15 in May of 2011. So it's really incumbent upon them,  
16 you're coming at the last day to say, "Can we come  
17 through your door?" The last day. If we say no, we  
18 mean no.  
19 I'm just going to give you three little  
20 tidbits about what we've kind of found. I mean, I've  
21 literally got hundreds of these, but given the time  
22 limit allowed to prepare this project for what they  
23 call shovel ready status, how will the Authority  
24 physically get all of our residents out and relocated  
25 or property relocated? Is there a provision for

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1 temporary housing? Where will that temporary housing  
2 be? I mean, a lot of our rural members have animals  
3 and such, how do you get those horses, cows, other farm  
4 animals relocated in time in the right situation? What  
5 if one happens to die, who's going to take care of  
6 that? Because Baker won't be around.  
7 Given their location and numerous rural homes  
8 which will re -- which will relocate other property,  
9 how will the Authority address, they're asking to  
10 displace property. So then again if I have a rural  
11 home and I want to go develop a rural home, which will  
12 then therefore take about ten acres, that removes that  
13 property out of farm production so it's actually a  
14 compounded effect. We're going to use more farm ground  
15 because of the offset.  
16 And lastly, did the cost estimates that the  
17 Authority prepared be prepared for a hundred percent  
18 eminent domain takings? Meaning do they intend to go  
19 to court for every piece of property? Or was it just  
20 assumed that everybody is going to settle and they're  
21 going to get on their merry way? There's attorney  
22 costs, court costs, delay costs, all those other  
23 things. Were those built into their cost estimates?  
24 And lastly, you know, I've been a part of this  
25 for, you know, over a year, and what I've come to the

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1 conclusion is that the Authority thinks that the best  
2 way to get this project going is we'll manipulate the  
3 State, we'll work with the Governor to manipulate our  
4 budgets, we'll manipulate Amtrack, we'll manipulate  
5 Caltrain, we'll manipulate Southern California, and at  
6 the end of day, whatever happens, happens. But what  
7 they didn't do in the meantime was in their  
8 manipulation tactics they didn't study to make sure  
9 that those -- those impacts are going to be the right  
10 choices. They just said we got to do it so it's an  
11 emergency patch to fix this, it's a Band-Aid. Let's  
12 get it going, let's do it. We got to be shovel ready.  
13 We've got two months to be ready to go, let's do it.

14 And that's what I -- I advise the Authority,  
15 listen, you're chasing three billion dollars, but in  
16 your frantic chase for three billion dollars you're  
17 going to waste three billion dollars because you're  
18 going to have to cover up three with three. That's not  
19 the way construction goes. Remember these construction  
20 contractors, I know you're smart gentlemen, they're  
21 smarter, I deal with them all the time. They have  
22 something called a change order, and you're going to  
23 try to put risk all on them, it just doesn't work that  
24 way. So thank you.

25 THE CHAIRMAN: Thank you, Aaron.

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1 Next, No. 7.  
2 MS. WALTERS: Carol Walters representing the  
3 -- 13343 Grangeville Boulevard.  
4 Thank you, Mr. Chairman, and Kings County  
5 Board of Supervisors and supporting staff for holding  
6 this very critical meeting. And as a concerned citizen  
7 of Kings County, the High -- California High Speed Rail  
8 project represents an enormous undertaking that is  
9 poorly conceived, inadequately planned, with deeply  
10 flawed execution.

11 I represent a very concerned household for our  
12 home and acreage just west of 13th Avenue on  
13 Grangeville Boulevard. Our entire frontage is impacted  
14 with ingress and egress issues to Grangeville due to  
15 the overpass planned for the train and Grangeville at  
16 13th Avenue in addition to taking our well and  
17 irrigation system. We are also impacted by the  
18 north/south rail lines.

19 We have experienced very disturbing phone  
20 calls from members of the High Speed Rail committee  
21 that express a severe lack of knowledge regarding  
22 agriculture, wells and irrigation systems, with no  
23 mention of the effect of the rumble and vibrations from  
24 the train or resolutions to the ingress and egress  
25 issues. These factors have not been addressed and must

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1 be efficiently addressed long before any type of shovel  
2 is put in the ground.

3 The only way for your and my grand kids to  
4 enjoy a train is to put it under the Christmas tree so  
5 the grand kids are not having to pay for the high speed  
6 nightmare for the rest of their lives. Thank you. I  
7 do appreciate it.

8 THE CHAIRMAN: Thank you, Ms. Walters.  
9 No. 8. No. 8.

10 MS. FUKUDA: Good afternoon, my name is  
11 Maureen Fukuda, I live at 895 Laura Lane here in  
12 Hanford. Am I losing a home? No. My son and good  
13 friends are. Am I losing a dairy? No. My good  
14 friends are. Am I losing agricultural land? No. My  
15 friends are. So why am I here? I'm here to express my  
16 opposition to the present alignment of the High Speed  
17 Rail through Kings County.

18 Mr. Richard, I'd like to bring your attention  
19 to the mural that is in back of the Supervisors. That  
20 says it all. These gentlemen have been elected to  
21 represent their constituents to protect their rights,  
22 and that's what they're doing. That's all they're  
23 doing is trying to protect the people here in Kings  
24 County.

25 THE CHAIRMAN: Ms. Fukuda.

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1 MS. FUKUDA: In conversations --

2 THE CHAIRMAN: Ms. Fukuda, please, if you will  
3 address the Board, please.

4 MS. FUKUDA: Okay. In conversation with you,  
5 I told you how I felt about the word "Authority." I  
6 lost -- and my family lost some of their constitutional  
7 rights to an Authority, so I have this apprehension,  
8 anxiety about it, and you said that you serve -- your  
9 Board serves as public servants. I'm the public.  
10 We're all the public, and I'm so glad to see you here  
11 to make that come true, I do.

12 I'd also like to address Mr. Krause, right?

13 MR. KRAUSE: Yeah, that's me.

14 MS. FUKUDA: In Fresno you said, oh, we can  
15 jump on that rail, it would be an advantage, we could  
16 have these high rises. We can go to San Francisco, Los  
17 Angeles, be home. And I remember you said you'd even  
18 have time to go up and buy a loaf of bread.

19 Well, what are the advantages for us in Kings  
20 County? You stated advantages for metropolitan areas.  
21 What advantages are there for us? Come up with some.  
22 Come down to these meetings and tell us what our  
23 advantages will be as citizens. And there's also -- I  
24 don't know she's still here, there was a young lady  
25 that made a statement in Fresno at the Board of

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1 Supervisors meeting in Fresno and she is from Hanford,  
2 from Kings County, and she is in favor of the High  
3 Speed Rail. To her and to the young people under 40,  
4 something like that, any --

5 SUPERVISOR NEVES: I'm still young.

6 MS. FUKUDA: Anything under 50 is young to me.  
7 Anyway, I hope you understand we're not naysayers. We  
8 just want answers. We want issues resolved. We're not  
9 necessarily naysayers. It's for us, it's for the young  
10 people, it's for everybody, but we've got to get these  
11 issues resolved. Thank you.

12 THE CHAIRMAN: Thank you, Ms. Fukuda.

13 Next, No. 9, No. 9.

14 Good morning, John. Or Good afternoon, John.

15 MR. TOS: Good afternoon. I thank all of you  
16 for listening to us, you guys have done commendable  
17 work, and as a community we thank you. It has been --

18 MR. SPIKES: John, Mr. Tos -- Mr. Tos --

19 MR. TOS: I'm sorry, John Tos, we farm in  
20 northern Kings County. It's been becoming abundantly  
21 clear to me that the High Speed Rail is not going to go  
22 through I-5, is not going to go 99, is going to come  
23 through Kings County. And I would venture to say that  
24 these gentlemen that were here today have no skin in  
25 the game. We are the ones that have skin in the game,

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1 and we are the ones that are going to have to figure  
2 out how to stop these people.

3 When people ask me, "How do you plan on the  
4 stopping the High Speed Rail?" I tell them, "We  
5 haven't stopped them at all, it's coming." It's up to  
6 us to stop them. Yesterday in Fresno everyone was real  
7 giddy, slapping each other on the back, wow, we're  
8 going to have High Speed Rail. You know, this is  
9 President Obama's, Governor Brown and Ashley  
10 Swearegin's legacy, this is what it's all about, and we  
11 are in the way. So, but that doesn't mean we have to  
12 stop fighting.

13 And I'm going to just give a couple of  
14 instances how it's going to affect us. Whenever we  
15 have to go around an intersection because of our  
16 farming, I did the math, we're going to have to go an  
17 extra hundred and fifty thousand miles per year. Can  
18 you imagine the carbon footprint on that particular  
19 location? And that hundred and fifty thousand miles at  
20 50 cents a mile is \$75,000 per year. We're going to  
21 have to do that not just for a year or two, that's for  
22 a lifetime. So when you guys do your mitigation, we  
23 want \$75,000 per year for a lifetime.

24 Another one is we have long-term contracts.  
25 We have 20 and 40 and 45 year contracts to grow

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1 permanent crops. We are going to be short a thousand  
2 dollars per acre for every acre you take for 20, 30, 40  
3 years. That is a lot of money, and we will not settle  
4 for anything less than that if it comes to that.

5 I've submitted many letters to the Authority  
6 and so to this day I haven't received an answer on  
7 anything. But Mr. Chair, could I ask Mr. Richard one  
8 or two very simple questions and he can answer with a  
9 yes or no or number?

10 THE CHAIRMAN: I don't know if we -- would you  
11 want to answer to the Chair?

12 MS. CARLSEN: Let's keep them focused to the  
13 Board. And if Mr. Richard would like to respond, then  
14 he can stand up and answer.

15 THE CHAIRMAN: Yeah.

16 MR. TOS: This is a letter I submitted  
17 December 13th of this year. Is the cost of the trains  
18 included in the total project cost of -- what is the  
19 latest number? 68? 68 billion. Is the costs of the  
20 trains included in this project?

21 If he doesn't want to answer, I'll go on.

22 MR. RICHARD: No. Why don't you give your  
23 second question and I'll answer them both.

24 MR. TOS: What is the total dollars projected  
25 for just the train portion itself? Which countries

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1 will be given the opportunity to bid on the contracts  
2 for the trains? Given the fact that six trains will be  
3 running each way per hour, and that's per  
4 Mr. Abercrombie, how many trains -- this sounds like  
5 we're in school -- how many trains will be in use when  
6 the complete 800 mile project is finished?

7 And those are the simple questions I asked and  
8 they haven't responded. Either they don't know or  
9 they're ashamed to answer these questions. Thank you.

10 THE CHAIRMAN: Thank you, John.

11 Would you like to respond to that?

12 MR. RICHARD: Thank you, Mr. Chairman, I'll do  
13 my best. I don't know the answer to all the questions.  
14 The 68 billion dollars does include the total cost of  
15 the system, and that will certainly include the trains,  
16 it's for the train operation.

17 Let me just be clear on this, I think why  
18 people think that it doesn't include the cost of the  
19 trains is because when we first proposed this first  
20 segment, which was the six billion dollar track-way  
21 between Madera and Bakersfield, it did not include the  
22 cost of electrification, it did not include the cost of  
23 positive train control and it did not include the cost  
24 of trains. But as we look at the entire system costs,  
25 that's what it costs to build and operate the system.

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1 I'm afraid I didn't write them all down  
2 quickly enough, but let me just respond to what I  
3 remember and then be happy to -- one of the things I'm  
4 going to do is check and see where Mr. Tos's  
5 correspondence is and what has or has not been  
6 responded to.  
7 One of the things about this, and I say this  
8 in a community that I think is probably pretty fiscally  
9 prudent and conservative, is that I know that the  
10 construction of this looks like a big government  
11 program, but the philosophy of it is that when the  
12 trains are built -- when the system is built, it  
13 actually would be operated as it is around the world by  
14 private operators, private companies.  
15 And generally the model is that they come in  
16 and they bid for the right to operate it. They buy the  
17 trains, they operate and maintain the trains and they  
18 pay the taxpayers for the right to come in and do that.  
19 That's the business model for High Speed Rail around  
20 the world, and that's how we would do it here.  
21 So in that context, it would be open to many  
22 people to come bid. However, federal law requires a  
23 "build America" provision here, so that means even if  
24 they were going to buy trains from a European company,  
25 a significant fraction, and I can't remember, it's like

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1 60, 70, 80 percent, must be assembled, built, the  
2 subsystems and so forth, in the United States to give  
3 the American workers' jobs. So, yes, it may be that  
4 there will be foreign companies that are bidding, but  
5 they will have buy America requirements to be here.  
6 If I may, Mr. Chairman, what I'd like to do is  
7 we'll review the transcripts, we can talk to Mr. Tos,  
8 he deserves answers like any other citizen, and we'll  
9 try to supplement those.  
10 THE CHAIRMAN: Thank you, Mr. Richard.  
11 No. 10. Will you state your name? Are you  
12 No. 10?  
13 MS. CODY: Uh-huh.  
14 THE CHAIRMAN: And I'd like to have everybody  
15 direct their questions here, and I'm not going to -- if  
16 you have questions, maybe later you can talk to  
17 Mr. Richard.  
18 MS. CODY: Okay, I'm Joyce Cody, we're third  
19 generation farmers. We're on the west side alignment.  
20 We're on 13th Avenue. And most of what I wanted to say  
21 has already been addressed. A lot of complex issues  
22 and questions have been asked and answered, but there's  
23 a real simple solution, and that is don't bring it  
24 through Kings County. We do not want High Speed Rail  
25 here. I would like to emphasize I-5 and why that issue

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1 is not being addressed. A great deal of time was spent  
2 on why the 99 corridor could not be followed, but I-5  
3 basically has been ignored, and I think we need answers  
4 on that.

5 The other thing, the collage behind the  
6 Supervisors, that's Kings County, that's why it's  
7 there. It represents who we are and what we are. Just  
8 imagine train tracks going through that. It's wrong.  
9 This -- the High Speed Rail in Kings County is wrong on  
10 so many levels.

11 In addition to what Mr. Tos said, we have  
12 permanent crops, we have trees, how are they going to  
13 compensate for the loss -- excuse me -- of trees? It's  
14 not something you plant and next year you have a crop.  
15 And it generates income for years and how are they  
16 going to compensate us for that? Thank you.

17 THE CHAIRMAN: Thank you.

18 No. 11. Let's see if we have any questions  
19 that are not duplicated so we give more people a chance  
20 to speak, please.

21 MR. KRAUSE: Sure. My name is Daniel Krause,  
22 I'm with Californians for High Speed Rail. I wanted to  
23 thank the Chairman and Board of Supervisors for holding  
24 this meeting. My main reason for coming here today was  
25 just to listen to and learn about what's happening here

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1 and get more details and so I understand the situation  
2 better, and this forum has been great for doing that.  
3 Thanks to the presentation and the discussion I know a  
4 lot more than I did earlier today.

5 I also wanted to say my day job is like a town  
6 and city planner, and I understand the constraints that  
7 CEQA puts on the ability to communicate between people  
8 and the government, and it's really frustrating and,  
9 frankly, kind of it's a pain in the rear, it really is.  
10 And to hear that, you know, working out a creative  
11 solution to make sure that the communication is being  
12 improved, I think that has value and I've seen it done  
13 elsewhere, so there is precedent for it so, and I  
14 encourage the direction of what's -- of the  
15 conversation today.

16 And I just wanted to end about one thing about  
17 the Amtrack discussion, the station downtown. I  
18 actually took Amtrack here today and I walked here. I  
19 actually really like to have train stations downtown.  
20 And if there's any way we can brainstorm how do we keep  
21 the Hanford train station an active part of the  
22 community, it's a big economic value from the  
23 presentation and there's probably creative things that  
24 we can look at. Could -- could the Amtrack be -- have  
25 an express service for the long-distance travelers to

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1 maintain the local service potentially, for example,  
2 or, you know, replacing it with some sort of other  
3 train service once High Speed Rail. I would be open to  
4 brainstorm with anybody on that -- that topic. Thank  
5 you very much.

6 THE CHAIRMAN: Thank you.

7 No. 12.

8 MR. PICARD: Hello, my name is Andrew Picard,  
9 I'm a Kings County resident and I didn't prepare a  
10 statement. I wasn't planning on speaking today because  
11 I think that what we asked for at the public forum with  
12 Assemblyman Valadao what I said there was we need more  
13 communication and more transparency, and I think the  
14 Chairman coming today is a big step in that direction,  
15 and a very -- a very positive movement. I hope the  
16 dialog would continue.

17 And to emphasize what Ms. Carlsen said about  
18 the MOU of continued meetings, I would hope that the  
19 public -- I understand that logistically it might be  
20 difficult including the public in every meeting that  
21 the High Speed Rail has with Kings County, but if the  
22 two parties could perhaps prepare a, you know, a  
23 compromised public statement or a collaborative public  
24 statement that we could have access to, if the minutes  
25 could be posted on line, if Mr. Gatzka's amazing

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1 presentation could be posted on line, I think those are  
2 all good things. I think a lack of information is  
3 clearly the problem that has been had. And just to  
4 reiterate, and so that Kings County doesn't seem as  
5 grim a prospect for the Rail Authority, not everyone in  
6 Kings County, like Mr. Verboon said, The Board of  
7 Supervisors is between a position of people who  
8 strongly are against this project and there are  
9 citizens who are strongly in favor of it.

10 I founded a group last year called Citizens  
11 Who Support High Speed Rail in the Central Valley. As  
12 of this morning, there's 424 members of that group. So  
13 there are constituents, and like Ms. Fukuda said, I  
14 don't have skin in this game. I'm -- I'm not a farmer,  
15 and, you know, my livelihood won't take a hit from  
16 this, but although I'm not directly impacted from it,  
17 it's something that needs to be understood that it's  
18 something that I will benefit from, that future  
19 generations will benefit from, and something I think  
20 future farmers can benefit from.

21 I think we need innovation in transportation  
22 in California and I think the High Speed Rail provides  
23 that. I think expanding our freeways is the only other  
24 viable option as far as infrastructure and  
25 transportation in California. I think the High Speed

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1 Rail presents an innovative option, and something that  
2 Mr. Fukuda has said and has been reiterated at a lot of  
3 meetings is the statement if we're going to do it, do  
4 it right. And I think for or against this project,  
5 that's something I agree with, if we're going to do it,  
6 do it right. And I hope a future communication can be  
7 productive and transparent for Kings County. Thank  
8 you.

9 THE CHAIRMAN: Thank you, Andrew.

10 No. 13. Gone. Nobody wanted that number.

11 MS. HARP: I would have took it. I'm 14.

12 I brought my sign with me today. My name is  
13 Charlene Harp, 316 5th Avenue in Corcoran. My concern  
14 is with all these impact reports Kings County was never  
15 in them. Why? You know, they just avoided that. I  
16 don't know if we're kind of like aliens or something,  
17 I'm not sure. And my MOU, Memorandum of Understanding,  
18 would be that let them do what Proposition 1A was voted  
19 for, not what they're doing now. Existing  
20 transportation corridor. Do our homes look like an  
21 existing transportation corridor? No, I don't think  
22 so.

23 And what is the difference between 99 now and  
24 when they put it on the ballot to get the voters to  
25 vote? I mean what -- what is the difference now? Did

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1 they check all this out before? And like the other, I  
2 agree with I-5, too. Everybody seems like who is  
3 against it is being impacted and who is for it isn't  
4 impacted. I want to ask these people how would they  
5 like it going through their home, farmland, or dairy?  
6 They wouldn't like it, no more than anybody that  
7 already has been impacted likes it.

8 And offering a station in Hanford? Come on,  
9 give me a break. That's not going to heal any wounds,  
10 and it won't make everything okay, because they can  
11 offer it now, but down the road, oh, we'll lose time,  
12 we can't stop there. You guys know that as well as I  
13 do.

14 I know Cap and Trade Funds comes from people  
15 that they fine for doing wrong things in the  
16 environment, but where does federal money come from?  
17 Taxpayers. We're taxpayers. So if they're going to be  
18 in line to get our federal money, we're still paying  
19 for the train. It should be self-sufficient.

20 And the trim budget by 30 billion, they put  
21 that down, and this is from High Speed Rail, "is focus  
22 on blending services with existing transportation  
23 infrastructure in both the north and the southern  
24 rather than building a fully dedicated track system  
25 that was projected to cost 98 billion."

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1           Thanks, guys, and thanks for having us here.  
2           THE CHAIRMAN: Thank you, Mrs. Harp.  
3           No. 15.  
4           MS. PECK: My name is Diana Peck and I  
5 represent Kings County Farm Bureau. Thank you,  
6 Chairman Fagundes, and members of the Board for  
7 allowing us to speak today.  
8           I've heard a lot of things today that are  
9 really greatly disturbing, and one of them is that the  
10 Chairman of the High Speed Rail Authority stated that  
11 mitigation is really what is of utmost importance and  
12 that making our landowners whole is the goal. And I  
13 just want to state that is not what is of utmost  
14 importance. You, as the County Board of Supervisors,  
15 have asked for the coordination process and he stated  
16 again that he believes -- that their attorneys believe  
17 that it's otherwise, that you believe one thing, they  
18 believe another.  
19           If I may quickly state the five elements of  
20 coordination and ask that you again request him to  
21 respond to whether or not they believe these to be  
22 their requirements. They've been stating a lot about  
23 CEQA regulation and requirements. This is a federal --  
24 a federal regulation I would like to state. Do they  
25 believe that they must be kept apprised of the state,

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1           local and tribal land use plans? That is a part of  
2 coordination.  
3           Do they believe that they should give  
4 consideration to those plans? Are they going to assist  
5 in resolving inconsistencies between federal and  
6 non-Federal Government plans?  
7           Are they going to provide meaningful  
8 involvement of the local government, which is you,  
9 including early public notice? That's already not been  
10 done, as we know. It's been a year so it wasn't early.  
11 It continues to be delayed. Your involvement continues  
12 to be delayed.  
13           And are they going to make the federal plans  
14 consistent with your plans?  
15           That is what coordination is. Those simple  
16 five elements. And so I ask that you again request if  
17 they are willing to do their requirements under federal  
18 law.  
19           One thing he said also was that he's going to  
20 acknowledge that they -- we have been treated  
21 improperly. And I just want to again say I'm excited  
22 about this process because it takes the emotion out of  
23 it. This is beyond treatment. This is about a process  
24 and a requirement under the law, so it really is beyond  
25 treatment.

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1           The impacts were never studied properly in  
2 this County. Your General Plan was never consulted  
3 with. Therefore, we need to back up and say -- today  
4 it was stated that we have two choices here, we have an  
5 east and a west, and they hope to work with you to  
6 determine which one of those two is going to be the  
7 most beneficial. That is not the case, because they  
8 have acknowledged that those impacts were never  
9 studied, the impacts to the County as a whole, not just  
10 the individual landowners and the individual property  
11 owners, but to the County as a whole, that has not been  
12 done.

13           So my recommendation to the Board today is to  
14 do two things: One is continue to stay the course in  
15 requesting a supplemental environmental analysis of not  
16 only these alternatives, but an alternative outside of  
17 Kings County where a proper analysis and a proper  
18 comparison is made as required by the law.

19           My second recommendation is that because this  
20 is a federal requirement, that you invite immediately a  
21 member of the Federal Railroad Administration who has  
22 oversight over this project and its environmental  
23 documents to be sure that these elements of  
24 coordination are being complied with. Thank you.

25           THE CHAIRMAN: Thank you, Diana.

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1           No. 16.  
2           A VOICE: 16 is a pass.  
3           THE CHAIRMAN: 16 is a pass.  
4           MR. BAKER: I guess I'm next, then. No. 17.  
5           I've been working one way or another and  
6 involved in High Speed Rail for more than five years.  
7           SUPERVISOR NEVES: Name and address, please.  
8           MR. BAKER: Leonard Baker, farmer, 14th  
9 Avenue. My property is impacted I think to the degree  
10 of about 300 feet on the west alignment, so it's no big  
11 deal to me that way. But I think in talking today that  
12 the discussion of -- of no communication between High  
13 Speed Rail for the last five years and Kings County has  
14 led to the -- what you're seeing right now. People  
15 complaining they don't want it in Kings County. And  
16 that's not necessarily the case. I've talked to  
17 individuals in Kings County, individuals with the city,  
18 individual farmers, and it's more right now it's --  
19 it's let's don't let it go through Kings County.  
20 They've just -- they've just put their feet in the sand  
21 and said that's what they want.

22           But let me tell you that valley farmers,  
23 counties and dairymen are not necessarily questioning  
24 the virtues of High Speed Rail, but the inability to  
25 mitigate both the economic and social impact upon their

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1 lives. They want to hear real solutions from project  
2 level High Speed Rail personnel.  
3 The recent Fresno Bee article that was given  
4 by California news organizations following High Speed  
5 Rail, and it was entitled, "Spanish lessons." In other  
6 words, what one country's High Speed Rail system can  
7 teach California. It states that despite crossing both  
8 cityscapes and farmland in Spain High Speed Rail  
9 stirred no major opposition in either environs.  
10 Residents whose homes were as near as a hundred feet  
11 near the High Speed Rail say that the High Speed Rail  
12 is less bothersome than the regional freight trains.  
13 In Spain the government worked with farmers from the  
14 outset to head off concerns with lost farmland, home  
15 sites and access to split parcels. Spain's solution  
16 was to provide crossings over or under every 500  
17 meters. That's a quarter of a mile.  
18 Farmers today have been told crossings in  
19 Kings County will generally be one mile or at most two  
20 miles. Well, this is a major hardship for a tractor  
21 which pulling -- is pulling farm implements, and  
22 especially hard for producing-dairy animals to get them  
23 across the tracks.  
24 The most evident solution to disquiet the  
25 dissent was to follow the existing transportation rail

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1 route minimizing new crossings and dealing primarily  
2 with individuals already acclimated to disruption.  
3 In today's social norm of those who benefit  
4 the most from an action should bear the brunt of any  
5 consequences. One could surmise then that urban areas  
6 should deal more with the disruptions that are  
7 currently facing the valley's counties, farms and  
8 dairies in a hastily outlined attempt to get a  
9 completed EIR allowing a groundbreaking effort in  
10 Fresno by 2012 --  
11 THE CHAIRMAN: Mr. Baker.  
12 MR. BAKER: -- High --  
13 THE CHAIRMAN: Mr. Baker, excuse me, your time  
14 is up.  
15 MR. BAKER: Thank you.  
16 THE CHAIRMAN: Next, No. 18.  
17 MR. MACHADO: Thank you, Supervisors, County  
18 staff for always sticking behind us constituents in our  
19 concerns. You've done such a marvelous job, and, you  
20 know, a real shout-out to Greg who spent I don't know  
21 how many man-hours of his own --  
22 MR. SPIKES: Sir --  
23 MR. MACHADO: -- time.  
24 MR. SPIKES: Sir, your name please.  
25 MR. MACHADO: Sorry, Joe Machado, dairy

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1 farmer, southern Kings County.  
2 Well, going forward -- going forward with this  
3 project, or with this project going forward we, you  
4 know, we learned many things. Some of us citizens  
5 attended some of the High Speed Rail meetings.  
6 You know, what really irked us was back in May  
7 of 2011 when we heard staff tell Board members, you  
8 know, "Hey, high five, Kings County is okay, the  
9 supervisors farm, they're all on board," and we knew  
10 sitting in that room that that was not the case. That  
11 was what started off, you know, a whole -- you know, a  
12 whole distrust discussion of High Speed Rail Authority.  
13 And it continued for meetings on in.  
14 If I could, you know, reiterate, we -- we --  
15 here in Kings County didn't just decide to lay over and  
16 say, "Well, let's just see what happens." You know,  
17 progressive supervisors and progressive staff, people  
18 of intelligence knew that with a project of this scope  
19 there's going to be tremendous impacts. And, you know,  
20 an uneducated public will be taken advantage of.  
21 You know, when the initial environmental  
22 impact came out, we were all anticipating, because we  
23 -- we tried to coordinate here last June -- I think it  
24 was June -- June I believe, you know, I've been to so  
25 many dates everything is cloudy, but they hid behind

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1 the EIR. So we were anticipating to get all of our  
2 answers, you know, all of our questions answered in the  
3 EIR. Lord and behold I didn't have the capability to  
4 read them. I hired some engineering firms to read them  
5 to see what the impacts were on my facility, and their  
6 quote to me was, "Man, this thing is like feathers,  
7 it's all feathers, no chicken. I wouldn't even put my  
8 name behind this document." That -- that's not my  
9 opinion, that was two independent firms that I hired.  
10 And kind of to my -- kind of to my facility,  
11 I'm in an area that has four dairies over a two-mile  
12 range. I estimated -- I estimated that we have about a  
13 hundred million dollars invested in our facilities  
14 between the two-mile range. I don't think the High  
15 Speed Rail have any, you know, any inclination of the  
16 impacts and the costs of infrastructure it takes. It  
17 takes many, many years to get where you are, and  
18 especially just to raise your animal numbers and all  
19 the permitting, air, water, that we are under so much  
20 scrutiny. Any little tweak to that, you know, would  
21 cause devastation.  
22 But before my time is up, this is what the  
23 experts that I paid to give me the bad news was, is  
24 that I roughly am allowed five cows for each acre of  
25 farm ground. The total footprint of the linear mile

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1 that they travel through me is, you know, 12 -- 12  
2 acres. They assessed, though, that all the -- all the  
3 setback acres and everything with a total loss of 83  
4 acres, that's 416 cows lost at 4500 cows annually --  
5 THE CHAIRMAN: Mr. Machado, excuse me, your  
6 time's up.  
7 MR. MACHADO: And the total would be 1.8  
8 million dollars of economic loss to my facility just  
9 for the footprint. Thank you, sir.  
10 THE CHAIRMAN: Thank you.  
11 No. 19.  
12 A VOICE: There is no 19, Mr. Chair. I took  
13 that one and I didn't use it.  
14 SUPERVISOR NEVES: A double dipper.  
15 THE CHAIRMAN: No. 20. Thank you, sir, please  
16 state your name. You've been goofing on that.  
17 MR. BOYETT: My name is Barry Boyett, and I  
18 got off the train in Corcoran New Years Eve in 1940,  
19 and have lived on a piece of ground ever since that the  
20 railroad is going to cut about half in two and will  
21 destroy the economics of the farm. Never has any  
22 railroad official ever talked to me about putting it  
23 through my property or anything of that sort. I just  
24 keep hearing rumors that there's going to be a  
25 possibility of three tracks that could go through

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1 Corcoran. But as I say, no one has ever sat down with  
2 me and -- and discussed this with me.  
3 And the other thing, I just will make another  
4 short comment. I've grown cotton starting our 56th  
5 year right now. I've never put a seed in the ground if  
6 I didn't have a guaranteed enough money to finish a  
7 crop with. Thank you.  
8 THE CHAIRMAN: Thank you, Mr. Boyett.  
9 No. 21.  
10 MR. OLIVEIRA: Frank Oliveira. I'm with the  
11 Citizens for California High Speed Rail Accountability.  
12 Thank you for allowing me to address you.  
13 I'd first like to say thank you for all the  
14 work that you folks have done. Everybody comes to this  
15 project differently, and I'm here witnessing progress.  
16 The High Speed Rail Authority is here. They say that  
17 they're ready to work with you.  
18 What happened before we got here was on May  
19 5th a presentation when they were reviewing the  
20 alternative analysis to report for this area was given  
21 to the Authority Board which represented everything was  
22 okay here. I think everybody can conclude that  
23 everything is not okay here. People from this County  
24 went and asked for due process in good faith. And we  
25 did that and experienced a meat grinder at the hands of

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1 the High Speed Rail Authority in various places around  
2 the State at their Board meetings for at least six  
3 months, because we dared to say the information  
4 presented was wrong. Our civil rights were violated,  
5 our written documents with requests were not answered,  
6 laws were probably broken, but we were treated  
7 differently.

8 A couple things have been brought up in this  
9 meeting today earlier, one, mistakes were made,  
10 communication didn't happen. But another part of the  
11 conversation was Kings County is not being treated  
12 differently, even though the bookends are in this  
13 revised business plan. I'm here to tell you firsthand  
14 that Kings County was treated differently for the  
15 previous few months to get us to this point. You are  
16 being asked in 60 days -- within 60 days to work  
17 together hand-in-hand to solve this problem for the  
18 High Speed Rail Authority in a process that they should  
19 have included you in for the last two years, three  
20 years.

21 Now, right now money is being requested by the  
22 legislature between now and July to go forward with  
23 this project. How can this be done? How can this go  
24 forward when we don't have the basic questions answered  
25 that we need to answer about what's going to happen in

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1 this County?

2 A simple question which I've thrown out, for  
3 28 miles across Kings County how the land locked  
4 properties that are on a map, their map, access their  
5 property? All of that said, I know I'm out of time,  
6 thank you.

7 THE CHAIRMAN: Thank you, Frank.

8 SUPERVISOR NEVES: You can now call the CHP.

9 MR. OLIVEIRA: We've been there before.

10 THE CHAIRMAN: Is there any comment from the  
11 Board on anything before we move on?

12 Seeing none, I'd like to thank Mr. Richard  
13 again and his staff and everybody that came today to  
14 participate in this hearing and this meeting, and  
15 hopefully it will work out where we can get some  
16 communications going between us. We thank you very  
17 much.

18 MR. RICHARD: Thank you.

19 THE CHAIRMAN: I would like to thank you  
20 especially. Meeting adjourned.

21 ---oOo---

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I, CHERI FIKE, a Certified Shorthand Reporter, DO HEREBY CERTIFY:

That the foregoing and annexed pages constitute a full, true, and correct transcript of the proceedings had and testimony given in the hearing of the matter entitled as upon the first page hereof.

Dated: April 17, 2012

Official Court Reporter #6200

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STAFF TO STAFF MEETING

KINGS COUNTY STAFF  
 and  
 HIGH SPEED RAIL AUTHORITY STAFF

MAY 4, 2012, 8:30 A.M.

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1 STAFF PRESENT:  
2  
3 **KINGS COUNTY**  
4 Mike Hogan, Special Counsel, County of Kings  
5 Greg Gatzka, Kings County Community Development Agency Directo  
6 Tim Niswander, Kings County Agricultural Commissioner  
7 Larry Spikes, Kings County Administrative Officer  
8 Colleen Carlson, Kings County County Counsel  
9 Dave Robinson, Kings County Sheriff  
10 Kevin McAlister, Kings County Public Works Director  
11  
12 **HIGH SPEED RAIL AUTHORITY**  
13 Craig Schmidt, Consultant  
14 Bob Lagomarsino, Community Planning Manager  
15 John Popoff, Deputy Program Director  
16 Jeff Abercrombie, Area Program Manager Central Valley  
17 Thomas Fellenz, Chief Counsel, Acting CEO  
18  
19  
20  
21  
22  
23  
24  
25

1 WHEREUPON, the following proceedings were had,  
2 to wit:  
3 ---o0o---  
4 MR. SPIKES: All right. First of all, I guess  
5 for the record this is a meeting that's been authorized  
6 by the Board of Supervisors, Kings County Board of  
7 Supervisors under the coordination process that Kings  
8 County believes is applicable in this case. And just for  
9 the record I want to make sure that that's understood  
10 that, again, this is authorized by the Board of  
11 Supervisors to be reported out at the upcoming Board of  
12 Supervisors meeting scheduled for May 8th, 2012. And the  
13 County is not waiving any legal rights associated with  
14 the establishment of that practice, if that's the proper  
15 terminology.  
16 And so with that, I'd like to start this off by  
17 thanking the High Speed Rail Authority staff for coming  
18 and meeting with Kings County staff to continue the  
19 dialogue with respect to high speed rail.  
20 With that, I'll -- I would suggest the first  
21 thing to do would be to do introductions. And so if we  
22 can start on the far side of the room with Mr. Schmidt  
23 and just work our way around.  
24 MR. SCHMIDT: Good morning, my name is Craig  
25 Schmidt, I'm a consultant for the California High Speed

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1 Rail Authority.

2 MR. LAGOMARSINO: Bob Lagomarsino, also a

3 consultant, focusing on planning and station related

4 issues.

5 MR. POPOFF: John Popoff, I'm the Deputy Program

6 Director for the Project Management Team.

7 MR. ABERCROMBIE: Jeff Abercrombie, Central

8 Valley Program Manager for the Authority.

9 MR. FELLEENZ: I'm Tom Fellenz, the High Speed

10 Rail Authority Chief Counsel, and I'm acting CEO at this

11 time.

12 MR. HOGAN: Good morning, Staff, my name is Mike

13 Hogan, I'm Special Counsel for the County of Kings.

14 MR. GATZKA: I'm Greg Gatzka, the Kings County

15 Community Development Agency Director.

16 MR. NISWANDER: Tim Niswander, Agricultural

17 Commissioner, Kings County.

18 MR. SPIKES: Larry Spikes, County Administrative

19 Officer, Kings County.

20 MS. CARLSON: Colleen Carlson, County Counsel.

21 MR. ROBINSON: Dave Robinson, Kings County

22 Sheriff.

23 Mr. McALISTER: Kevin McAlister, Public Works

24 Director for Kings County.

25 MR. SPIKES: This process, in this formalized

1 fashion, of course, is something that we're trying to do

2 that is consistent in our estimation with what's required

3 under the law. It is a little bit different than we'd

4 normally go about staff meetings of this nature, but I

5 think it's appropriate under these circumstances.

6 And so with that I think I'll just start off by

7 suggesting that one of the things that we wanted to do

8 obviously was, in preparation for the appearance by Dan

9 Richard and others on May 8th, subsequent to the

10 appearance that he made here on April 3rd, we were going

11 to get together and have the staff to staff meetings to

12 try to get a lot of the issues that have been raised by

13 Kings County addressed in some fashion. And so although

14 it's a little late in the day this month to do this

15 before this coming Tuesday, we appreciate the fact that

16 we were able to get this together and you were able to

17 come down and meet. In the future, of course, we would

18 appreciate maybe a little more time to prepare. We

19 understand, of course, like everybody, staffing is a real

20 issue, and of course we think that staffing is a real

21 issue with High Speed Rail Authority to be able to

22 address all the things that have been put forth. But

23 anyway, the thing that we wanted to do, at least at the

24 outset today, was to focus on a number of issues.

25 And, again, first of all, I just want to back up



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1 here for one second. We're sort of, I guess, operating  
2 in a vacuum from the standpoint the last time that  
3 Colleen Carlson and I had a telephone conference with  
4 Mr. Abercrombie we did talk about what would be the  
5 purpose of getting this -- getting this discussion  
6 started. And our impression from Mr. Abercrombie was  
7 that the intent would be just to talk about how to  
8 mitigate the two proposed alignments through Kings  
9 County, which of course in our estimation would not be  
10 the starting point. We have a lot of other questions  
11 that predate the selection of those -- those particular  
12 alignments that are proposed. We did want to have some  
13 conversation about the exclusion of I-5, the exclusion of  
14 Highway 99, the UP route, if you will, and to cover -- to  
15 cover some of those issues.

16 And where we last left it was Mr. Abercrombie  
17 was going to talk to Mr. Richard and get back to us. And  
18 correct me if I'm wrong on that, Jeff, but that was my  
19 recollection of where we left off.

20 And so then we got Mr. Fellenz' e-mail here with  
21 the letter from Mr. -- Mr. Richard indicating his  
22 willingness to meet again on May 8th as previously agreed  
23 to, with the attempt to try to address the 61 questions  
24 slash issues that have been raised by Kings County.

25 So given that's where we were, and the short

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1 time frame to put a meeting together, what we thought we  
2 would do would be to go ahead and take you up on your  
3 offer and meet today, which was the soonest we could do  
4 it, as opposed to Tuesday, earlier this week. And so we  
5 thought that we would perhaps at least at the outset try  
6 to focus this discussion on ag related issues with  
7 respect to all those things we've identified in Kings  
8 County, and then cover some of the other things that were  
9 previously talked about, that that would be where I think  
10 we would want to start, ag related issues, especially as  
11 they relate to the, in our estimation, the lack of  
12 consistency with the Kings County General Plan. Because  
13 this is a strong agricultural based county, and our  
14 general plan and all of our -- all of our policies  
15 reflect that with respect to land use in Kings County.  
16 And so to the extent that high speed rail, no matter  
17 where it would go, if it's not on an existing  
18 transportation corridor, is going to be very disruptive  
19 to this process, we obviously have very big concerns  
20 about how that would fit with our existing general plan.

21 So we haven't had a chance really to orchestrate  
22 exactly what we're going to start off with in terms of  
23 who's going to say what, but I will throw it open right  
24 there for Mr. Gatzka or Colleen Carlson to add anything  
25 onto the record that they want to get in before we start.

7

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1 MR. GATZKA: I think -- I think everything I --  
2 I wanted to make sure that we had clarification on from  
3 our standpoint with the County was to make sure that we  
4 knew who was actually the management authority over the  
5 production of EIR and EIS, because with the number of  
6 consultants, Jeff as the project staff, we just wanted to  
7 make sure that we were clear on who was actually the --  
8 who has the oversight over making sure that the EIR and  
9 the EIS is produced so that we know that we're also  
10 directing our comments or our input to the -- to the  
11 person who really has the authority over that document.

12 MR. FELLEENZ: Sure. Well, I guess it starts  
13 with the Board itself that oversees the High Speed Rail  
14 Authority Program. And then the CEO, I'm acting CEO at  
15 this time as -- as the ultimate responsibility for the --  
16 for the environmental document. We do have interim  
17 deputies for the planning and for the environmental  
18 aspects of our program, Greg Albright and Mark McLaughlin  
19 occupy those interim positions right now. They -- they  
20 are consultants. And those that are here next to me  
21 also, Jeff is a High Speed Rail Authority staff so that  
22 he is also involved in the environmental process. And we  
23 have a large number of consultants that are working on  
24 this. Does that answer your question?

25 MR. GATZKA: Well, I think that's part of the

1 confusion. Because obviously the Authority Board isn't  
2 going to be involved in the draft development.

3 MR. FELLEENZ: Right.  
4 MR. GATZKA: And not previewing that until it  
5 probably is presented to them. So typically, like in our  
6 case, if we're responsible for an EIR for any development  
7 project, as the Director of Community Development I am  
8 ultimately responsible. I may have some staff under me,  
9 but I am basically the point person. That's basically  
10 what I was asking, who -- who in the Authority staff  
11 really is the point person for ensuring that the  
12 development of the draft EIR and EIS is done and taking  
13 in the input or the feedback that we might be providing?

14 MR. FELLEENZ: It would be Greg Albright and Mark  
15 McLaughlin are the two individuals that would report  
16 directly to me, so that they would be responsible for --  
17 for those. But if there are particular issues that you  
18 wanted to discuss in the document, there's -- we do have  
19 a lot of people that have expertise in various aspects of  
20 the -- of the project itself. And so they may have more  
21 close knowledge or extensive knowledge about something  
22 that's in the project, so we would want to include them  
23 if there was some discussions.

24 For instance, if there was a discussion about a  
25 high speed rail station, where it could be planners

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1 working on that -- those issues, we would want to include  
2 those that are working closely with those -- with those  
3 particular assignments.

4 MS. CARLSON: How do we get ahold of these  
5 people? Where do they consult?

6 MR. FELLEENZ: Well, my understanding is you want  
7 to set up these meetings.

8 MS. CARLSON: Uh-huh.

9 MR. FELLEENZ: So my suggestion would be if we  
10 have -- set some agendas so that we can put down what --  
11 the areas that you want to discuss, the concerns that you  
12 have, and then we can prepare, as you can also, and we  
13 can talk about it and come prepared with those  
14 individuals who have those expertise along with the  
15 manager so that -- so we can have those discussions.  
16 Does that seem reasonable?

17 MS. CARLSON: It does. But it seems kind of  
18 onerous too. It seems like you really have to plan very  
19 carefully. And, you know, planning three days in  
20 advance, now we're all here, I'm not exactly sure how to  
21 make progress though if we don't have the right people  
22 that we're talking with about the issues we're going to  
23 talk about today.

24 MR. FELLEENZ: Okay. Well, I think we've brought  
25 along some people that have extensive knowledge about the

10

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1 project, about the project as it is going through Kings  
2 County and the two alignments, and we're prepared to  
3 address aspects like compliance with your general plan,  
4 station location, whether you want a station in Kings  
5 County or not. I mean, those sort of issues, I mean,  
6 we're prepared to discuss those to the extent we can.  
7 And certainly if we have -- we don't have the answers in  
8 front of us today, we will prepare or find the documents  
9 that show those -- those answers for you. Because  
10 we've -- we've -- as you can imagine, in this process  
11 we've developed large amounts of documents, studies, we  
12 have a draft environmental document as you -- was made  
13 available to you earlier in October. So we can certainly  
14 focus on any of those documents.

15 MS. CARLSON: Okay. I think I don't really want  
16 to get out in front of anybody, so stop me if I am, but I  
17 think that one of the key issues that we wanted to talk  
18 about would be the ag mitigation or the lack thereof.  
19 And in addressing the way it has been addressed in the  
20 draft so far I think indicates not a complete  
21 understanding of what is all involved in, for example,  
22 repermitting a dairy and what assurance the County would  
23 have on behalf of its constituents that you are  
24 completely aware of that and how you're going to deal  
25 with it.

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1           The dairy permitting, for example, involves not  
2 only the County, you know, streamlining a permit, it  
3 involves the Air Board, the resources -- the Water  
4 Resources Board, and other agencies. And those, we feel,  
5 have not been adequately understood and therefore not  
6 adequately addressed and therefore not adequately  
7 provided for mitigation. Did I say that correctly?

8           MR. FELLEENZ: Yeah, and that's a very good  
9 subject. We actually have been having discussions with  
10 the Governor's office, because the Governor's office is  
11 over the permitting -- the permitting agencies that will  
12 be involved and the state agencies for this project. And  
13 our intent is to work with the Governor's office and  
14 those particular agencies to help with the streamlining  
15 process.

16           So I think this is very constructive that, you  
17 know, you have that concern. We do also. We want to  
18 make sure that we assist the local communities to obtain  
19 their permits in an expeditious fashion so that there's  
20 less disruption and those sort of approaches. So this is  
21 very -- a very welcome discussion. And we can identify  
22 those -- those state agencies that will be issuing those  
23 permits, we can have them participate in meetings to have  
24 direct discussions with you. I mean, we'll do whatever  
25 we can to assist in that process.

12

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1           MS. CARLSON: My, you know, concerns there are  
2 that our general plan is -- is geared around that  
3 process. And that it would take, you know, years to  
4 comply with that. I just don't see what kind of a plan  
5 that you have in place to do that, and -- and have --  
6 have you thought through alternatives that, you know,  
7 avoid those and go along existing transportation  
8 corridors to avoid that three to five year process?

9           MR. ABERCROMBIE: You know, I -- in past things  
10 that we've been down here, and we've previously rolled  
11 out maps, and we've brought a few that, you know, one of  
12 the things that we did in terms of -- and John can talk a  
13 little bit about it, in trying to comply with the plan,  
14 you know, in terms of the general plan, dairies, we heard  
15 that and, you know, the idea that, you know, of -- of the  
16 permitting has been expressed for me and I've relayed it  
17 on to the team. We understand that. You know it -- at  
18 the same time, you just can't wipe regulation off the  
19 board with regards to how the process is done. But you  
20 can work to streamline it.

21           But back to the idea of how to avoid it, you  
22 know, we went through and plotted all the dairies, you  
23 know, on there, and did a -- did our best as terms of  
24 that was one of our primary functions, primary things  
25 that we worked as hard as possible to avoid.

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1 Particularly the dairy proper, in other words, the  
2 lagoons, the facilities that were probably more onerous  
3 to permit versus the -- the nutrient dispersion, okay.  
4 And now, you know, and visually we can roll out a map and  
5 we can look at some of those things. But that was a very  
6 high priority. That's one of the reasons we're on the  
7 east side of the power lines versus the west side. The  
8 west side of the power lines in our earlier alignments  
9 hit more dairies. You know, our June 2010 type  
10 alignments hit more dairies.

11 And, you know, based on those discussions we,  
12 you know, the team's straightened up that line a little  
13 more north/south and moved it so that we hit fewer  
14 dairies and tried to bisect -- or let me rephrase that --  
15 make sure that we could minimize whatever we could with  
16 regards to that. Now, there's no way to minimize or to  
17 avoid all of them. And I -- you know, I know you know  
18 that and, but those are the things that we -- we -- we  
19 certainly took into account.

20 And we're -- if you have different priority or a  
21 different way for us to try and work with that priority,  
22 that's what, you know, I believe this, you know, what  
23 we're trying to get to today.

24 MS. CARLSON: Well, I do have a follow up to  
25 that. I have two questions. And the first one, maybe I

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1 just don't have the information, but from reading the  
2 High Speed Rail Act, it looks like you have authority to  
3 condemn for right of way. Okay. No problem. That would  
4 be a given. But what if you take away acres that they  
5 need to maintain in order to keep their discharge  
6 permits? How do you then condemn from some other  
7 neighbor behind them who probably also is a dairy to keep  
8 their -- the space that they need?

9 And the second part of that is do you have right  
10 of way agents that are experienced in this? And I think  
11 I can probably answer, but 198 all dealt with dairies.  
12 And I talked with a couple of the key right of way agents  
13 involved in that, and that -- those purchases and  
14 negotiations, from my information, took over 15 years.  
15 So how are you going to avoid that kind of situation on  
16 this project?

17 MR. FELLEENZ: Well, I guess I can say that for  
18 this particular section of the high speed rail system,  
19 which is from Fresno to Bakersfield, we aren't at the  
20 right of way stage yet because we're still deciding on  
21 alignments, so some of the details like this aren't  
22 before us at this time.

23 But I understand what you're saying is that will  
24 the Authority hire the experts needed to do the  
25 appraisals and make the evaluations on property

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1 acquisitions that would be appropriate. And I think the  
2 answer to that is yes, we would.

3 MS. CARLSON: That's not my question at all.  
4 My -- what I want you to know is all that is involved in  
5 that. And -- and are you guys aware and have you  
6 determined that that might be a huge issue. And we don't  
7 want the can kicked down the road until that point and  
8 our farmers are and dairy people are struggling for 15  
9 years to get what they're entitled to. We want to know  
10 that you know that now. And that you have chosen the  
11 route accordingly.

12 And then the second half of that would be not  
13 only dairy permitting, but cutting farms in half, for  
14 example, and all of the infrastructure involved in doing  
15 that. We want to make sure. We don't have any good  
16 feeling so far that anyone on staff has a true  
17 understanding of the farming and dairy practices, and  
18 therefore, cannot relate that into a document that's  
19 supposed to inform the public of how they're going to  
20 address and mitigate those problems.

21 MR. FELLEENZ: Do you have suggestions on how the  
22 High Speed Rail Authority might address some of these  
23 concerns that you have?

24 MS. CARLSON: I'm going to let somebody else  
25 answer that one.

16

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1 MR. GATZKA: Well, maybe we can ask some  
2 questions of what the Authority has done in Merced and  
3 Fresno area. I'm not familiar with all the details on  
4 there, but obviously from some of the statements that we  
5 received in our questions it says that Kings County has  
6 special considerations due to our dairies. But are the  
7 other counties facing similar situations with dairies  
8 that are going to have to be repermited, relocated. And  
9 maybe if you can help explain what the Authority has done  
10 to mitigate in that Final EIR, the Merced to Fresno  
11 section EIR in addressing those issues. Because  
12 obviously you've got two projects, and one is already in  
13 front, and that's Merced to Fresno. So you're already  
14 addressing some of these issues, you're already  
15 presenting mitigation, you're already presenting ideas of  
16 how you're going to resolve those. So if there's other  
17 examples, maybe you can shed some light on that.

18 We were also aware that the Authority has been  
19 working with the City of Fresno to actually provide  
20 funding and supplemental staff support for all those  
21 relocations, it's even on their agenda. But I do believe  
22 the city council didn't vote in favor of it yet, but I  
23 think it's going back. Can you explain maybe what some  
24 of those agreements or mitigation approaches are?

25 MR. FELLEENZ: I'll let John address some of the

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1 things we've done with dairies.  
2 MR. POPOFF: Well, it's not only the dairies,  
3 it's all kinds of specialty businesses. I mean, there  
4 are lots of, or quite a few, I would say, specialty  
5 businesses that need special treatment. And our right of  
6 way people have acquired specialists to work with these  
7 specialty businesses. And we have someone like Okay  
8 Produce, for example, in Fresno has a very peculiar  
9 operation that cannot be interrupted. And they must have  
10 a different type of treatment than a small business, for  
11 example, who can just get up and move to a new location.  
12 So the right of way people are actually acquiring this  
13 special expertise to deal with those special businesses,  
14 including dairies. So it -- sir?  
15 MR. NISWANDER: So if you're representing High  
16 Speed Rail Authority, the Board, and the project and  
17 everything, do you have consultants on staff that is  
18 dealing with the mitigation issues with dairies that have  
19 been asked?  
20 MR. POPOFF: One of the issues we have, and this  
21 is -- I'll go back to Mr. Fellenz, is to go and have a  
22 one on one with the dairy, we are precluded by law to do  
23 until we have a NOD or ROD. So we're doing some general  
24 discussions and general commitments to do that.  
25 Now that we have, for example, Merced through

18

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1 Fresno approved yesterday, and we'll have a NOD, now we  
2 are able to go talk to the individual land owners. And  
3 this will be a very extensive program with these land  
4 owners to understand their operation and see how we're  
5 going to mitigate and deal with them to make sure that  
6 they are kept whole and are being treated fairly and  
7 properly. And this is where these specialty consultants  
8 and specialty agents will be involved.  
9 MR. GATZKA: So if I can ask you a question real  
10 quick, then. Does that mean that the specific site  
11 analysis for, let's say, a dairy or even Okay Produce or  
12 one of those specialty businesses isn't being done until  
13 after the Final EIR, meaning that the right of way agents  
14 are looking at all the specific details of what their  
15 needs are or what their circumstances are, is that what I  
16 understand?  
17 MR. POPOFF: Each and every property will be  
18 looked at specifically once we have the NOD and ROD.  
19 Before that we only have multiple alignments, and we are  
20 not going to each and every -- and we're not allowed to  
21 go to each and every farm or each and every land owner  
22 and talk to them and speak with them of what's their --  
23 peculiar on their property.  
24 MS. CARLSON: I think --  
25 MR. SPIKES: I don't understand that because --

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1 I'm sorry, go ahead.

2 MS. CARLSON: Yeah, I was going to say I don't  
3 think -- and I don't want to put words into your mouth or  
4 misinterpret you, but I think you are jumping to the  
5 acquisition phase and jumping over the environmental  
6 impacts part of that. In order to fully understand the  
7 impacts and identify them, as required in the  
8 environmental document, you would have to get to know  
9 those issues pretty well. In order to develop mitigation  
10 measures for those specific huge areas of land you would  
11 have to get to know those issues now, and not -- we're  
12 not talking about talking with them about purchasing,  
13 we're talking about, first of all, doing the  
14 environmental piece correctly. And then, you know,  
15 having agents that are prepared and knowledgeable with  
16 how to assist in the acquisition. So I understand what  
17 part you can't do for right of way acquisition, but you  
18 still have a lot to do for the environmental piece.

19 MR. ABERCROMBIE: The -- yeah, I guess the --  
20 you probably ought to -- that's what I was thinking in  
21 terms of the separation between right of way and --  
22 process and environmental document. You know, the teams  
23 do go out, you know, and try to assess, you know, from  
24 based on the business records, based on, you know,  
25 whatever they can without violating, you know, Tom, you

20

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1 can probably talk about that, but the separation between  
2 what's right of way and what you would need to do for the  
3 EIR to come up with those impacts with regards to, you  
4 know, the economic based on the, you know, the property  
5 taxes, the distance, you know, economic values and the  
6 things that are in there. A number of business and  
7 different things that have to be relocated. Those things  
8 are quantified in the EIR.

9 With regards to -- well, two things, the -- for  
10 Merced/Fresno I'm not -- the dairies that we have in  
11 Merced/Fresno are mostly in the Madera connection around  
12 the Y's, you know. And some of the things that we did do  
13 was move roadway alignments to minimize those impacts.  
14 How they're characterized, again, is really more on the  
15 economic side of it. There are general discussion about  
16 yes, you know, the issues of the difficulty of  
17 repermitting or where we're taking ag land away, the idea  
18 that at some point -- well, and it's true for, you know,  
19 whether it's necessarily a dairy, but there's going to be  
20 a repermitting process for, you know, all farm lands in  
21 regards to they, you know, got some mitigation plans and  
22 all kinds of things that they have to update should we  
23 affect their property. In particular for dairies, you  
24 know, they recognize that it may take, you know, several  
25 years to reacquire whatever necessary nutrient land, you

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1 know, in terms of the, you know, the operations in which  
2 they operate under or to come up with a different type of  
3 scenario that would allow them to operate at the 400 cows  
4 that they have now or whatever the example is.

5 But before I forget, you know, the -- in  
6 recognizing, you know, the difficulty of the permits and  
7 whatnot, you know, Greg, you brought up, you know, the  
8 idea that we're trying to work with the City of Fresno,  
9 we're going to work, you know, institute a, you know, a  
10 -- or have a policy, we're working on that, funding for  
11 them for the permits and such and trying to work closely  
12 with them. The -- the resolution was approved four to  
13 two, which makes the resolution approved but not funded.  
14 So it's kind of in a somewhere in between land.

15 But that is an example, and I'm glad you brought  
16 it up in terms of Merced/Fresno. I think in looking at  
17 that document that's, you know, and the times that I've  
18 talked about it here is what we're trying to do for  
19 mitigation is pretty well laid out there, you know. And  
20 if there's things that -- that Kings County want to see  
21 different in terms of mitigation, you know, then this is  
22 a good -- a good forum to try and review some of those  
23 issues.

24 You know, one of the things that came up was the  
25 mitigation ag land of one to one in terms of our funding

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1 that through the Department of Conservation and that  
2 commitment. And there was a little bit of concern with  
3 regards to that from the Dairy Farm Bureau about how it  
4 was going to be implemented. And the person we referred  
5 them to is Mark McLaughlin, who manages some of our  
6 mitigation issues. And he's one of the ones that Tom  
7 mentioned with regards to how that's applied or -- or how  
8 he's managing, whether -- he does other mitigation as  
9 well in terms of wildlife and biological and such too,  
10 that's one of the things that he's -- he's in charge of.

11 One of the things that, in negotiating with the  
12 Department of Conservation, is how involved does the  
13 County want to be in helping making sure that those  
14 validating, you know, if they're -- what we're putting in  
15 conservation is equivalent value, you know, in terms of  
16 resources and whatnot, like lands. We don't necessarily  
17 want to just turn it over to the Department of  
18 Conservation and let them decide. I think there's a role  
19 for us and a particular role for any particular county to  
20 play. But we want to make sure that those are, you know,  
21 we get those countys' wishes into that type of agreement  
22 as we move forward.

23 MS. CARLSON: Will those occur within the county  
24 affected? For every acre out will the acres be in the  
25 county?

23

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1 MR. ABERCROMBIE: I think that's the goal. But,  
2 you know, I -- I know that Kings County already has a lot  
3 under obviously the conservation program, so I don't know  
4 if we can guarantee it. But that -- that is one of those  
5 things that I think either through Mark or, you know, we  
6 need to look at and figure out how that would best do it.  
7 Because if that's -- and I agree that's -- that should be  
8 the goal. And but I don't know whether or how closely we  
9 can do it or how we can measure it or what other  
10 provisions we can put in there, you know, that if it  
11 can't be, then what happens. And, you know, if -- if,  
12 for example, what would be -- you know, let's say we only  
13 get to 80 percent in Kings County. What would be an  
14 alternative?

15 MS. CARLSON: Is that a rhetorical question?

16 MR. ABERCROMBIE: Not really. You know, what  
17 would be an alternative if we could only get, I mean,  
18 when we look at it from the issue of a statewide project,  
19 and the valley, you know, if -- if we disrupt 3000 acres  
20 across the valley, we want to make sure we get 3000 acres  
21 across the valley. You know, this is a statewide system.

22 MS. CARLSON: How do you technically accomplish  
23 that? Do you go out and condemn that too or, I mean, how  
24 do you --

25 MR. ABERCROMBIE: Okay, no, we don't have -- and

24

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1 Tom, I think he -- we don't have the authority to condemn  
2 property for that. It does have to be willing sellers.

3 MS. CARLSON: And what if you don't have the  
4 willing sellers?

5 MR. ABERCROMBIE: I don't know. Tom, do you --

6 MS. CARLSON: How do you carry out the  
7 mitigation?

8 MR. ABERCROMBIE: Pardon?

9 MS. CARLSON: Then how do you carry out your  
10 mitigation?

11 MR. ABERCROMBIE: I'd have to see the agreement.  
12 That's not my expertise so I can't -- I can't answer  
13 that.

14 MR. GATZKA: If can I interject a little bit  
15 too.

16 MR. ABERCROMBIE: Sure.

17 MR. GATZKA: I think one of the really tough  
18 things for us to do is to try to second guess the  
19 Authority on your mitigation approach. Typically when  
20 we're dealing with EIR's and projects, the applicant has  
21 had to come up with those because basically the applicant  
22 has the purse strings. And because any mitigation is  
23 going to carry a cost. It really is -- it's the  
24 Authority's project, it's the Authority's responsibility  
25 to present the project details and what potential

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1 mitigation measures may be acceptable to the Authority.  
2 Those are the things that we look to review and then kind  
3 of get feedback on.

4 But the -- the overwhelming comment that we  
5 continually hear is you're looking at the County, you're  
6 looking at us to give you ideas of how to mitigate.  
7 And -- and I think that's very problematic for us because  
8 it's not our job to tell you how to -- how to figure out  
9 how you're going to preserve farm land, how you're going  
10 to take care of our dairies. We're waiting to hear from  
11 the Authority what -- you're going to impact dairies,  
12 you're going to impact Baker Commodities, you're going to  
13 impact farm land. Knowing that there's certain impacts  
14 that are going to happen, what is the Authority  
15 suggesting or coming to the table with in terms of ideas  
16 to mitigate those things? Because that's going to tell  
17 us, as an agency responsible for the land use, where our  
18 perspective is in terms of how much impact that may be to  
19 the County, the timing of it, and then again, the  
20 economics that are going to be related to it. An elusive  
21 answer in terms of dairy -- dairy repermitting or  
22 relocation with -- with no real timeline, no real process  
23 except to say that the right of ways will deal with it,  
24 that has very uncertain economic impacts for us in terms  
25 of our entire communities. So that -- it's not lending

1 anything to give us the kind of information we need to  
2 kind of give you feedback. If that makes sense.

3 MR. FELLEENZ: Right. And have you -- so you're  
4 looking at our draft environmental document that's been  
5 out and you're saying that there's not enough detail in  
6 there, is that -- is that -- could I -- I'm not trying to  
7 put words in your mouth, but.

8 MR. GATZKA: And that's exactly right.  
9 Mr. Popoff indicated that, you know, the specific dairies  
10 would be looked at -- looked at after the Final EIR when  
11 the right of way agents go out and evaluate that.

12 MR. FELLEENZ: Uh-huh.

13 MR. GATZKA: Well, again, if we know that a  
14 dairy permit takes eight months to three years to get  
15 them re-permitted, if that's going to be necessary to make  
16 a dairy whole again --

17 MR. FELLEENZ: Uh-huh.

18 MR. GATZKA: -- the timing of that is going to  
19 be critical to us because that may mean that dairy is  
20 either offline or -- is it going to be -- is it going to  
21 be reestablished to be able to seamlessly transfer over  
22 and become operational again? All those have economic  
23 impact related issues that go along with it.

24 MR. FELLEENZ: What do you mean by to make the  
25 dairy whole again?

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1 MR. GATZKA: Well, I'm actually referring to the  
2 term that we hear from most of your consultants and  
3 staff. That's usually what we hear. That the property  
4 owners and the businesses are going to be made whole. So  
5 I'm just referring to the generalized responses that we  
6 typically hear.

7 MR. FELLEENZ: But I mean as a County what is --  
8 would be your expectation for that?

9 MR. GATZKA: Well, our greatest expectation  
10 really is that we are -- probably have the greatest -- in  
11 terms of a small rural agricultural county, the  
12 agricultural impacts are going to have a significantly  
13 amount -- more amount of cumulative economic impacts to  
14 our communities and cities here. We're smaller, but we  
15 have smaller economies that are more directly tied to  
16 agriculture. So even a few dairies being impacted, you  
17 have supporting industries that are relying on that.  
18 There are other farm land that support the feed, support  
19 the transport, there are going to be a number of -- host  
20 of other businesses that relate to it. So by not having  
21 an answer for that one particular dairy, we have rippling  
22 effects across other businesses and industries and  
23 communities that rely on it.

24 So that's the difficult part of not  
25 understanding how are these -- if the Authority is saying

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1 they're going to make these businesses whole, how in fact  
2 are you looking at doing that? What are your proposals?  
3 What are your suggestions. Not necessarily do you have a  
4 mitigation approach that you are going to work out  
5 specifically with one dairy, but to us what are your  
6 approaches to actually try to do that?

7 MR. FELLEENZ: Okay. Well, I mean, for me  
8 personally -- do you have some information, John, on  
9 that?

10 MR. POPOFF: Well, I think the Baker's  
11 Commodities is a very good example. We are acutely aware  
12 that Baker's Commodities is a critical business that  
13 provides an absolutely critical service to not only Kings  
14 County, to Tulare County and other counties. We know  
15 that we cannot interrupt the operation of Baker's  
16 Commodities, period, without having a massive ripple  
17 effect. And we'd like to work with you and Baker's  
18 Commodities to make sure the best ways to keep Baker's  
19 Commodities functioning all the way through this process.  
20 We'd like to have your input, your knowledge along with  
21 Baker's Commodities and sit down and what is the best way  
22 to ensure that Baker's Commodities is kept in service at  
23 all times. If we need to go and get special permitting,  
24 we need to know that. We want to work with you. Where  
25 would we put it?

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1           And, again, we have the commitment from the  
2 Governor's office to work with us. We'd like a  
3 commitment from Kings County and others to work with us  
4 to get this resolved. It is a very special, if you wish,  
5 almost a microtask to get it done. But it's very, very  
6 important. And we understand that.

7           MR. SPIKES: Well, Baker Commodities actually is  
8 not only of regional importance, but I think as  
9 illustrated last week, it's of national importance. And  
10 clearly we agree with what you're saying with respect to  
11 that fact that it's critically important to what we're  
12 doing. But that -- that's -- I was going to ask a little  
13 while ago, you mentioned Okay Produce, for instance, I  
14 think it was Okay Produce, is that who you said that had  
15 a rather unique circumstances? And Baker Commodities I  
16 suspect would fall into the same category. And yet you  
17 indicated you can't talk to them, but have you -- you  
18 have been talking to Baker Commodities, is that not true?

19           MR. POPOFF: We have spoken to Baker's Commodity  
20 -- Baker -- I'm sorry, I keep on saying Baker's, I know  
21 it's Baker, sorry about the s.

22           MR. SPIKES: That's okay.

23           MR. POPOFF: Yes, we have spoken to them too in  
24 general terms. But that's why we know that they are so  
25 critical, we know what their basic business is. But we

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1           have not been able to sit with Baker Commodities in the  
2 -- along with the County and along with other users and  
3 some, again, permitting agencies to see what it will take  
4 to ensure that Baker Commodities is uninterrupted.

5           MR. ABERCROMBIE: Well, look --

6           MR. GATZKA: Can I ask you a clarifying --

7           MR. ABERCROMBIE: Sure.

8           MR. GATZKA: -- question real quick, though,  
9 Mr. Popoff, in terms of working with County and Baker  
10 Commodities, is that something that you foresee happening  
11 before the Draft Environmental Impact Report is released  
12 or after the Final EIR, so maybe if you can indicate  
13 when -- when would you foresee that actually being worked  
14 on?

15           MR. POPOFF: At this point we have in the EIS  
16 the commitment to work with Baker's and to keep it  
17 functioning at all times if that alignment is selected.  
18 That alignment is not yet selected and may not be  
19 selected.

20           MR. GATZKA: But the specific discussions on how  
21 to try to work with that, I'm still not understanding.

22           MR. POPOFF: So we will have -- we will -- I'm  
23 sorry to interrupt.

24           MR. GATZKA: When, in what stage of the process  
25 in relation to the EIR?

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1 MR. POPOFF: Well, there are a couple -- a  
 2 number of steps. One is the policy. The policy  
 3 that's -- that's coming from the Board and from the  
 4 Authority is Baker Commodities will be kept operating no  
 5 matter what happens if that alignment is selected.  
 6 That's a policy and that -- that is a commitment and that  
 7 will be in the environmental document. The details will  
 8 be drilled down in steps, as always. And the steps will  
 9 come in, first of all, you'll have some next level of  
 10 what does it really take if that alignment is selected.  
 11 And there will be things like permitting, what do we need  
 12 to get it done, what's the -- what would the County like  
 13 to see in that area if we choose that alignment. So that  
 14 we can develop that a little bit more into the -- into  
 15 the Final EIS document.

16 At that point if -- once that -- once and if  
 17 that alignment is selected, then there is a much more  
 18 detailed progress on how we're going to actually do  
 19 detailed engineering to make that happen. It is all in a  
 20 series of steps.

21 MR. SPIKES: So then for the sake of discussion,  
 22 I just want to make sure I understand this, if we were to  
 23 say okay, let's sit down with Baker Commodities and  
 24 schedule something for next week to make sure we can talk  
 25 about how that would be mitigated, if in fact that

1 alignment is chosen, I thought I heard you say earlier  
 2 that you can't talk to these people until after the  
 3 EIR/EIS is adopted.

4 MR. ABERCROMBIE: Let's -- let's -- let's -- --  
 5 let's -- what John tried to portray is is we can't make a  
 6 specific commitment that, for example, we can pay for  
 7 this, this, this, this, and this in terms of because  
 8 that's starting to cross that line into what a real  
 9 estate, you know, right of way issue is. But we can  
 10 identify, okay, should we be by here and this is our  
 11 impacts. Can we mitigate them by being aerial a little  
 12 longer? Can we -- and how does that affect the permits.  
 13 If -- if we can't do that, what is the next best thing?  
 14 Is it -- is it to use the option two, move the re -- you  
 15 know, move the building and whatnot.

16 And so basically what John was referring to is  
 17 is you've got to create kind of the framework, and then  
 18 when -- out of those two or three options, you know, then  
 19 one in the end turns out to be selected. It may be that  
 20 when you start drilling down, the timeline would  
 21 predicate there's no way we'll finish the permits. The  
 22 best way to do this is stay aerial for another mile or  
 23 whatever it happens to be. That may be the -- that may  
 24 be the greater cost. But that is then the right thing to  
 25 do. But that can't -- that piece right there can't be

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1 determined specifically right up.  
2 MR. GATZKA: I think those are -- those are good  
3 examples. That's what was missing in your first Draft  
4 EIR, because all it said is there's a need for probably  
5 relocation and repermitting, but that it will be the land  
6 right of way agent. So that doesn't provide any  
7 information to us in terms of how the Authority would be  
8 willing to mitigate it.

9 But understanding that there's going to have to  
10 be a number of different approaches, because one thing  
11 the Authority is not going to have is you're not going to  
12 have control over potential litigation on that facility  
13 relocating to another -- another site. And we -- we  
14 fully know that that Darling International, facing the  
15 urban growth pressures from the City of Fresno, leave  
16 Baker Commodities only -- being the only other  
17 alternative in the valley, that rippling effect could be  
18 significant and could even be significantly delayed if  
19 that one facility in its own repermitting or relocation  
20 process is facing its own litigation and lawsuits on  
21 environmental challenges.

22 So that's what we're looking to the Authority,  
23 because you have to have those considered, analyzed, and  
24 present alternatives on how are you going to address some  
25 of these things, because that is a very realistic

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1 possibility or a repermitting or relocation of a facility  
2 like that.

3 MR. ABERCROMBIE: I'll take the Fresno Rescue  
4 Mission as an example. It's going to face the same  
5 relocation challenges to one degree or another because  
6 there's not a lot of people that are going to want a  
7 homeless shelter next to them. There -- we are -- if I  
8 understand the right of way process correctly, and maybe  
9 the next way through here would be a nice right of way  
10 discussion, Tom, we're not in a position or can be in a  
11 position to, you know, select other properties for them.  
12 You know, you're starting to cross over into that other  
13 area that -- but, you know, recognizing that it's going  
14 to be difficult, making sure then that that's discussed  
15 in the EIR, and then making, you know, all you can do is  
16 make the commitment and, you know, and the City of Fresno  
17 has been good with this with regards, and -- and I -- and  
18 I hope, you know, all the way through this, you know,  
19 we're going to face huge challenges, and the best way to  
20 do that is -- is foster, and we can here too, foster, you  
21 know, that working relationship that does allow us to  
22 streamline permits, that does allow us to help with the  
23 process to get conditional use things done, to get Fresno  
24 Rescue Mission relocated, you know, and where that is  
25 appropriate. You know, the specific answers for some of

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1 those though just can't be had. Okay.  
2 And I -- and I didn't hear you say that, so I  
3 don't want to mean, you know, because what you  
4 acknowledged, and I appreciate that, Greg, because, you  
5 know, you -- you know, your -- your concerns for the  
6 County and, you know, and the plan that you have, this is  
7 a great plan. As has been repeated, it's a model, you  
8 know. You -- you acknowledge that unique -- well, what  
9 are the options available. You know, and that was --  
10 that was really I guess your thrust. And I, you know,  
11 Tom, and I know Patricia could talk a little more about  
12 where that -- and you know -- you may know it yourself to  
13 some extent, where that right of way line is and how  
14 detailed you can get.

15 MR. HOGAN: Can you clarify something for me.  
16 At what point in the process leading to certification of  
17 an EIR, at what point will the Authority identify or  
18 choose an alignment?

19 MR. FELLEENZ: Well, there's a -- the Board will  
20 choose a -- or have a preferred alternative that would  
21 proceed to certification, that would be the expectation,  
22 that would be presented to the Board for their  
23 consideration, a preferred alternative.

24 MR. HOGAN: And has that been identified  
25 already?

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1 MR. FELLEENZ: Well, we have two -- we have two  
2 alternatives right now.  
3 MR. HOGAN: So when are you going to choose the  
4 preferred?  
5 MR. ABERCROMBIE: Well --  
6 MR. POPOFF: Well, what will happen is we will  
7 have a -- we'll recirculate a new draft, the draft will  
8 be open for 60 days.  
9 MR. ABERCROMBIE: And the draft does not contain  
10 a preferred.  
11 MR. POPOFF: It does not contain a preferred, it  
12 has two alignments. We'll receive our comments at the  
13 end of the 60 day period. We will review those comments,  
14 and based on those comments and our assessment we will  
15 prepare and present to the Board what we believe would be  
16 the preferred alignment. The Board will then consider  
17 that. That preferred alignment will be also discussed  
18 with the cooperating agencies, the Corps of Engineers,  
19 the EPA, and then we'll get concurrence from them that  
20 this is the -- to the LEDPA -- this will be the least  
21 environmental damaging preferred alignment. But we will  
22 do it after we receive the comments from the draft  
23 document and we've reviewed those documents and assessed  
24 those comments. And at that point we'll be prepared to  
25 recommend a preferred alignment.

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1 MR. HOGAN: And then will the public, or  
2 agencies like Kings County, have an opportunity to  
3 comment on the preferred alternative and the potential  
4 impact of the preferred alternative?  
5 MR. FELLEENZ: Yes. 'Cause -- 'cause when that's  
6 presented to the Board for their consideration, then the  
7 public is invited to participate in that process.  
8 MR. HOGAN: And how long will we have, how long  
9 will that comment period be?  
10 MR. FELLEENZ: I -- I really can't say at this  
11 time.  
12 MR. HOGAN: It becomes important to us because  
13 if we don't know which alternative is going to be  
14 recommended, you're asking us to devote an awful lot of  
15 resources to evaluating the adequacy of your study of two  
16 alternatives. And under -- at least under law you're  
17 only required to give us 10 days between the time you  
18 complete a final environmental report and the time you  
19 present it to your Board. So I think what we'd like to  
20 have is some assurance that there will be a reasonable  
21 period of time between your selection of a preferred  
22 alternative and the date on which the Board considers  
23 approving it. Otherwise, we're left investing a lot of  
24 resources in evaluating an alternative that may never  
25 even be selected.

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1 MR. FELLEENZ: Would you be -- would you  
2 anticipate that -- that you would be only looking at one  
3 of the two alternatives once you find out which one is  
4 preferred? Or is the County interested in looking at  
5 both and giving -- giving the High Speed Rail Authority  
6 some input about which one you think would be better for  
7 the County?  
8 MR. HOGAN: Well, we certainly want to consider  
9 and take a look at all the alternatives.  
10 MR. FELLEENZ: Uh-huh.  
11 MR. HOGAN: But all I'm suggesting is is in  
12 terms of devoting resources to really understanding  
13 whether you've done your job properly, we'd like to know  
14 which alternative you intend to pursue, whenever that's  
15 selected, and then have a reasonable opportunity to  
16 evaluate whether you have done your job properly with  
17 respect to that alternative. That's all I'm asking is  
18 how long will the -- will the public review and comment  
19 period be for the preferred alternative?  
20 MR. FELLEENZ: Well, as you said, there's a  
21 10-day requirement because of a meeting notice. But I  
22 can't say right now how long it will be exactly. Because  
23 it depends on when board meetings are set. We have an  
24 eight member board and, you know, we have to schedule  
25 their meetings, so I can't give you an exact time.

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1 But is the County then interested in looking at  
2 both? On the one hand you're saying we're interested in  
3 looking at both, but we don't want to devote resources to  
4 looking at both. Are we going to wait until you decide  
5 --

6 MR. HOGAN: That's why I --

7 MR. FELLEENZ: I'm just trying to get some  
8 clarity.

9 MR. HOGAN: No, I'm not saying the County won't  
10 devote resources to studying -- to looking at everything  
11 you suggested.

12 MR. FELLEENZ: Okay.

13 MR. HOGAN: All I'm doing is jumping ahead to  
14 based on some of the concerns that Greg mentioned --

15 MR. FELLEENZ: Uh-huh.

16 MR. HOGAN: -- about how we would address  
17 certain impacts, I'm just jumping ahead to once you --  
18 and you've indicated that you really can't determine that  
19 until you select an alternative.

20 MR. FELLEENZ: Yeah.

21 MR. HOGAN: So I'm saying once you select an  
22 alternative, then of course you'll have to be looking at  
23 whether you've adequately identified mitigation for the  
24 impacts of that alternative.

25 MR. FELLEENZ: Yes.

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1 MR. HOGAN: And our question is, okay, once you  
2 do identify that preferred alternative, how long will we  
3 have to take a look at it?

4 MR. FELLEENZ: Yeah.

5 MR. HOGAN: I'm not excluding any other  
6 alternatives or the County's concern about those other  
7 alternatives, I'm just saying once we get to that point  
8 where you've chosen the preferred alternative, we'd like  
9 a sufficient amount of time to consider -- to take a look  
10 at that.

11 MR. FELLEENZ: Okay. Well, I think that's a  
12 reasonable ask and we'll -- we'll work with you.

13 MR. HOGAN: Okay. And then will you also let  
14 the County know, well, Kings County, as soon as you've  
15 identified that preferred alternate, meaning as soon as  
16 you begin negotiating with or talking to other resource  
17 agencies like the federal agencies and other state  
18 agencies?

19 MR. FELLEENZ: Uh-huh.

20 MR. HOGAN: Okay.

21 MR. FELLEENZ: And then what was it you're --  
22 I'm sorry.

23 MR. HOGAN: Will we know as soon as you begin  
24 that process, in other words, as soon as the Department  
25 of Fish and Game or any of the other resource agencies

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1 that you have to work with, will we know as soon as they  
2 know of the selection of the preferred alternative?

3 MR. FELLEENZ: Oh, I'm -- I'm not sure. I mean,  
4 I can't give you a definite answer on that. But that's  
5 what you would prefer?

6 MR. HOGAN: We'd just like to know as soon as  
7 possible.

8 MR. FELLEENZ: As soon as possible, okay.

9 MR. ABERCROMBIE: That's a good point. I think  
10 the -- it might be -- and John, you can -- the --  
11 describe it a little bit about what we've been going  
12 through with regards to the MOU process with the  
13 City of Fresno or, you know, who -- pick one and talk  
14 about the idea of, you know, and it takes place, you  
15 know, with -- kind of with the comments that come in, you  
16 know, we've got to start taking those and really  
17 documenting, you know, the finality of what, you know,  
18 how we're going to work through all of those too. You  
19 know, so that that's properly documented and incorporated  
20 and agreements made. But in terms of timing too, I  
21 suppose would be.

22 MR. POPOFF: Yes, we'll do two parts. One,  
23 Mr. Hogan, to look at your comment is the Final EIS  
24 document will discuss the preferred alternative. It will  
25 only address -- it will actually identify the preferred

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1 alternative, and that's what will be presented to the  
2 public and to the Board. Before we can develop the Final  
3 EIS document we need to have a preferred alignment  
4 selected. So that will go to the Board, as I said, after  
5 re -- after the draft EIS comment period closes and after  
6 we've had time to look at the comments that have been  
7 received and assess those comments, we then will be in a  
8 position to recommend a preferred alignment --  
9 alternative. Once that preferred alternative is selected  
10 by the Board, we will then prepare the Final EIS  
11 document. So there is some time between the actual  
12 selection by the Board of the EIS documents and the  
13 circulation or completion of the FEIS and the circulation  
14 of that.

15 MR. HOGAN: So it will be a two step process.  
16 In other words, staff will identify a preferred  
17 alternative, recommend that.

18 MR. POPOFF: That's correct.

19 MR. HOGAN: Take it to the Board?

20 MR. POPOFF: That's correct.

21 MR. HOGAN: And then there will be a second  
22 Board meeting or action that considers approval of the  
23 final recommendation?

24 MR. POPOFF: That is correct, yes.

25 MR. FELLEENZ: Yes, yes, that's what we did in

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1 the Merced to Fresno. So it does give you more time, I  
2 think.  
3 MR. POPOFF: And in fact that's -- just to give  
4 you an indication, the preferred alignment for the Merced  
5 to Fresno was identified last December. But the actual  
6 FEIS action was yesterday.  
7 MR. HOGAN: Okay.  
8 MR. POPOFF: So that gives you an idea of the  
9 time on this event.  
10 MR. HOGAN: Would you anticipate a similar kind  
11 of time frame for this segment?  
12 MR. ABERCROMBIE: Actually we -- we would like  
13 to not quite take so long, but.  
14 MR. POPOFF: But that -- sorry, that's just the  
15 fact of the last occurrence, that's what it -- that's the  
16 period we had on the last alignment. But the process is  
17 always the same. We need the Board authority to develop  
18 the Final EIS.  
19 MR. FELLEENZ: We would welcome your -- during  
20 the public comment period your comments on -- on which  
21 alignment the County would prefer from its perspective.  
22 I think that would be very helpful in us helping to  
23 develop our recommendation to the Board on preferred.  
24 Because you may have some -- some real preferences of  
25 east versus the west. And because there's a lot of

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1 factors that go into this, we would welcome that.  
2 MR. SPIKES: Well, the Board of Supervisors, as  
3 you know, is on record -- originally on record adopting a  
4 resolution in support of existing transportation  
5 corridors.  
6 MR. FELLEENZ: Uh-huh, right.  
7 MR. SPIKES: 99, I-5, BNSF, although there was  
8 some suggestion we shouldn't use BNSF because of Hanford  
9 working with us to make sure that they wouldn't be  
10 interrupt -- they wouldn't be impacted as dramatically as  
11 they would be otherwise. But clearly I think that we  
12 already have a position that we think is consistent with  
13 the intent of Prop. 1A, which is finding existing  
14 transportation corridors to utilize. We recognize that  
15 it can't be done specifically down existing corridors  
16 because the geometry involved with high speed rail, but  
17 to the extent possible, I think that's what the intent of  
18 Prop. 1A was was to follow a corridor to the extent  
19 possible, not just veer off to east side of Hanford or  
20 the west side of Hanford and take out all this farm land.  
21 That's -- of course that's our concern. So that's why we  
22 have concerns with the existing corridors. And so, you  
23 know, I think originally the Board of Supervisors in  
24 opposition, originally their position was put it down  
25 I-5. Years ago now I'm talking about.

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1 MR. FELLEENZ: Uh-huh.

2 MR. SPIKES: And so to the extent then as well  
3 we need ridership in the town for the valley, okay, 99,  
4 UP, that makes sense to everybody. But here we are,  
5 we're looking at obviously not coming down existing  
6 transportation corridors to the extent possible. I think  
7 that's maybe your position, but certainly that's not  
8 ours.

9 And so that's why we want to talk about  
10 something other than those two corridors that are out  
11 there for discussion right now. Because if you're asking  
12 us to take a position on one of those, we're not going to  
13 do it at this point.

14 MR. NISWANDER: I find it ironic that the  
15 answers we were provided speaks to BNSF alternative as,  
16 you know, coming through Kings County. It enters the  
17 County on BNSF, or adjacent to it, and it exits the  
18 County in proximity to BNSF, but coming through the  
19 majority of the County, that's not along that alignment,  
20 that transportation corridor. It's its own  
21 transportation corridor.

22 MR. GATZKA: I know there was -- there's been a  
23 number of references to stating that the City of Hanford  
24 was not in favor of it coming through the city. But  
25 maybe if somebody on your staff can explain why that

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1 wasn't at least considered as an alternative, as a  
2 possibility, versus just relying on a statement from the  
3 city saying they don't want it there, how does that --  
4 how does that give more weight than the County saying  
5 they don't want it going through prime farm land where we  
6 have higher preservation priorities?

7 MS. CARLSON: And if I recall, I believe the  
8 mayor, I don't want to speak for him, the mayor of the  
9 city even went so far as to say, well, if it came down  
10 the BNSF throughout the middle of town there would have  
11 to be some option to put it underground so it wouldn't  
12 obliterate the downtown. That alternative, especially in  
13 light of all the information that's come out recently  
14 about possibly losing Amtrak, might be a valid  
15 alternative that brings you closer to compliance with  
16 Prop. 1A and may be something that you would revisit  
17 because it would be consistent with the Board's original  
18 support, and it would preserve a very important economy.  
19 And the scare of losing Amtrak is huge for the area.

20 So with that, I wanted to say that I think it's  
21 probably time for us to take a break for the court  
22 reporter. And I wouldn't mind a break myself if  
23 everybody else is good with that.

24 (Recess taken.)

25 MS. CARLSON: I think we're ready to go. Larry

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1 should be back momentarily.

2 MR. FELLEENZ: We were talking about --

3 MS. CARLSON: Oh, maybe not. We've got photos  
4 to share.

5 MR. FELLEENZ: We were talking a little bit about  
6 some of the activities that we've been going through to  
7 look at mitigations. And we were talking outside just  
8 when we took a break, and Jeff's been very involved in  
9 this ag working group, so he just collectively kind of  
10 explained some of the things that we had done in the back  
11 room in this ag working group, because this is some of  
12 the information that we're generating that we consider  
13 and look at for purposes of the environmental documents.  
14 So why don't you explain that.

15 MR. ABERCROMBIE: Sure. And, well, we should  
16 recognize that Tim participated in a fair number of that,  
17 and I appreciated that, especially with him and his  
18 fellow county ag commissioner, specifically with  
19 reference to the pesticides and that. But they've  
20 commented, Fresno has been very good about it too. And  
21 it gets -- it gets down to the, you know, the questions  
22 that a lot of them are, you know, property owner  
23 specific. And but to try and answer them the best  
24 general way, in other words, you know, the general topics  
25 were, you know, the induced wind from the train, you

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1 know, is it going to blow the blossoms off the trees,  
2 what is it going to do to the bees, what does it mean for  
3 new regulations for pesticides. You know, equipment  
4 movement, and how does that in respect, you know, in  
5 particular where you're having to bisect a farm,  
6 irrigation and both at the, you know, water delivery  
7 level and, you know, in terms of the individual farm as  
8 well.

9 And a couple of questions that, you know, they  
10 came from -- from the Shafter ag -- ag -- ag group, but  
11 really where the bulk of it came from was a couple of the  
12 hearings that were had that, I can't remember which one  
13 it was, it was shortly after I'd gotten on it that it,  
14 you know, the almond board and different farm  
15 organizations, ag organizations brought to -- brought to  
16 the ag commissioners in terms of the ag hearing for the  
17 senate.

18 Anyway, been working on that for about eight  
19 months, and we're down to essentially our last couple  
20 papers. And they were written generally in technical  
21 format, in other words, to try and look at it from a, you  
22 know, solution orientated or impact orientated side. And  
23 these -- much of the group besides the ag commissioners,  
24 you know, there was a few private parties, but ag  
25 extension people. And just recently all that went up on

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1 the Authority website. The papers need to go up, but  
2 they're not up yet. And then based on it being technical  
3 we sent them back, sent them out for review.

4 So for example, the paper on pesticides talked  
5 about what, you know, whether or not there was an issue  
6 with regulations and such. And that was sent out to  
7 Department of Pesticide Regulations for comment. The  
8 aerial applicators, there was two aerial applicator type  
9 groups as well as, you know, the California Farm Bureau.  
10 And so that's generally the process that's been.

11 And we've -- we've used it to make a set of  
12 recommendations as well in terms of, you know, the  
13 Authority should or shouldn't do or would recommend, and  
14 some of them went for like mitigation type issues. In  
15 the irrigation paper which is pending going out the next  
16 couple days probably, it's -- some of it's, I mean, it  
17 seems obvious, the idea that, you know, you don't rebuild  
18 an irrigation system, you know, when it's needed, you do  
19 it before it's needed. You know, you don't do it in the  
20 middle of summer while, you know, they're -- the almond  
21 trees need the water or whatever it happens to be, those  
22 kind of scenarios.

23 MS. CARLSON: So can I ask you right there, all  
24 of that information that you're gathering, are you  
25 translating that into plans of attack, plans that can be

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1 relied upon, how, you know, water is going to get under  
2 the track if you split something, how you're going to  
3 deal with, you know, pesticide application, are you  
4 developing plans that you can rely on as a consistent  
5 approach? And then if there needs to be special  
6 attention for some unique situation, you veer from there?  
7 Is that what you're saying?

8 MR. SCHMIDT: You know, Mike, can I answer?

9 MR. ABERCROMBIE: Sure. I mean, we've certainly  
10 fed it to the EIR group, but most of the, you know,  
11 things that we've come up with, you know, that is in the  
12 EIR. I mean, when we talk about irrigation in the EIR,  
13 you know, it's very clear that things are going to be  
14 realigned and taken care of specifically, like for water.

15 So go ahead, Craig.

16 MR. SCHMIDT: One of the -- one of my purposes  
17 on this organization is to bring some light to  
18 agriculture. That's been my background, born and raised  
19 here in the valley. Agriculture is my background. I  
20 served as agriculture director for two United States  
21 senators. And I do know the uniqueness of the valley and  
22 our specialty crops.

23 And my biggest concern was as -- of this  
24 County's was do we have the expertise on staff to be able  
25 to address the uniqueness of our valley and our specialty

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1 crops. And the answer to that question is yes, we do.  
2 We have made extensive outreach efforts to make sure that  
3 our -- our folks that do evaluation of the properties are  
4 agriculture background themselves, and we have searched  
5 the entire state and made sure that we have those people  
6 that are going to be doing the evaluation for us.  
7 And you're absolutely correct, when we and if we  
8 have a route that does bisect a particular piece of  
9 property, and we'll use almonds as an example, we know  
10 our typical footprint is about 100 feet, and that's from  
11 fence to fence, and that's a track going in each  
12 direction. And we have done studies and we have taken  
13 studies from other countries on how they impact  
14 agriculture and how their spraying is affected, how their  
15 propagation through -- through bee pollination is  
16 affected, and all these issues that agriculture has  
17 presented to us, and we have -- we have mentioned that  
18 those concerns are recognized and addressed. And  
19 particularly as my concern was with how we're going to  
20 deal with the water issue, knowing very well that there's  
21 only certain times of the year where you can alter the  
22 irrigation system within any given specialty crop, and  
23 this is something that we're keenly aware of and we know  
24 that we will have to do that work during the off season  
25 when it doesn't affect the growth and the production of

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1 the particular crop that we're -- the specialty crops  
2 that we're going to be impacting.  
3 MS. CARLSON: Okay. And so I'm hearing you say  
4 that you know and you've gathered the information and  
5 you're -- but what are you doing to translate that into  
6 plans of action when it comes down to actually dealing  
7 with the situation?  
8 MR. SCHMIDT: Well, this is going to be our --  
9 our game book, if you will, as to how we approach  
10 agriculture. So this technical working group that we  
11 have been working with, bringing in all kinds of  
12 specialty organizations and people who have been doing,  
13 as an example, irrigation in this valley for, you know,  
14 50 plus years, we are bringing that to bear and using  
15 that as our guideline.  
16 MR. GATZKA: Can I ask real quick?  
17 MR. ABERCROMBIE: Sure.  
18 MR. GATZKA: And I like hearing that you have  
19 somebody on staff that's working on agriculture and the  
20 expertise. The part that still eludes me, though, is how  
21 does that fit in terms of -- into the timing and  
22 development of the EIR process? Because, put it point  
23 blank, when we work with developers, if that's not in  
24 writing in the environmental documents, there is no  
25 guarantee that that developer is going to have to do

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1 those things down the road. So, again, the crux comes  
2 back to the environmental review, the EIR, the EIS, and  
3 the timing of your process and how that is formalized in  
4 those documents.  
5 MR. SCHMIDT: Well, as far as the EIR, Jeff.  
6 MR. ABERCROMBIE: Well, in terms of the EIR, the  
7 stuff that we've discussed within the ag working group  
8 has gone, you know, in terms of that, we've noted the,  
9 you know, that we used our own staff with regards to  
10 engineering, tells you about the wind speed of the train  
11 and those kinds of things. But in terms of how that  
12 feeds into the group and the equipment movement, as an  
13 example, John and I discussed this a number of times, is  
14 is we've got -- we'd have to make sure, you know, that  
15 the roadway widths that we put up will accommodate, you  
16 know, safe equipment movement, you know. And so we have,  
17 you know, not -- if you happen to have a county road  
18 that's, you know, 20 feet wide now, we're not going to  
19 put a 20 foot wide bridge back up because that is  
20 difficult. You still need to make sure that you have  
21 your site distances and the things so that, you know,  
22 safety wise, you know, you don't have head-on type  
23 situations and those kinds of things. And that part of  
24 it that I kind of just described really is going towards  
25 not so much the EIR side, at least as I, you know, put it

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1 in my mind, but towards the idea of policies. We need --  
2 and I think that this addresses kind of what you were  
3 getting at, Colleen, is how does that translate into what  
4 you're going to do when you actually get out there. You  
5 know, the -- it's got to go into the construction  
6 contract with regards to when -- when water can be worked  
7 out, when they can't.  
8 We're in the process and we've been meeting with  
9 various irrigation districts in, you know, Fresno and the  
10 Fresno irrigation, flood, you know, we're more upfront  
11 that there's an MOU that talks exactly about the  
12 standards that we're going to make a contractor build to  
13 specifically for a particular irrigation, there are  
14 standards that they have to meet, and they have to permit  
15 through that irrigation district about size or shape and  
16 flow of any of the canals they use, when they can access  
17 and when they can't access it. And so that's some of the  
18 feedback that we've got through the group. You know,  
19 much of that we knew, you know, much of that that we're  
20 making sure that the teams have put together the  
21 construction contracts do. That also feeds into the, you  
22 know, the people, when we're talking about right of way,  
23 you know, in my conversations and in the team's  
24 conversations with the right of way and the right of way  
25 group is, you know, you need to make sure that all of

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1 these things are being covered by the agents. I mean,  
2 that they're supposed to be specialists, but you still  
3 have to look over them, you still want to make sure that  
4 they've talked about it. All right, we've bisected your  
5 property, you use flood irrigation, this is handled in  
6 these types of ways, how are you going to do it, you need  
7 a new tail ditch, you need a new maintenance road, you  
8 need certain things that would be different than if it  
9 was per se a, you know, pressurized type system.

10 So process wise, you know, all -- you know, it  
11 is being shared and it is trying to go into the policy  
12 realm. That policy realm is being implemented from the  
13 idea of the standards we do, in terms of the MOU's that  
14 we work on, John might be able to talk more to MOU if we  
15 need to get more detail, and then down to the right of  
16 way type things that we know that need to be considered.

17 MR. FELLEENZ: Maybe John --

18 MR. NISWANDER: Excuse me, I need to get back to  
19 my office before 10:30. I would like to say something.  
20 I've been able to collaboratively talk about this with  
21 all of my cohorts from Kings County, but based on the  
22 decision of the High Speed Rail Board yesterday with the  
23 Fresno to Madera -- or Merced, rather, thing, I would  
24 suggest, strongly suggest that the High Speed Rail Board  
25 get in touch with the Governor and offer that a

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1 statewide, and I emphasize statewide working group be  
2 formed that brings the Air Resource Board, the State  
3 Water Board, Region 5 Water Board, all of the  
4 governmental entities, private industry folks that would  
5 be impacted by the rail, and figure out some of these  
6 mitigation steps that happen. Because, you know, going  
7 back to how we started our discussion almost about, you  
8 know, how are things going to be dealt with with dairies,  
9 just as example, between Merced and Fresno, we're  
10 assuming that that's probably how it's going to be  
11 handled down here. But I read recently where government  
12 isn't working as well as it can because we tend to  
13 stovepipe ourselves. You know, I -- I might forget to  
14 talk to Greg about something to see how a zoning thing  
15 that they're dealing with is going to impact me or vice  
16 versa. Sometimes, you know, we -- we make decisions  
17 under our own authorities without realizing how it's  
18 going to affect the rest of the environment. And I'm  
19 speaking mostly towards the environmental impacts or  
20 unintended consequences of mitigation that somebody in  
21 another part of the state has already figured out how to  
22 do it more efficiently or effectively or something, you  
23 know, a collaborative effort from some kind of a  
24 statewide work group. Not a comment period before the  
25 High Speed Rail Board, but a roll up your sleeves working

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1 group that figures things out.  
2 MR. SCHMIDT: Good suggestion.  
3 MR. NISWANDER: With that I'm going to go.  
4 Thank you.  
5 MR. ABERCROMBIE: Thanks, Tim.  
6 MR. GATZKA: Thank you.  
7 MR. FELLEENZ: John was going to have some.  
8 MR. POPOFF: Yeah, just a comment on the EIS  
9 versus the details. Because we do not have a single  
10 alignment selected on the draft will be -- there will be  
11 policies, a lot will be policy statements, policy  
12 statements regarding the irrigation. In other words,  
13 it's recognized that we need to keep water to the crops.  
14 There will be that -- and that is in the environmental  
15 document. There's recommendation for, as I said, Baker  
16 Commodities. These are policy statements that are  
17 determined. And there's impacts if we don't do that.  
18 And they're discussed in the environmental statement.  
19 They will then flow down into how that affects individual  
20 properties. Those individual properties will be drilled  
21 down in more detail as you do select an alignment. There  
22 will be more work done. And as you go from draft to  
23 final to actual implementation into the design and  
24 construction project, these policies will be carried all  
25 the way through and there will be more and more detail,

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1 more and more review by all the parties as we get into  
2 more and more detail towards the actual application in  
3 the field. So you will not see the detailed application  
4 in the EIS process or in the draft, you will see a policy  
5 what -- how we're going to do it. You will see policies  
6 what we are committing to do and what's conditional for  
7 us to do the project.  
8 MS. CARLSON: But just a policy statement  
9 without an actual policy to support it is problematic.  
10 MR. POPOFF: I'm sorry, I missed that.  
11 MS. CARLSON: I said just a policy statement,  
12 all it is is a conclusion that nobody knows whether  
13 you'll carry through or not, if you don't have policies  
14 in place to deal with the policy statement.  
15 MR. POPOFF: Well, my understanding, again I'll  
16 go to legal counsel, if we have a -- a commitment in our  
17 draft document or in our final document to do this, and  
18 the notice of determination adopts that mitigation plan,  
19 because in every document that you do on final and the  
20 notice of determination you do have a mitigation plan,  
21 and this mitigation plan is committed to, it's -- we're  
22 legally bound to comply with it. And that's -- it's a  
23 condition of which the project proceeds.  
24 MS. CARLSON: Let me say it a different way. If  
25 the mitigation plan is we'll deal with the water issue,

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1 that's not good enough. Because, first of all, you have  
2 to understand that the impact, the people, the public  
3 have the right to understand what the complete  
4 environmental impact is, and then how you're in detail  
5 going to resolve that. Just a statement isn't  
6 sufficient.

7 MR. POPOFF: No, no, I mean, I think you  
8 misunderstood my word "statement."

9 MS. CARLSON: I may be.

10 MR. POPOFF: The policy, as Craig said, there's  
11 a lot of detail, that they recognize there's specialty  
12 crops, there's a recognition that you need experts to do  
13 it, there's recognition that there's seasonal  
14 restrictions.

15 MR. SCHMIDT: Yes.

16 MR. POPOFF: There's all kinds of recognitions,  
17 that's part of the policy. And then you have to go to  
18 individual properties and how it affects an individual  
19 farm. How it affects that particular almond grove. It  
20 will be different on that almond grove than it will be to  
21 his neighbor. It's quite likely this has a very unique  
22 design of that irrigation system for that farm, and we  
23 affect it differently than we will affect farm B to, you  
24 know, a hundred meters away.

25 MR. SCHMIDT: It will be such as by bisecting a

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1 certain parcel we impact their well, as an example. We  
2 will move that well. We will move that well with the  
3 consulting of the land owner as to where that well should  
4 be for his specifications for that. If it's a 200 foot  
5 well with 15 hundred gallons per minute currently, that's  
6 what it will be when we're done.

7 MS. CARLSON: But a lot of design will have to  
8 go into that.

9 MR. SCHMIDT: Yes.

10 MS. CARLSON: I mean, gravity issues have to be  
11 taken --

12 MR. SCHMIDT: Yes.

13 MS. CARLSON: -- into consideration.

14 MR. SCHMIDT: Yes.

15 MS. CARLSON: Soil testing.

16 MR. SCHMIDT: Yes.

17 MS. CARLSON: You know, all of those things.

18 Those should all be part of, you know, a policy that  
19 describes that you understand that those things will be  
20 included. I mean, you can't just go tell the land owner  
21 we'll move your well for you, to tell us where you want  
22 it. I mean, it's not like picking up a truck and moving  
23 it, you know.

24 MR. SCHMIDT: We get that.

25 MS. CARLSON: Okay.

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1 MR. SCHMIDT: We get that.  
2 MR. GATZKA: I think we had a question before we  
3 went to break, and it was on the Hanford alignment, and I  
4 don't think we ever really went back to that.  
5 MR. ABERCROMBIE: The --  
6 MR. FELLEENZ: I think John was going to answer  
7 that.  
8 MR. ABERCROMBIE: Yeah.  
9 MR. FELLEENZ: John, did you have...  
10 MR. POPOFF: Sure. The -- the alignments, this  
11 -- alignments for the California High Speed Rail will be  
12 discussed at a -- for quite sometime. They have gone  
13 through a very elaborate and very detailed process. And  
14 in 2005 there was a programmatic EIR that was issued, and  
15 that had gone through extensive public comment. And in  
16 the programmatic the I-5 was assessed, and the I-5 was  
17 deemed not to serve the purpose of the high speed rail  
18 for the state and it was not carried forward from the  
19 programmatic.  
20 There was -- at the programmatic there's a  
21 choice to favor where possible the BNSF alignment. It  
22 did again assess the SR 99, it did assess the UPRR, and  
23 deemed that the -- they were not preferred alignments.  
24 MS. CARLSON: The programmatic actually deemed  
25 that?

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1 MR. POPOFF: There was a choice for BNSF in the  
2 programmatic in 2005.  
3 MR. ABERCROMBIE: That you looked at.  
4 MR. POPOFF: But they did -- there was then an  
5 alternatives analysis where the SR 99 and the UPRR were  
6 again considered and assessed. And there's a series of  
7 alternatives analyses, preliminary, supplementaries over  
8 the period of time. All these are public documents.  
9 MS. CARLSON: Yes, and I have a question about  
10 those. I have all three of those. Were those subjected  
11 to public comment?  
12 MR. POPOFF: Yes, all the AA's were subject to  
13 public comment.  
14 MS. CARLSON: The supplementals?  
15 MR. POPOFF: Also the supplementals.  
16 MS. CARLSON: Okay.  
17 MR. POPOFF: They were all considered by the  
18 Board, they all were subject to -- to public comment.  
19 MS. CARLSON: You mean public comment at the  
20 board meeting, like at the podium here, or were they put  
21 out for public comment?  
22 MR. POPOFF: They were all posted in accordance  
23 with the governance of the California High Speed Rail  
24 Board.  
25 MS. CARLSON: I'm sorry, that didn't sink in

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1 with me. What does that mean?  
2 MR. POPOFF: They were all put on to the  
3 website, they were all -- they were all announced as part  
4 of the transactions of the California High Speed Rail  
5 Board.  
6 MS. CARLSON: But was it put out to a --  
7 specifically for public comment? I mean, were comments  
8 received and incorporated into a supplemental  
9 environmental document?  
10 MR. POPOFF: I don't understand that question.  
11 MS. CARLSON: Like you put out a Draft EIR and  
12 then you take in public comment, then you put out the  
13 Final EIR with comments addressed; did that happen with  
14 the supplementals?  
15 MR. POPOFF: The alternatives analyses, you  
16 mean? These are alternatives analyses as compared to a  
17 Draft EIS documents or Final EIS documents, they do  
18 follow a slightly different process.  
19 MS. CARLSON: They do -- will you explain that  
20 to me because I don't understand that process.  
21 MR. POPOFF: The -- well, I bet -- let me say,  
22 I'll get someone who's much more familiar with the CEQA  
23 and NEPA process to describe the legality or the legal  
24 process that it should be. My understanding is that  
25 these are a series of preliminary analyses that are --

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1 alternatives analyses are considered. They are then  
2 narrowed down by the Board, presented to the Board. The  
3 Board then takes action to determine which of those  
4 alternatives are carried forward into the Draft EIS  
5 document.  
6 MS. CARLSON: Right. And so if I'm  
7 understanding, it comes down from the umbrella of the  
8 programmatic, and you have all these alternatives  
9 analyses in here, and then you start working on the  
10 project level document. What -- how does the public get  
11 to engage in that particular process? I mean, it seems  
12 like you're doing environmental work and making  
13 environmental decisions between the, you know, 30  
14 thousand foot level and the project level. How -- how do  
15 they trickle down?  
16 MR. POPOFF: Again, I don't understand the  
17 question. They're trickled down from preliminary  
18 analyses, you do a large number of alternatives, they are  
19 narrowed down and they are presented to the -- to the  
20 Board, who has the authority to take -- they do take  
21 public comments and make a determination of which of  
22 those will be carried forward to the next step.  
23 MS. CARLSON: Okay. So let me say it a  
24 different way. How did 99 get eliminated?  
25 MR. ABERCROMBIE: That was in the 2005

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1 programmatic document.

2 MS. CARLSON: Was it eliminated within the  
3 document?

4 MR. POPOFF: It was not carried forward as of  
5 2005 by the programmatic. It was reassessed I believe in  
6 2000 and 9, I think it was.

7 MR. ABERCROMBIE: It was -- it was evaluated in  
8 the 2005 document, and was not selected might be the more  
9 --

10 MR. POPOFF: That's right.

11 MR. ABERCROMBIE: -- more appropriate words.

12 MR. POPOFF: Not carried forward.

13 MS. CARLSON: You were saying about the --  
14 earlier about how they get to selecting the preferred  
15 alternative. Is that the same thing that happened in the  
16 programmatic? Did they select preferred routes that  
17 trickled down then that the projects have to use?

18 MR. POPOFF: No, what they select is the -- the  
19 alternatives are carried forward for further study.  
20 There is no preferred alternative. There are multiple  
21 alternatives carried forward into -- for further study.

22 MR. ABERCROMBIE: I need clarification on that.  
23 Was that -- you answered I think a supplemental --  
24 supplemental alternatives analysis question. I think you  
25 asked a programmatic question, Colleen. Or maybe I

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1 misunder -- I'm not sure which one I misunderstood.

2 MS. CARLSON: I just don't understand the  
3 association and what happens between the programmatic  
4 that has swaths of alignments, and then there comes these  
5 three supplemental alternatives analyses, do they --  
6 where do they fit into the category of environmental  
7 review? I mean, that the public gets to participate in  
8 before it's determined it's off the -- off the board for  
9 discussion?

10 MR. ABERCROMBIE: Not being around this, the  
11 programmatic, you know, as John said, it evaluated I-5  
12 and determined it didn't meet purpose and need and didn't  
13 carry it forward for -- for, you know, forward now but,  
14 you know, in terms of the full analysis for the  
15 programmatic. The programmatic then looked at  
16 essentially BNSF and UPR, or BNSF and 99, depending on  
17 how you want to track it. And that document then does  
18 the preferred. The preferred was BNSF. And then from  
19 there you're making refinements on, as you said, a swath,  
20 to which where -- where in that swath it best -- it best  
21 works.

22 And in the supplemental analysis we had, for  
23 example, a supplemental analysis on whether to the -- to  
24 the east of Hanford, that was actually in 2007 on the  
25 Visalia/Tulare -- or excuse me, Kings/Tulare station

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1 study.

2 MR. FELLEENZ: Would it be helpful for you to  
3 just kind of see with the documents that High Speed Rail  
4 has as far as the progress of getting to where we are  
5 or...

6 MS. CARLSON: No, I mean, I can read the  
7 documents, but I can't figure out how you connected the  
8 dots. I can't figure out how stuff got taken off the  
9 table.

10 MR. GATZKA: And I think one of the confusing  
11 things for us has been is we've looked at the 2005  
12 programmatic EIR. Kings County in our general plan  
13 wasn't even considered in there. You had other counties  
14 that were really being, let's say, in the mix and working  
15 with High Speed Rail. Those planning documents, those  
16 governments were being inserted into your -- your  
17 feedback or your processes a lot more than Kings County.  
18 We haven't even seen where we were e-mailed some of the  
19 notations. I just want to bring that up because, I mean,  
20 that's all been approved and done in the past.

21 But following from that, in 2007 you did have  
22 your stations alternative analysis, which then was  
23 looking at more defined alignments, station locations,  
24 and even variations from the programmatic EIR, and  
25 there's still that disconnect for not having

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1 consideration for Kings County in the programmatic EIR.  
2 So now you're conducting an analysis, study of specific  
3 alignments, station locations.

4 So I think what our Counsel is asking is is how  
5 did -- how did that analysis fit, if it was looking at  
6 more specific project alignments and station locations,  
7 but there was still really a disconnect with Kings  
8 County, so how does that fit with the environmental  
9 review processes since the programmatic EIR really didn't  
10 go into that detail, but your alternatives analysis was,  
11 and varying from the programmatic alignments.

12 MR. FELLEENZ: Well, I think we can kind of go  
13 through ourselves this -- the sequence and talk to you  
14 about that specifically, if you would like that. I don't  
15 know if we're prepared to do that, I mean, we don't have  
16 the documents in front of us, I don't know off the top of  
17 my head. You know, I'd have to do a little work to get  
18 that sequence down.

19 I understand what your interest is, you know,  
20 what happened in the steps in the environmental process  
21 to get us to what we have now.

22 MS. CARLSON: Well, and say it a different way.  
23 I happen to know that Visalia in Tulare County not only  
24 lobbied, but I mean did everything possible to give land  
25 at their airport there, to have a station, and everyone

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1 that I know throughout the valley, and it's quite a few  
2 people, believed that that was a very viable alternative.  
3 How does that just completely get taken off the board and  
4 we're at east or west Hanford alignment? And so that --  
5 the sequence doesn't make sense that that -- and I don't  
6 think anybody really understands why 99 is -- is not  
7 viable. It's an existing transportation corridor, it  
8 doesn't disrupt ag land, it -- it is more compliant with  
9 land use and planning and zoning. And here, instead  
10 somehow, without the connectors, we end up in Kings  
11 County, not only distant from an existing transportation  
12 corridor, but I mean just blowing up our -- our -- all of  
13 the principles of our general plan and our ag dependent  
14 economy. So we're trying to still connect how those  
15 decisions were made.

16 MR. FELLEENZ: Did you -- did Kings County  
17 participate in these processes? I'm just -- I'm curious.

18 MR. GATZKA: Well, I can actually, you know,  
19 answer that. In early processes I know my predecessor,  
20 former Planning Director Bill Zumwalt is identified as  
21 being at some of those. But in most of the meetings that  
22 I was involved with afterwards did not have very specific  
23 project level detail information for us to even really  
24 know what the meaning of that would be for a county  
25 specific impact and things of that nature. Most of it

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1 was generalized alignment considerations. So this is one  
2 thing that we brought to the Authority's attention  
3 numerous times, even at the beginning of your processes,  
4 even at the beginning of your process of the EIR  
5 development, we never had a specific project description  
6 and proposal that would give us that information to even  
7 give concrete responses and feedback back to the  
8 Authority.

9 And a perfect example is the last programmatic  
10 EIR you had the BNSF east alignment, and then you  
11 introduced back into the play the Hanford west alignment.  
12 So, again, there's another alternative bringing in  
13 midstream. This has been a continual problem with us,  
14 this county government staff, trying to figure out where  
15 are your real -- where is your real proposal to come  
16 through Kings County, and is that even going to be  
17 concrete enough for us to spend and devote the time to  
18 look in detail at the potential impacts to be able to  
19 give you feedback.

20 So all our meetings, yes, you may see references  
21 to on our participation, but it's really meaningless if  
22 there's no specific project level detail being provided  
23 for us to give that feedback back to you.

24 MR. FELLEENZ: So would you like us to kind of  
25 have something to show you the sequence of events then

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1 that led to where we are? I mean, would that be helpful?  
2 It sounds like you're asking for that. I don't know if  
3 anyone here can sit here and articulate that right now.  
4 I mean, it's just there were a lot of documents over some  
5 period of time and we don't want to guess. So do you  
6 want that or...

7 MR. SPIKES: From my standpoint, yes.

8 MR. GATZKA: Okay, I think the Board has been  
9 asking for --

10 MR. SPIKES: Right.

11 MR. GATZKA: -- an understanding of that process  
12 too, I think that's another reason why --

13 MR. SPIKES: And you can see how, you know, I  
14 mean, Colleen has been asking how did all those dots  
15 connect.

16 MR. FELLEENZ: Right.

17 MR. SPIKES: And, you know, and it's been pretty  
18 much the same thing all along there's, well, we don't  
19 know all the specifics, so we'll find somebody who can  
20 give you all the specifics. And correct me if I'm wrong,  
21 Mr. Abercrombie, but I think that's what's been suggested  
22 at this point. And we're still trying to get our arms  
23 around we've seen some of the documents that have been  
24 pointed out. We see evidence where Kings County was not  
25 looked at with respect to the general plan document and

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1 others were cited in there. So that's a problem.

2 MR. FELLEENZ: Which document was that in?

3 MR. GATZKA: Well, the programmatic EIR is one  
4 of the more specific ones where it actually lists the  
5 counties and the general plans that were evaluated in  
6 those analyses for, you know, the specific alignments  
7 that were being identified. Kings County was not in that  
8 case.

9 MS. CARLSON: In the Land Use and Planning  
10 Communities and Neighborhoods, Property and Environmental  
11 Justice Technical Evaluation you site all the cities and  
12 counties around us, but not us. You even site the City  
13 of Hanford general plan, but not Kings County.

14 MR. FELLEENZ: And was that from 2005?

15 MS. CARLSON: This is from the programmatic.

16 MR. GATZKA: I think that also lends to our  
17 comments in relation to the current project level EIR.  
18 You're going to come out with a new one. We've -- we  
19 reviewed that BNSF east alignment and we've seen the  
20 general plan references you have in there. Our general  
21 plan was adopted in 2010, it's our new one, 2035 general  
22 plan, and there is specific references by the Authority  
23 in there relying on some of our policies. But the  
24 interpretations of how the Authority is using it are not  
25 very clear and probably not in the manner in which they

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1 are actually defined in our general plan. So they seem  
2 inconsistent.

3 But one of the biggest elements that we don't  
4 see referenced there is our resource conservation element  
5 that deals with our ag preservation. So realizing that  
6 Kings County has most important resource for us that you  
7 heard, agricultural land, that being one of our most  
8 important elements in the general plan related to  
9 agriculture, doesn't even seem to be referenced in the --  
10 in the project EIR.

11 MR. FELLEENZ: The draft is that -- that came  
12 out, the Draft EIR?

13 MR. GATZKA: The former draft, right.

14 MR. FELLEENZ: Yeah.

15 MR. ABERCROMBIE: I'd like to address something,  
16 you know, in terms of not understanding why 99 wasn't  
17 carried forward and whatnot. And I think the individual  
18 documents that you referenced in one of the statements  
19 was 99 doesn't affect ag land. And that is not a true  
20 statement. I mean, in the analysis, in the tables that  
21 are in those documents in terms of the supplementals, I  
22 mean, I think it's very clear that it discusses the  
23 difficulties and tries to line up what each of those, I  
24 think they're referred to as rural segments, meaning  
25 urban, there's an urban Fresno and an urban Bakersfield

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1 and in between they call it the rural sections where they  
2 do the alignments, tries to line up and say, well, you  
3 know, there's so many ag lands in this, there's so much,  
4 you know, with regards to water crossings and biological  
5 and they, you know, go through all of the categories with  
6 regards to, you know, evaluate them in terms of what's  
7 carried forward and how they stack up. So I think that  
8 information is there.

9 And, you know, in talking about the process and  
10 whether it's pulling out that specific table or whatnot,  
11 you know, if that's helpful for the Board, we can do  
12 that. But it -- there was a, you know, very conscious,  
13 you know, sifting through all to try to evaluate how each  
14 of those alternatives were -- were -- which one would  
15 most -- would lead towards the most likely LEDPA. Things  
16 that would be carried forward into the Draft EIR.

17 MR. FELLEENZ: John, do you have something?

18 MR. POPOFF: I'll just add on to Jeff's comment.  
19 In each and every alternatives analysis, be it  
20 preliminary or supplementary alternatives analysis, there  
21 are technical details explaining the recommendation to  
22 the Board. And all those are posted on the California  
23 High Speed Rail website.

24 I do understand that you perhaps would like some  
25 actual pointers to where specifically Fresno to

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1 Bakersfield, which involves the Kings County, are  
2 addressed. We can give you that map, on each and every  
3 board meeting, each and every analysis that was done and  
4 presented, we can give you that road map and give you the  
5 pointer so that if you wish you can get the Board  
6 resolutions, you can see the staff reports, you can see  
7 the actual document. If you'd like we can print the  
8 documents for you and hand them to you in a format, in a  
9 printed format, if that's what you'd like. But they are  
10 all available on the public website.

11 MS. CARLSON: Well, what it seems like is you  
12 have policies and goals that you site in your  
13 environmental document, like staying on existing  
14 transportation corridors or locating near population  
15 centers, and using those as the basis for making  
16 decisions. And it seems like every time you have a  
17 decision like that, it's completely contrary in terms of  
18 what we do through Kings County. I think I actually read  
19 a statement that said, you know, we basically have  
20 complied with Kings County's general plan policies except  
21 for their ag policy. Well, that's all we are here. So  
22 there's that exception.

23 You're talking about an alternative on the west  
24 side of Kings County where the population centers are  
25 not. And so we create all kinds of other problems

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1 getting to that. On the east side there's not  
2 infrastructure out there, so you create, you know, an  
3 urban sprawl issue. And so I don't know why Kings County  
4 is like the, you know, the oddball out, but it's not --  
5 it doesn't comply with a lot of the things that have been  
6 put forth as -- as the positive things High Speed Rail is  
7 supposed to accomplish. Now the threat of losing Amtrak  
8 as well.

9 MR. POPOFF: If I could just say the -- I do  
10 take some exception to your statements. We have aligned  
11 with existing transportation and utility corridors to the  
12 maximum extent possible. And I think that is very clear  
13 in Prop. 1A, to the maximum extent possible.

14 MR. SPIKES: Excuse me, does it say utility  
15 corridors in Prop. 1A?

16 MR. POPOFF: It does say that.

17 MR. SPIKES: Thank you.

18 MR. POPOFF: So we are -- and, again, one part  
19 of our design, part of our review is to make sure we are  
20 in compliance with what's required in Prop. 1A. And  
21 unfortunately, you cannot be a hundred percent next to  
22 a -- a traffic route that's designed for 60 miles per  
23 hour when you try to run 225 mile an hour trains. The  
24 curvature is different, it's just a technical fact. And  
25 those are considered.

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1           And, again, if I go through all these  
2 alternatives analysis, and the railroad process, they're  
3 all discussed in there. So that's why I say we can give  
4 you the actual documents where these were discussed,  
5 where they were assessed, and where the deviations from,  
6 if you wish, from a road that was designed for 60 miles  
7 an hour, where we'd have to deviate from that road, and  
8 the implication of deviation, they were discussed in  
9 these documents and assessed.

10           MR. FELLEENZ: Yeah, the particular section of  
11 Prop. 1A says, "In order to reduce impacts on communities  
12 and the environment, the alignment for the High Speed  
13 Rail system shall follow existing transportation or  
14 utility corridors to the extent feasible and shall be  
15 financially viable as determined by the Authority. It  
16 does say both utility and transportation.

17           MR. SPIKES: Yeah, I just couldn't remember that  
18 part. I know there had been some discussion about that,  
19 but it slipped my mind.

20           MR. GATZKA: That's the original language;  
21 correct? Because I know there was attempts to do some  
22 modifications to the High Speed Rail Act. I don't think  
23 any of those were ever adopted. I know Galgiani had a  
24 bill that was out there for awhile, and another  
25 legislator did too, but I don't think any of those --

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1           MR. ABERCROMBIE: I think you're correct, Greg,  
2 that's the original product that was approved.

3           MR. GATZKA: Right, this is just to clarify  
4 that, we just want to make sure that --

5           MR. FELLEENZ: This is additional on that, right,  
6 yeah, through that.

7           MR. POPOFF: And, again, just to carry on, we  
8 are aware with the Kings County General Plan and we, to  
9 the maximum degree possible, are seeking to comply with  
10 it. But as with any project, you will have some  
11 deviations where you cannot a hundred percent comply,  
12 that we know that we cannot -- I don't say comply, there  
13 will be some conversion of farm land, it's recognized in  
14 the EIS that will occur. We need to mitigate that.

15           First of all, we want to reduce the amount of  
16 conversion. But secondly we need to mitigate, if it does  
17 convert, how would we do that. We want to talk to you  
18 about that. Those are the kind of features we wish to  
19 talk to you, how do we minimize and how do we mitigate  
20 where we aren't compliant a hundred percent with your  
21 general plan.

22           MR. SPIKES: Right. But there again, I think  
23 the issue that, I think Greg touched on this earlier, is  
24 you're asking us to tell you how to do that.

25           MR. POPOFF: No, actually not quite. We want to

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1 work with you to jointly develop it to make sure, I mean,  
2 one of the comments that Colleen says to us is that we  
3 don't understand. We think we do. We think we have a  
4 very good understanding. We have the experts here  
5 working with us. But it would be very nice if we could  
6 work with you to make sure that we do have a common  
7 understanding, that there is no -- no mistake, there's no  
8 misunderstanding.

9 MS. CARLSON: What questions do you have of us  
10 then? I mean, that's why we're here.

11 MR. POPOFF: Well, if we could perhaps get  
12 together with people who are on the farm land. Let's go  
13 through some of these transportation, some of the road  
14 crossings. We would be delighted to sit down on a one to  
15 one with your traffic engineer, as we've done with the  
16 City of Fresno or the County of Fresno or Madera, where  
17 we actually have -- we thought it was a great idea, we  
18 thought the traffic route through Madera Acres and Contra  
19 Madera was better to have a great separation going east  
20 and west. They asked us would you please put the grade  
21 separation on a different road, make it go north/south,  
22 it suits us better. Not a problem. We can put it -- be  
23 our plans to accommodate that.

24 These are very important working sessions where  
25 it has a very material impact on the -- on the local

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1 traffic flow. And we can only do it by discussing it  
2 with someone who's an expert locally on that field.

3 MR. SPIKES: And that, again, goes back to the  
4 issue that was raised earlier and, you know, well, I've  
5 started that discussion with respect to, again, you know,  
6 we have concerns about the decision making process that  
7 came up to the conclusion that these two corridors are  
8 the only options available at this point in time. And  
9 also, though, the issue about the selection process going  
10 forward ultimately is going to land on one of the  
11 preferred options to be recommended. And the question  
12 that was raised earlier is how much time do we get to  
13 respond to that? Because we sit here today and it was  
14 talked about how can we work together to go over all the  
15 crossings and other issues associated with that. We're  
16 throwing darts up there to talk about what we're going to  
17 be talking about with respect to where these might be  
18 given the certain considerations, even eliminating the  
19 other ones that we've raised. So now let's talk about  
20 those. And you're seeking our support to work on those  
21 issues, when it's all over the map, and has been, you  
22 know, for sometime. And of course I recognize that we  
23 want to continue the broad map back to take the I-5 and  
24 99 discussion further, but that's kind of in my mind we  
25 have been frustrated with our attempts to find out why

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1 those are no longer available, and if they're not, then  
2 what's going to be the requirements upon us on these  
3 other corridors with respect to, you know, you're asking  
4 for our assistance but, you know, it's just not --  
5 there's so many open ended questions with respect to how  
6 we can get to where we need to be. And then once those  
7 questions are answered by the Authority, whoever -- the  
8 consultants and staff, whoever's working on it, and  
9 ultimately it's you decide you're going to say it's going  
10 to be east Hanford, and this is the route, and then the  
11 question is how much time do we have to respond to that.

12 And so I express -- I appreciate your  
13 frustration, but I think that we have a lot of  
14 frustration with respect to, you know, it's always been a  
15 real fuzzy picture to us about what this is going to  
16 entail. And I know I'm frustrating Jeff right now  
17 because we do that to each other. But go ahead.

18 MR. GATZKA: Jeff, do you remember our early  
19 conversations, me and you, in our first staff to staff  
20 discussions and on our phone calls together you had one  
21 line coming through the County, and I asked --  
22 specifically asked you how much flexibility do you have  
23 to adjust that so will you look at reducing and reducing  
24 mitigations. At that time you said you had no authority  
25 to do that. Maybe within one mile.

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1 Following from that we see the Hanford west  
2 alignment come out into play with little to no discussion  
3 on the staff level on there. And I'm sure you're aware  
4 of all the breakdowns in communications we know. But  
5 this is the elusive relationship we have with the High  
6 Speed Rail Authority, and not knowing what your specific  
7 plan proposal is, and whether that's in concrete, whether  
8 you're charging forward with a recommendation for one  
9 specific alignment, to know whether we work with you to  
10 know whether we're going to be spinning our -- spinning  
11 our wheels. We have limited staff time and staff  
12 resources to deal with any of this, and having an elusive  
13 project presented to us is very problematic.

14 MR. ABERCROMBIE: May I?

15 MR. FELLEENZ: I think John has something.

16 MR. ABERCROMBIE: Okay.

17 MR. POPOFF: Yeah, I'd like to just address the  
18 west of Hanford assessment and how we got there, I think  
19 it's an important discussion. The west of Hanford was in  
20 the programmatic. It went through the series of the  
21 preliminary EIR/EIS hearings, the alternatives analysis,  
22 and it was deemed was not to -- was not carried forward  
23 for a number of reasons. And we can give you the sites  
24 to why not.

25 We had -- we have cooperative agencies which are

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1 the Corps of Engineers and the EPA. And we, as --  
2 despite the fact that we had the Board approval not to --  
3 I'm sorry, the Board determined not to carry forward the  
4 west of Hanford alignment, the EPA and the Corps asked us  
5 to. They objected to the fact that they were not  
6 convinced that the east of Hanford would arrive at the  
7 LEDPA, the least environmentally damaging practical  
8 alternative. And they wanted further analysis of a west  
9 of Hanford alignment before they would concur that it was  
10 most likely that the east of Hanford would be the LEDPA.  
11 And that I went back to our Board and our Board  
12 concurred. So they said in response to the federal  
13 agencies, our cooperating agencies, and they asked us to  
14 go back and reconsider a west of Hanford. That's how we  
15 got to the west of Hanford.

16 As soon as that determination was -- was made, I  
17 believe our teams did come down to meet with you on the  
18 west of Hanford to get your input, because we have some  
19 flexibility of course where -- where the west of Hanford  
20 would be. What was in the original programmatic west of  
21 Hanford, you had some urban develop in that area, and  
22 we're trying to again minimize, now that we are  
23 considering a west of Hanford, what would be the best  
24 alignment to consider west of Hanford. We recognize you  
25 may not want us there at all. But if we are going to be

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1 there, what is the best alignment on the west of Hanford.  
2 What are the concerns that you have as a County to help  
3 us determine what would likely be the LEPTA. If we both  
4 have it. So how do we mitigate that? How do we make it  
5 as -- as palatable as possible? How do we make sure we  
6 deal with all the impacts, or at least consider all the  
7 impacts, understand all the impacts with your special  
8 knowledge of the County so that we can write up a -- a  
9 comprehensive assessment of it. But that's how we got to  
10 the west of Hanford.

11 MR. CARLSON: What if we moved that west of  
12 Hanford a little bit east to the BNSF that runs through  
13 town?

14 MR. POPOFF: Again, we showed -- I'll refer you  
15 back to the -- where that was assessed. And it was  
16 determined not to be carried forward.

17 MR. SPIKES: Correct me if I'm wrong here, but I  
18 understood, and, again, I could be wrong, that the -- the  
19 west of Hanford alignment had been previously rejected by  
20 the High Speed Rail Authority in spite of the overtures  
21 by the federal government to take another look at that.  
22 Because you wanted to proceed with the east of Hanford  
23 alignment.

24 MR. ABERCROMBIE: The -- I think what we made --  
25 initially I think it was at one of our board meetings,

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1 May, I don't remember, we made a statement that because  
2 they took exception on not only the Merced to Fresno  
3 document, but the EPA required -- took a bit of an  
4 exception to Merced and Fresno too, and that they wanted  
5 Merced and Fresno to continue to study A3 alignment,  
6 which was a west of 99 alignment. West of Madera, but  
7 west of 99. And what we said at that meeting is is we  
8 didn't agree. We felt it was not appropriate to continue  
9 to carry those forward. We were able to do so with  
10 regards to the A3 in terms of Merced to Fresno, come to a  
11 resolution that it was not going to lead to a LEDPA or  
12 possible LEDPA. Our partnering agencies did agree with  
13 us. We were unable to convince them with regards to west  
14 of Hanford. That's just, you know, you know, they --  
15 they felt it was too close to make a judgment on. You  
16 know, they -- I mean, and when you look at west of  
17 Hanford we do follow the BNSF longer and, you know, that  
18 in and of itself makes it a little more attractive.

19 You know, the early meetings, you know, in 2007  
20 and whatnot, the things that Greg kind of mentioned  
21 earlier, I think which, you know, I wasn't involved in,  
22 they make references to, and the idea of if it's a  
23 regional station, to try and put it to the east. And the  
24 programmatic document, you know, suggested look for a  
25 location. Because the original programmatic document,

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1 when it said west of Hanford it also said no station. So  
2 rec -- you know, the Board and at the time the document  
3 recognized a desire to have a station.

4 And I think, Colleen, you mentioned it with  
5 regards to the Tulare/Visalia specifically lobbying  
6 for -- for that, you know, they said let's go study that.  
7 And that's, you know, the development of the east -- east  
8 of Hanford.

9 Anyway, to answer your question is is, yes, we  
10 did say that. We felt we were, you know, had done a good  
11 job, and felt we were unable to convince our partners.  
12 And so we had to put the west of Hanford back in. And it  
13 generally follows, you know, the programmatic. It's  
14 actually a little farther to the west of where the  
15 programmatic initially kind of placed it. And in some of  
16 those discussions, when we have some of our working  
17 groups, we talked a little bit about that because of the  
18 building that occurred between 2005 and today, you know,  
19 you'd have those type of impacts had we stayed exactly on  
20 that programmatic that we would have had with regards to  
21 trying to come through the City of Hanford.

22 The City of Hanford, you know, the train makes a  
23 couple jogs and, you know, and in terms of, you know,  
24 being aerial, it would have been -- it would have been a  
25 sizeable problem. Trying to put it in a trench, you

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1 would disrupt probably just as much businesses, and  
2 probably even more infrastructure than trying to go  
3 aerial through the -- through the city. And, you know,  
4 the document tries to lay out, the supplemental, it was  
5 in September of 2010, that had a description of the  
6 impacts relative between through and to the east of  
7 Hanford with regards to, you know, what the two  
8 differences would be.

9 And, again, that's just -- that's part of the  
10 record that, again, tries to size up, you know, what the  
11 impacts are, the noise, et cetera, et cetera, businesses,  
12 versus, you know, what was presently being studied, and  
13 that being the east of Hanford.

14 MR. GATZKA: So your work with other  
15 communities, I've seen how you've come up with other  
16 alternatives with elevated, at grade, below grade and so  
17 forth. In terms of that analysis where you're mentioning  
18 the City of Hanford, were those variations and  
19 alternative approaches considered in that analyzed? It  
20 sounds to me like that's what you're mentioning, but I'm  
21 not aware of seeing that analysis anywhere to know  
22 whether -- you're saying an elevated track through  
23 downtown Hanford would be very impacting to the community  
24 businesses, but did -- did it go as far as to look at  
25 those variations above grade, at grade, below grade?

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1 You're mentioning --

2 MR. ABERCROMBIE: I would have to refresh, you  
3 know, it was, you know, prior to my time. But in terms  
4 of doing it, in terms of what the document talks about  
5 specifically, I think on a very practical sense it's very  
6 clear and there's not a lot of places we could look at.  
7 Necessity drives, essentially, many places were  
8 depressed.

9 MS. CARLSON: Jeff, could I? You just referred  
10 to the September 2010 document, the supplemental  
11 document, I have right here --

12 MR. ABERCROMBIE: I think is that -- that's what  
13 I mean, mine is dated and it shows it through; correct?

14 MS. CARLSON: And it has one paragraph on the  
15 through town southern station.

16 MR. ABERCROMBIE: Yeah, I think there was a  
17 northern and a southern station evaluated on that  
18 particular one.

19 MR. SPIKES: I do remember two stations being  
20 evaluated on the east alignment.

21 MR. ABERCROMBIE: I mean, we looked at -- I  
22 think originally it talked about even on the east two  
23 stations, one to the south of 198 and one to the north.

24 MR. SPIKES: Well, my point for raising the  
25 question about how it was rejected, then it was, okay,

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1 we'll put it back in. And at even the last meeting we  
2 had when Chairman Richard was here I indicated that, you  
3 know, I was encouraged to see that even Altamonte Pass  
4 could be reconsidered in that discussion. Because I --  
5 you can't believe everything necessarily you read in the  
6 paper, but that's what I read that he was quoted as  
7 saying.

8 So I guess my point is it seems like all these  
9 options are still open, I mean, you rejected the east --  
10 I'm sorry, the west of Hanford alignment and then went  
11 back and put it back in. Suggesting that, well, the feds  
12 said you need to take a look at this when -- and, you  
13 know, the more, I don't know, skeptical of us are  
14 wondering if that just didn't suit your purposes to  
15 extend the EIR, you know, time to comment because of all  
16 the -- all the objections that were being raised about  
17 the inadequate time for us to be able to respond to these  
18 issues.

19 So whatever the reason, it just seems like there  
20 are options that are available, and they get precluded  
21 one day, and then for some other reason they get brought  
22 back in. And I guess that's why it's frustrating to us  
23 that the 99/I-5 corridor, no matter what is said, is not  
24 going to come back up. And so, I mean, correct me if I'm  
25 wrong, but these things are still out there. Like is

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1 Altamonte out of the question? It is now. It wasn't on  
2 April 3rd.

3 MR. FELLEENZ: Yeah, there was litigation on that  
4 programmatic level environmental document, the Pacheco  
5 and Altamonte selection. And the superior court judge  
6 indicated that the Board had to consider both -- the  
7 judge found deficiencies in the environmental document  
8 and required the Board to correct those, which they did.  
9 And they also, as part of the judgment, indicated that  
10 the whole document had to be decertified and then  
11 recertified. So in the -- in the context of doing that,  
12 the Board had to revisit the entire document, including  
13 the choice between Pacheco and Altamonte. They did that  
14 and they selected Pacheco, the new Board did, recently.  
15 In the meantime, the plaintiffs in that case had appealed  
16 the original judgment. So we have some overlapping  
17 things occurring. But -- but the -- it was revisited  
18 because the environmental document that was challenged  
19 and the judge indicated that that issue had to be -- the  
20 whole document had to be decertified and re -- and  
21 recertified. So that's -- that's why that happened.

22 MR. SPIKES: Okay, thank you.

23 MR. FELLEENZ: Sure.

24 MR. ABERCROMBIE: I guess the only other thing  
25 I'll kind of point out, and John touched on it, is is in

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1 our partnering agencies in terms of the EPA and Army  
2 Corps, asking us to go back and study the west alignment,  
3 they did occur -- concur, you know, that the alternatives  
4 being studied, the other alternatives, maybe to put it  
5 the other way, but the other alternatives not being  
6 carried forward, they concur that those would not be a  
7 likely LEDPA candidate.

8 MS. CARLSON: Are you saying LEDPA?

9 MR. ABERCROMBIE: LEDPA, least environmentally  
10 damaging practical alternative.

11 MR. POPOFF: Practical alternative, yes.

12 MR. SPIKES: So it's LEDPA, L-E-D-P-A?

13 MR. ABERCROMBIE: Yes.

14 MR. SPIKES: Thank you.

15 MR. ABERCROMBIE: Thank you.

16 MR. FELLEENZ: But what we'd like to do is to  
17 work with you on the two alignments that we have before  
18 us as staff at this point, which is the west and east of  
19 Hanford, to look at the details of those alignments and  
20 have you give us the input from your perspective. For  
21 instance, does the county want a station? If they do,  
22 what -- what would be their vision for that station? The  
23 details, you know, those are -- those are the discussions  
24 I think would be something that we would be willing to  
25 engage in and would hope that you -- you would want to

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1 engage in so that the High Speed Rail system going  
2 through the Kings County can -- can address some of the  
3 preferences and concerns that you have.

4 MS. CARLSON: Don't you need a station to serve  
5 the regional population that you say you're going to  
6 serve?

7 MR. ABERCROMBIE: Certainly.

8 MR. FELLEENZ: Yes. But, I mean, the -- the --  
9 there's a possibility that -- that the -- well, would we  
10 need a station in Tulare/Kings County? That's a decision  
11 for the Board to make. I don't know what Kings County's  
12 position on that is.

13 MR. ABERCROMBIE: Let me reference it back to  
14 what Greg, or maybe it wasn't you, Greg, sorry, I don't  
15 remember, you talked about it, a station creates sprawl.  
16 So, you know, all -- I've heard at different times that,  
17 you know, the worst thing that would happen is the tracks  
18 come through and have no station. Now I'll interpret  
19 that as is we would want a station, you know, if these  
20 are the alignments that move forward.

21 The question I think Tom was trying to ask  
22 really is is there's a tradeoff with having a station.  
23 And we can look at how do we not let that station or what  
24 things we can do so that the station doesn't induce  
25 sprawl, or is, you know, that the likelihood of that

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1 doesn't happen. But if that is, you know, if that is of  
2 great concern or you don't think we can mitigate it then,  
3 you know, we need to know that that's not the higher  
4 priority for you. You know, which is the -- in other  
5 words, we need to confirm which is the higher priority  
6 for you. To have a station and be able to mitigate it,  
7 or not have a station and be very clear then there's not  
8 going to be any sprawl. I mean, that's really probably  
9 the only hundred percent guarantee that you might not  
10 induce additional growth. So I --

11 MS. CARLSON: Well, from the environmental --

12 MR. ABERCROMBIE: So I guess that's the -- you  
13 know, and that was kind of what -- I think Dan referenced  
14 that when we met. And you know, I've shared that in  
15 other -- other meetings because I think even people  
16 outside the County, because it's not a directly urban  
17 station, are -- are critiquing that and, you know, they  
18 certainly in their responses say that there's not  
19 supposed to be a station here, we don't want a station  
20 here. If you want a station, our goal, or in terms of  
21 what we can do with the Authority is is how do we make  
22 that happen so that if -- other people don't also  
23 influence that decision. Because we've planned it well.  
24 In other words, if we've -- you could stand up and -- for  
25 yourselves and say, you know, yes, you know, the

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1 Authority has put forward a plan that will mitigate  
2 growth or control growth or help us control growth, so  
3 that that is, you know, your concern is, you know, is  
4 taken care of.

5 MS. CARLSON: I think one of our supervisors has  
6 said it that, you know, if you're going to come through  
7 here, you better have a station. If you're doing your  
8 environmental review correctly, the station would more  
9 aptly be placed on the west side than the east side  
10 because there's no infrastructure out there, there's no  
11 people out there, and so it would cause more urban  
12 sprawl. So it's like --

13 MR. ABERCROMBIE: It doesn't have to though.

14 MS. CARLSON: It would, because you don't want  
15 to have -- I mean, people gravitate towards stations.  
16 You guys say that in every other document everywhere up  
17 and down the state. So all of a sudden reverse osmosis  
18 here in Hanford? No.

19 MR. GATZKA: You have to clarify too that you  
20 are engaged in talking to the County with things. We  
21 happen to be one of the few counties in the San Joaquin  
22 Valley that doesn't engage in urban development, okay.  
23 That's clear in our general plan. We're very unique in  
24 that sense, we direct the urban growth to the cities. So  
25 your question to us poses a problem. Because we cannot

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1 accommodate it. We're not going to provide the urban  
2 services, water, sewer, and other infrastructure. We  
3 rely on the cities to do that. Your one BNSF alignment,  
4 I know Mr. Lagomarsino has been kind of quiet, but this  
5 is probably one of his specialties is station planning,  
6 and we've brought to your attention that the sewer  
7 influence for the City of Hanford, well, there's --  
8 that's going beyond it, it's going into areas that we've  
9 identified for long term ag preservation. So it does  
10 pose a lot of questions. Urban sprawl, because we  
11 already know of development interests that is already  
12 speculating on properties outside the Hanford sphere of  
13 influence boundary. And so now you're talking about a  
14 direct influence of development pressure that will be  
15 applied to the City of Hanford and their elected  
16 officials to try to accommodate that because of the  
17 economic gains that may result from it. So the High  
18 Speed Rail project in itself for that one proposal is  
19 introducing an artificial urban growth --

20 MR. ABERCROMBIE: Pressure.

21 MR. GATZKA: -- pressure that is not addressed  
22 in the general plan, has not been even analyzed or worked  
23 with us to even figure out how that would be  
24 accommodated. Do you have a disconnect in terms of  
25 whether the City of Hanford is going to be willing to

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1 accommodate that or not in their general plan and so  
2 forth.  
3 And so what our Counsel is mentioning is -- is  
4 probably one of our biggest concerns in terms of those  
5 two proposals, how does that fit, where would the  
6 municipal services come from, how does the High Speed  
7 Rail Authority even plan to accommodate that and service  
8 it.

9 But even going back to your project level EIR,  
10 when we reviewed it, we do know that the -- the  
11 Hanford -- the station, the regional station for  
12 Kings/Tulare is not being adequately addressed either  
13 because the manner in which you proposed it in the  
14 project level EIR specifically identified it separate  
15 from all the other ones as a possible station with no  
16 details --

17 MS. CARLSON: Potential.

18 MR. GATZKA: -- no construction details when all  
19 the other ones were. And so in our estimation that was  
20 looked at as a carrot but with no concrete commitment  
21 behind the -- behind the scenes from the authority.

22 MR. ABERCROMBIE: Well, construction details is  
23 the one that -- what got me. But go ahead, John.

24 MR. GATZKA: I have the references from the  
25 project level EIR, but not only the difference in

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1 identifying it as a possible station where everything  
2 else was proposed, looking at the specific other  
3 technical documents it is specifically stated that this  
4 station was not analyzed for specific details because  
5 project construction level details do not exist for it.  
6 So therefore, the analysis on that station may not even  
7 be valid in your -- in your project level EIR for any  
8 possible future construction. So that's one of our  
9 questions in relation to that.

10 MR. ABERCROMBIE: Bob, what -- in terms of  
11 the -- the plans or the planning detail for, has that --  
12 I guess, you know, now that we've got two alternatives,  
13 east and west, you know, are we looking at that a little  
14 differently in our revised?

15 MR. LAGOMARSINO: In terms of the level of  
16 detail that we're considering or that we were developing?

17 MR. ABERCROMBIE: Uh-huh?

18 MR. LAGOMARSINO: No, 15 percent design level  
19 detail is identical for all the stations that we've  
20 considered.

21 MR. ABERCROMBIE: Okay.

22 MR. LAGOMARSINO: I think Greg is referring to a  
23 discussion of construction related impacts associated  
24 with the station; is that right? In the EIR/EIS?

25 MR. GATZKA: Yeah, the project level EIR has a

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1 lot of references to other technical documents. So we  
2 had to go and track where did those -- those statements  
3 rely on the analysis. And the air quality impacts is  
4 probably one of the most relevant to reference, in that  
5 it says that it's going to assume because there was no  
6 construction level details for this one station for  
7 Kings/Tulare, because it is only a possible station, not  
8 a proposed one. So that's -- that's where obviously  
9 there was not extensive analysis for this being  
10 legitimate for actual station proposed in the project  
11 level EIR.

12 MR. ABERCROMBIE: Okay, John, you -- I'm sorry,  
13 I didn't mean to cut you off, you had something, or I  
14 thought you had something, were going to comment.

15 MR. LAGOMARSINO: Oh, I think John was about to  
16 refer to the stationary planning program; is that right,  
17 John?

18 MR. POPOFF: Yeah.

19 MR. LAGOMARSINO: And the offer that the  
20 Authority has made to address some of the issues that  
21 both Greg and Colleen have brought up with respect to  
22 working out the details and how the station might fit  
23 under both circumstances now that there's a KTR east and  
24 a KTR west station. And that offer is still out there.  
25 And I think it would be a good vehicle or a good forum

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1 for discussion of those details and would help to form  
2 decisions that the Authority Board will make with respect  
3 to -- for an alternative.

4 MR. GATZKA: One suggest on that, if I may,  
5 approach it as a regional effort with all the  
6 governmental entities together in the meetings, not as  
7 individuals. Because obviously that leads to one agency  
8 planning against another.

9 MR. ABERCROMBIE: Would love to.

10 MR. LAGOMARSINO: Well, and it's been a bit  
11 awkward for those folks who are administering the  
12 stationary planning program to find the sponsoring entity  
13 to receive that money. We've gone through Kings County  
14 association of governments, and you're probably closer to  
15 those discussions.

16 MS. CARLSON: Yeah, I mean, that's -- but you're  
17 referring to something that -- the only thing I can think  
18 of is silly. I mean, you're asking us to plan something  
19 that is a possibility that may not happen, maybe in a  
20 certain area, may not. We can't plan, you know, for a  
21 city station when we're county, and the city can't plan  
22 for the county station when they're county. And it's  
23 just kind of like you're saying you can't go to the real  
24 estate phase of the project yet because you're still  
25 doing the environmental. Well, that's all part of the

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1 environmental, the impacts that a station in one place or  
2 the other on either alternate would have. I mean, why  
3 not study both of those?

4 MR. ABERCROMBIE: Well, I think that had been  
5 one of the discussions that we had, you know, in terms of  
6 proposals, how to handle that is is actual minimize the  
7 station facility as much as possible. One of the things  
8 that was talked about is is trying to work with it in  
9 terms of the size of a satellite concept, in terms of  
10 your parking garage or ticket office is centrally located  
11 downtown. Your ticket office, you know, Tulare or  
12 Visalia has a similar kind of thing in their  
13 transportation kind of hub. And therefore, you can  
14 shrink what you need at the station. You know, that's  
15 one concept to try and mitigate it.

16 Now, we would -- we would look at the station  
17 and try and analyze it as something bigger. And, you  
18 know, again if you look at, you know, Merced, for  
19 example, and Merced is actually a very interesting case  
20 because when the system operates for phase 1, they have  
21 more riders because, you know, of the draw down to the  
22 system, you know, people from Atwater or Modesto and so  
23 on. Versus if and when stage phase 2 is implemented, you  
24 know, their ridership actually goes down. So how, you  
25 know, but so you're going -- we have to plan and put in

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1 the EIR doc that worst case scenario.  
2           And that's similar for all stations, you know,  
3 in terms of we want to -- we're estimating in terms of  
4 the worst -- worst impact because of the most riders or  
5 the most, you know, Merced is a nice example of that.  
6 But you still have to then plan it because you don't want  
7 to build a parking garage that you know 10 years from now  
8 or 15 years from now or 10 years after we open or  
9 whatever it is, isn't needed because, you know, some  
10 other feature of the system has been built. And so  
11 that's where that type of planning needs to be done. And  
12 the planning grants us part of that, but the EIR  
13 environmental documents is going to talk about it  
14 differently than what we hope to gain in the future.  
15 Because then we'd be accused of minimizing the, you know,  
16 the footprint. You know, you've got to deal with what  
17 you have in front of you at the time.

18           I did mention earlier that the programmatic  
19 didn't call for a station. And, you know, that's  
20 unfortunately part of the confusion we have about  
21 potential or proposed versus, you know, what you have in  
22 Fresno or what you have in Bakersfield, you know, a  
23 station that was already set up. Yeah, it's -- you know,  
24 they were trying to do a good thing, you know, I think  
25 when -- when they talked about that in the programmatic

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1 that there was a, you know, desire for stations, so go  
2 investigate it, and for lack of a better word was a  
3 potential station.  
4           You know, sometimes you struggle with names and  
5 it's unfortunate. But, you know, until we get through  
6 that environmental process I think it -- I think it would  
7 well serve the valley to have one that serves  
8 Visalia/Tulare/Kings County/Hanford. But that's --  
9 that's, you know, that's the Authority's opinion.

10           And, you know, Greg, you've mentioned that  
11 you're coming down here asking me for suggestions. And  
12 what I've -- in the meetings I've been here with is I've  
13 tried to set really the tone is is I don't want a  
14 statewide solution across the board. I think the  
15 Authority, or at least in my area, you know, I don't  
16 really see it differently with the people I've worked  
17 with for the last year, of a one size solution fits all,  
18 you know, that there is the opportunity and it's best the  
19 opportunity that, you know, in terms of we want to  
20 accommodate as much as possible what those preferences  
21 are. And that's just -- that is a back and a forth and  
22 it is asking for input on how best to mitigate something.

23           You know, we -- and -- and, you know, we've laid  
24 out, you know, the idea of the strategy in the Merced to  
25 Fresno, the different things and the different way we

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1 want to approach them.  
2 Traffic management plans and traffic concerns  
3 is -- is another in terms of it's that next layer down,  
4 you know. We talk about the traffic analysis and where  
5 we think we need, you know, stop lights and where we  
6 don't, and different places in the City of Fresno says  
7 no, we don't want to light on that street. You know,  
8 even though that might have been the mitigation. Or in  
9 other cases, you know, we don't have a defined  
10 construction schedule, that's part of the issue we have  
11 to deal with with regard to -- regards to the bill, but  
12 we can put the framework in there and we're requiring the  
13 contractor to put together a traffic management plan so  
14 that when -- through construction they've got to go to  
15 the city, they've got to tell you, or the county or  
16 whomever the jurisdiction is, how are we going to close  
17 the roads, when are we going to close the roads so that  
18 traffic remains, you know, appropriate, so that you can  
19 get east/west or north/south. How do you do it such that  
20 emergency services operate, you know, in the way that is  
21 safe and viable.  
22 But that's -- that's the next step, as John put  
23 it, the drilling down. And you may see reference to that  
24 in terms of how that's incorporated -- how that has been  
25 developed and has been incorporated into the final draft.

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1 But you know, those -- those things, you know,  
2 and we'll continue to work on those as you move forward.  
3 You know, there...  
4 MR. SPIKES: I have a question. The business  
5 plan as released, the draft business plan, the most  
6 recent version, calls for the construction of the first  
7 segment and to be utilized by Amtrak until it becomes  
8 fully operational; is that correct?  
9 MR. FELLEENZ: Correct. That's what we would  
10 envision happening. Go ahead.  
11 MR. SPIKES: Well, if that's correct, how would  
12 you ever envision building High Speed Rail track coming  
13 anywhere around Hanford without having a station?  
14 MR. FELLEENZ: Well, that would be something that  
15 we would have to talk to Amtrak about. But I understand  
16 your point, you're saying that Amtrak has a station there  
17 now?  
18 MR. SPIKES: Oh, it's --  
19 MR. ABERCROMBIE: They have one downtown.  
20 MR. SPIKES: -- probably one of the largest  
21 utilized stations along Amtrak.  
22 MR. FELLEENZ: Right. So how would we envision?  
23 MR. SPIKES: Well, the question is do we want a  
24 station. But the reality is if in fact the plan calls  
25 for that -- that track to be utilized by Amtrak, how

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1 would you envision not having a station associated with  
2 that if it's going to replace Amtrak?  
3 MR. FELLEENZ: It would certainly be better to  
4 have a station there to serve more people.  
5 MR. POPOFF: The -- the issue would come in for  
6 the San Joaquins, I assume you're referring to only, and  
7 you would put in an interim station. But let's assume  
8 that the city did not want a permanent station in the  
9 Kings -- in Kings County. That's a presupposition. But  
10 should there not be a permanent station, it is quite  
11 possible and likely, with the type of service the San  
12 Joaquin is run, to set up a very simple interim station  
13 because the IOS, initial operating section going south is  
14 looking to be in service in the year 2022. We will have  
15 the initial construction of that segment through from  
16 Avenue 17 in Madera down to Kern County ready in 2018.  
17 So for a short period of time we will not be running the  
18 high speed trains to the initial operating section south.  
19 In that time we could actually stop the train on the  
20 mainline, we will not have to build any sidings, don't  
21 have to build any station tracks. We could operate and  
22 stop a train very simply on the -- without a station,  
23 without a sophisticated station, a very simple station.  
24 MR. SPIKES: So that same thing could be  
25 envisioned for Corcoran and Wasco, et cetera, et cetera,

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1 we'd have a simple drop off/get on point?  
2 MR. POPOFF: Yeah, we'd have to talk with Amtrak  
3 about what they would like, but I'm speaking from a  
4 straight technical point of view.  
5 MR. SPIKES: I understand.  
6 MR. POPOFF: It would be a very straightforward  
7 thing to build for an interim station.  
8 MR. SPIKES: That would be really well received.  
9 I'm being facetious.  
10 MR. GATZKA: I'm confused because you're talking  
11 about the IOS, but the first part is the ICS, initial  
12 construction segment; correct? And during that I thought  
13 the understanding was that Amtrak could potentially  
14 utilize that rail alignment in that interim before you  
15 get to that IOS, so that would happen before 2022.  
16 MR. POPOFF: It would happen right as planned.  
17 We would have our initial construction of the IOS from --  
18 from Avenue 17 in Madera to Kern County ready in 2018  
19 where it would be available for the San Joaquin stop,  
20 right.  
21 MR. FELLEENZ: It would be about a four year  
22 period there.  
23 MR. POPOFF: Where we would not be running our  
24 trains.  
25 MR. FELLEENZ: For the completion of the IOS as

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1 we have planned right now in the business plan.

2 MR. GATZKA: Okay. So from 2018 to 2022, that  
3 four year period, wouldn't be operating High Speed Rail  
4 trains, but potentially operate Amtrak on it.

5 MR. POPOFF: It would be available, that's  
6 right.

7 MR. ABERCROMBIE: And, you know, you know,  
8 there's obviously a regional, you know, governance effort  
9 with regards to that too.

10 MR. GATZKA: You know, I want to bring that one  
11 up right now. Because we've got our own challenges going  
12 on with that right now, we're asking for amendments and,  
13 again, we're probably --

14 MR. ABERCROMBIE: I was only going to -- I was  
15 only going to note -- I was only going to note that, you  
16 know, that it would be either, you know, when we -- when  
17 we do that, as the responsible agency, so obviously we  
18 would have to work with it. And they're the ones who  
19 would decide in reality do you move all of the San  
20 Joaquins over to the other line, do you just have two in  
21 the morning and two in the afternoon -- two in the  
22 evening that are, you know, express runs or, you know,  
23 the actual details, you know, I -- is a matter of, you  
24 know, that final piece out in 2018 and how that is  
25 actually implemented. The business plan addresses it and

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1 that was all in the summary as part of the independent  
2 utility that it can be used to, you know, should that --  
3 should that make sense at that point in time.

4 MR. GATZKA: I would say, though, that I think  
5 it's in the High Speed Rail Authority's best interest to  
6 encourage this regional governance initiative to make  
7 sure that there's balanced representation across the  
8 whole valley for maintaining Amtrak, that is our number  
9 one priority with maintaining service. However, right  
10 now, in terms of the amendments to be proposed to have  
11 that balance, Kings County is not being listened to in  
12 that. There's a meeting this next week that's on that.  
13 And since I'm sure all of you are intimately connected  
14 with Assemblywoman Galgiani, maybe you could lend some  
15 thoughts to her to help balance that.

16 MR. ABERCROMBIE: You know, I don't -- I don't  
17 know specifically about it. But, you know, Mike -- or  
18 Tom would that be appropriate to refer, you know, refer  
19 to Karen Green, you know, in terms of the counsel terms,  
20 I mean, it's not our proposal or anything else, but --  
21 and I don't know, I don't think we're per se involved in  
22 it.

23 MR. GATZKA: Let me just present to you that a  
24 reasonable amendment that we have asked for, because they  
25 are looking at creating this regional governance

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1 initiative for Amtrak, put it in local's hands, which  
2 sounds all well and good, but it really comes down to the  
3 details of who's going to be represented on that. And on  
4 one -- one of our -- we have two recommendations, one of  
5 which was to group the counties that would be represented  
6 into balanced ridership regions. And Fresno County was  
7 grouped with Tulare, Kings, and Kern County, which would  
8 represent more than 51 percent of the ridership. Meaning  
9 the northern counties would have a bigger say with less  
10 ridership. Our one recommendation was to add -- there's  
11 three regions that they were kind of talking about. Add  
12 Fresno into the central one, then you have almost a half  
13 -- a third ridership represented by the three regions.  
14 But that -- and we even provided the -- a breakdown.  
15 Obviously we didn't get any traction with that with  
16 actually one of your former deputy directors that's  
17 leading it.

18 MR. SPIKES: And also we -- added to that, we  
19 wanted to make it where there's six agencies that are  
20 required to name members to initiate this process to  
21 happen. And we said, well, those six members should come  
22 from two each of those regions. It doesn't seem  
23 unreasonable to us, because obviously where we're coming  
24 from is to make sure that our voice is heard and we don't  
25 just get, for instance, you know, the interests of those

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1 along Alameda, Contra Costa, Sacramento, San Joaquin, et  
2 cetera, there's six of those that can be just, you know,  
3 determining that we're going to be dragged into this, not  
4 necessarily we would want to be under certain  
5 circumstances. So I think it's reasonable to balance out  
6 that representation, require two from each region to do  
7 that, because we're all in this together. And, you know,  
8 Hanford is a big player in terms of ridership along this  
9 track.

10 MR. ABERCROMBIE: They're -- they're proposing  
11 two regions right now?

12 MR. SPIKES: Three. Northern, central, and  
13 southern.

14 MR. ABERCROMBIE: It was to put Fresno into  
15 central?

16 MR. GATZKA: Southern.

17 MR. ABERCROMBIE: Southern.

18 MR. SPIKES: Our -- our recommendation --

19 MR. ABERCROMBIE: Is the southern?

20 MR. SPIKES: -- is to put it into central.

21 MR. ABERCROMBIE: Central.

22 MR. GATZKA: To balance the ridership to almost  
23 a third of the --

24 MR. SPIKES: I think it's Kern, Tulare, Kings in  
25 the south; central is Fresno, Madera, Merced, Stanislaus;

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1 and north would be San Joaquin, Sacramento, Contra Costa,  
2 and Alameda. And I think the ridership balances out that  
3 way. And then if you have two each of those different  
4 agencies to compose the six, that seems balanced to us.

5 MR. GATZKA: Mr. Popoff, I think your  
6 suggestion, this is the first time we've ever even heard  
7 of even attempting to accommodate Amtrak and maintaining  
8 it in our existing communities, that's our number one  
9 concern with the Amtrak service. Using a completely  
10 midship delivery to the High Speed Rail alignment for  
11 four years, one year, or two year, and there's no longer  
12 any connection or any stop, there's going to be  
13 significant more economic impacts to downtown Hanford and  
14 our surrounding communities as a result of that.

15 MR. POPOFF: Again, it's not a suggestion, it's  
16 a technical fact that we could do it. And I'm not  
17 speaking as a policy for the Authority, I'm just saying  
18 technically. And then again I'm an engineer, so we're  
19 here to solve problems. But it is certainly in our -- in  
20 our budget. And in our funding agreement that we have  
21 with the federal government we actually have put money in  
22 for interim stations. So it is a funded, federally  
23 funded --

24 MR. ABERCROMBIE: We've had to put it in  
25 reserve.

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1 MR. POPOFF: As a reserve. So that should that  
2 be determined, it would be relatively simple to install.

3 MR. GATZKA: That's good news. That's the first  
4 that we've heard.

5 MR. FELLEENZ: Good to hear your input too, this  
6 is the type of thing we're asking for discussion of that,  
7 so we understand some of your preferences, and maybe  
8 there's ways that we can accommodate. I know he said  
9 from a technical standpoint certainly we can do that.

10 MR. POPOFF: These are the type of -- these are  
11 the type of discussions that are important we have with  
12 your staff so that we can actually see what is available,  
13 what else we can provide jointly with possible solutions.

14 MR. GATZKA: Mr. Lagomarsino, maybe if you know  
15 off the top of your head, because there's now two  
16 alternative possible station area locations, I know  
17 you've got two specific sites in Hanford west that you're  
18 kind of considering, but that being -- the Hanford west  
19 alignment being five miles west of the first one you  
20 proposed, what does that mean in terms of the Authority's  
21 ridership or population within a 20 mile radius and what  
22 is the tradeoff? Because obviously we have the  
23 City of Visalia saying can't go over there, you're going  
24 to lose all this. And so we have other communities that  
25 are, you know, trying to advocate against it, but to the

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1 Authority what -- what do they think?  
2 MR. LAGOMARSINO: Well, and you've used the  
3 proper term, tradeoffs. In moving farther to the west we  
4 move closer to Lemoore, to the naval air station. Those  
5 tend to be pretty good generators of ridership on train  
6 systems. And in fact, frequent users of long distance  
7 transportation facilities. So in terms of ridership, and  
8 that may be what you're getting to, whether or not  
9 there's any affect, we don't see any -- any affect or any  
10 difference between the west, we're calling it KTR west or  
11 KTR east, we don't see any difference at this point  
12 between those two stations.

13 They're -- with State Route 198 being so close  
14 to both stations, the relative distance and inconvenience  
15 in time associated with going to the west station versus  
16 the east station we don't consider significant for  
17 purposes of people traveling from Tulare County, for  
18 instance. And we do see some benefit in moving a little  
19 bit closer to the -- to the west towards Lemoore.

20 MR. ABERCROMBIE: The ridership model has run  
21 that out or do you know?

22 MR. LAGOMARSINO: No.

23 MR. ABERCROMBIE: You're speaking perceptually  
24 then. I just want to be clear, I want to be clear  
25 because I don't know.

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1 MR. LAGOMARSINO: Yeah, no, we -- we -- we have  
2 -- we asked the -- the people who were involved in the  
3 ridership, in production of the ridership numbers whether  
4 or not this would make a big difference, and I think the  
5 initial response was --

6 MR. ABERCROMBIE: Probably not.

7 MR. LAGOMARSINO: Yeah.

8 MR. ABERCROMBIE: Okay.

9 MR. LAGOMARSINO: But the two stations are  
10 considerably different in terms of -- even I think  
11 Colleen mentioned it, you have one that's on the edge of  
12 town that would have to be handled quite a bit  
13 differently because -- and -- and Jeff talked a little  
14 bit about some of the principles that have been  
15 discussed, including some that I think originated from  
16 folks in Kings County, is if you're going to do that, how  
17 do you distribute the effect? How can you ensure that  
18 you're not drawing gravity away from downtown Hanford and  
19 the -- the shuttle access, the remote high speed train  
20 related services, which would be distributed to different  
21 locations, including Visalia and Tulare perhaps. That's  
22 one of the principles that we would like to flesh out a  
23 little bit more. So and it could be associated with the  
24 Hanford west or KTR west station as well, you know.

25 We're fully aware, and Greg mentioned it again,

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1 that we're just outside of the sphere of influence of the  
2 city, the primary sphere of influence. And your general  
3 plan, I've got to give you props, Greg, done an excellent  
4 job of sorting out the rural responsibilities. And you  
5 said it does the best job in the valley. It does on a  
6 policy basis as good a job as any general plan I've seen.  
7 And I've worked on a lot of general plans. So that makes  
8 a lot of sense. And we're sensitive to it. And we did  
9 consider that. And certainly in looking at the Hanford  
10 west alignments, we drew a bunch of boxes and circles on  
11 maps and said -- that were associated with the lines that  
12 we were looking at as we were going through our initial  
13 discussions and whether or not they fell within city  
14 spheres of influence, how they affected agricultural  
15 land, the effects that they might have on smaller  
16 communities like Grangeville and Armona, those were --  
17 those were part of the calculus. And what we ended up  
18 with was a location that's in the City of Hanford, not in  
19 the city limits yet, within the sphere of influence, near  
20 a major trans -- a couple major transportation  
21 facilities, access from 13th, access from 198, access  
22 from Lacey, possibility for real strong connections to  
23 downtown Hanford. And the Amtrak station would be a  
24 shuttle service. But those are the kind of tradeoffs  
25 that -- that we're involved in considering ourselves and

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1 would like, I mentioned the stationary planning process,  
2 would like to have through that process.  
3 And but I understand your frustrations. And  
4 Colleen mentioned them earlier, how do you -- how do you  
5 move to that without -- you have to get past another  
6 hurdle before you get to that hurdle, I think.  
7 MR. ABERCROMBIE: Could -- pardon? You know,  
8 I --  
9 MR. SPIKES: Before you --  
10 MR. ABERCROMBIE: Go ahead?  
11 MR. SPIKES: I was just going to say I see our  
12 court reporter over here flexing her wrists and stuff. I  
13 was just wondering if I needed to give you a break.  
14 MS. CARLSON: Yeah, we might as well. Are we  
15 going to continue or --  
16 MR. SPIKES: Are you okay to come back after  
17 lunch?  
18 MR. FELLEENZ: What's your preference? I mean,  
19 do you find this to be productive in that you want to  
20 continue? I mean, we're here to work with you, so what  
21 would you prefer? I know you have other, you know, this  
22 isn't the only thing you're doing, but...  
23 MR. SPIKES: Seems like it.  
24 MR. FELLEENZ: But we're willing to come back  
25 with different expertise, with specific focused

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1 discussions, I think that would be helpful. That's one  
2 thing I was thinking on the way down here, it would be  
3 nice to have maybe some agreed upon focuses for next  
4 time, if you -- if you think that's appropriate, or what  
5 was your suggestions?

6 MR. ABERCROMBIE: Well, and actually that's kind  
7 of what I was going to is, you know, while we had, you  
8 know, rolled out some of the west Hanford stuff, we  
9 haven't had a detailed discussion about the things that  
10 are on the west Hanford alignment that we're probably  
11 concerned about. If we -- if we reconvene, I'd like to  
12 delve at least a little bit into that before we talk  
13 about -- well, before we set up, you know, what next  
14 topics and when we're going to actually meet and discuss  
15 them so we make sure who's there and how best to handle  
16 it. So that one I'm, you know, I'm -- I -- I'm not sure,  
17 you know, I think there would be a benefit in doing --  
18 doing a little more overall review over what's on, you  
19 know, that alignment particularly. I don't know, maybe  
20 you've seen enough, maybe you know enough about that  
21 alignment that we don't need to delve into it.

22 MR. SPIKES: I would like to suggest this: Why  
23 don't we take five minutes, let her take a break. Let's  
24 get together, you guys get together, check your  
25 calendars, we'll check our calendars, and we'll also talk

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1 about who we want for the next meeting, what the topics  
2 would be. And then we can come back together before  
3 lunch and then we can probably call it a day. All right?  
4 Does that work?

5 MR. FELLEENZ: Yeah, works well. Okay.

6 MR. SPIKES: Does that work for you guys?

7 MR. FELLEENZ: I'll make another suggestion, that  
8 I know Colleen and I have protocol that we will  
9 communicate together.

10 MR. SPIKES: Right.

11 MR. FELLEENZ: But if you have -- if you think of  
12 something after this meeting that you think maybe we want  
13 to focus on, some particular thing that we didn't discuss  
14 or agree upon, we're flexible too. Okay, I'm trying to  
15 get the people here that can answer the questions. I  
16 know that some of the questions about the history of the  
17 environmental process, I feel that we weren't really able  
18 to articulate clearly, although it is articulated in our  
19 record, the High Speed Rail, you know, we can have  
20 someone go through the history to help you understand.  
21 Because I know that that's part of the frustration that  
22 you have, okay.

23 MR. SPIKES: That work for you? Okay.

24 MR. GATZKA: One last conversation, we did want  
25 to focus on ag today, I have a little bit more details I

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1 did want to hear more about in terms of the ag farm land  
2 with the water availability and equipment access, but  
3 those are a couple of things on my list.  
4 MR. SPIKES: Okay.  
5 (Recess taken.)  
6 MR. SPIKES: Okay, back on the record. We just  
7 thought we would just keep going right through the rest  
8 of the day. Just kidding.  
9 Actually what we'd like to propose is that we  
10 stop for today at this point. And then we're looking to  
11 see if you're available to come back on like June 4th.  
12 The concept is that we're trying to keep going forward  
13 with the obligation that the High Speed Rail  
14 Authority that -- well, Chairman Richard has made to keep  
15 coming back on the second Tuesday of every month. We've  
16 understood that to be the consideration. So and have  
17 interim meetings amongst -- like this, staff to staff,  
18 and to continue to report on progress on these meetings.  
19 So the next date that would work I think for our purposes  
20 and give a little lead time would be June 4th, 2012. And  
21 the concept being that we want to pick up some of the  
22 issues that we left off with here, like agricultural  
23 issues and as they relate to the general plan, and also  
24 traffic and circulation issues that Kevin McAlister, also  
25 the Sheriff will give some remarks too. I think what we

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1 want to do is to give you some information in writing  
2 prior to June 4th that will point out what we think are  
3 shortcomings with respect to the answers to the questions  
4 that we raised.  
5 And then on top of that, of course, one of the  
6 things we talked about today, we definitely want to have  
7 copies of the program EIR and all the related documents  
8 that led to where we're at today, including the  
9 resolutions that certified the findings on those  
10 documents going forward.  
11 MR. POPOFF: You would like hard copies?  
12 MR. SPIKES: Please. Well, electronic would be  
13 fine.  
14 MR. HOGAN: If we can have hard copies, that's  
15 helpful.  
16 MR. SPIKES: Well, I'm sorry, hard copies would  
17 be helpful.  
18 MR. POPOFF: They are quite voluminous.  
19 MR. ABERCROMBIE: Well, depending on whether  
20 you're talking about all of the technical portions.  
21 MR. POPOFF: I'm sorry, I shouldn't --  
22 MR. SPIKES: Well, I need to defer to others  
23 perhaps to find out to what level of detail you want that  
24 information, whether or not that includes all the  
25 technical reports behind it or not.

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1 MR. FELLEENZ: Maybe -- I have a suggestion here,  
2 maybe you could just e-mail us and tell us some level of  
3 detail that you're interested in, and if it's  
4 very voluminous -- if it's voluminous we can give you  
5 links to our website, that might be...

6 MR. GATZKA: That's been actually troubling for  
7 us.

8 MR. FELLEENZ: Oh, has it? Okay.

9 MR. GATZKA: We've been trying to download and  
10 wait for each of those individual files, we even had one  
11 staff member just trying to compile all that, and then we  
12 had --

13 MR. FELLEENZ: Let us know -- know -- let us know  
14 what you need and we can just print them and mail them.

15 MS. CARLSON: I think I explained on the record,  
16 at least tried to three times of where we're trying to  
17 get to connecting the dots.

18 MR. FELLEENZ: Sure.

19 MS. CARLSON: Those are the documents we're  
20 looking for. So if you can get those to us that would be  
21 great.

22 MR. FELLEENZ: No problem.

23 MR. POPOFF: What I'll -- what I -- what I  
24 thought I mentioned is we'll give a listing of all the  
25 documents and we'll send that to you. And then if those

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1 are the documents you want, then we'll just copy them  
2 just so we don't -- we'll give you a link where they  
3 appear on the public record, you can have a quick --  
4 don't have to download them all, just make sure those are  
5 what you're looking for, and then we will copy those and  
6 get them to you if you wish in a hard copy or maybe a CD.

7 MR. ABERCROMBIE: Or both.

8 MR. POPOFF: Or both if you like. Because they  
9 are quite -- some of them are very voluminous. But I'll  
10 get you a listing, first of all, and you can have a quick  
11 look and just check the website to see if that's what  
12 you're looking for.

13 MR. SPIKES: Yeah, I think it would be good to  
14 make sure that that list includes everything that would  
15 be reasonably concluded was necessary to make the trek  
16 from program EIR -- EIR to where we are today.

17 MR. POPOFF: Yeah, just -- we'll give you the  
18 link, we'll show you what's there. And just thinking of  
19 every public document that may be --

20 MR. SPIKES: Well, everything related to the EIR  
21 process and the resolutions that adopted their findings.  
22 I think those are the major points.

23 MR. FELLEENZ: I think one way to think of it is  
24 the administrative record for each document, I mean, is  
25 that -- because that could be quite large.

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1 MR. HOGAN: Just the documents themselves. If  
2 you send us that list, we can check what we need.  
3 MR. SPIKES: Okay.  
4 MR. POPOFF: I can get those to you.  
5 MR. ABERCROMBIE: And I suppose that if in  
6 looking at the documents there's something referenced  
7 that you need more detail on, you could follow up.  
8 MR. SPIKES: Okay. And then also at the next  
9 meeting I think, you know, it would be good to have the  
10 people that can directly address some issues we've raised  
11 about those documents. Because I know that, you know,  
12 there's been some discussion, you've referenced a couple  
13 of people that would perhaps be better suited to give you  
14 some of that -- give us some of the background  
15 information. So we'd like to see if we can -- and I  
16 think it will be helpful when we get you those letters  
17 that can help you decide who might be better served to  
18 bring here for that next round of conversations.  
19 MR. FELLEENZ: Okay.  
20 MR. SPIKES: And I think that's it. Unless you  
21 have anything you want to ask of us or request of us  
22 going forward.  
23 MR. FELLEENZ: No, I don't -- I don't have any  
24 questions. Do others?  
25 MR. ABERCROMBIE: Are you, you know, we --

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1 because of some of the past, you know, conversations, at  
2 least some of the limited conversations that we've had,  
3 you know, for example, when Greg and I met, even though  
4 we, I guess it was staff to staff but, you know, the  
5 Board had a limit a little bit on what we could talk  
6 about. You know, we covered quite a bit of detail on the  
7 east. And then based, you know, kind of what I said  
8 before is I would like to somehow make sure that you have  
9 everything you think you need for the west alignment in  
10 terms of constraints that, you know, and maybe you have  
11 enough because, you know, during the process we, you  
12 know, we have, you know, said come on, we're going to  
13 talk about after 13 we're going to talk about some  
14 station stuff, and we've done some of that. But I just  
15 want to be -- I -- I want to make sure also, I'll ask,  
16 Greg, do you have enough information about the west  
17 alignment in terms of constraints that we tried to  
18 balance to, you know, because you never had a draft  
19 document in front of you, is there worth any time  
20 spending on doing that before we break up?  
21 MR. GATZKA: Well, looking at some from last  
22 time, you identify the BNSF alignment. And if you can  
23 provide that for the west alignment, we have our own  
24 interpretation version on there with looking at your  
25 maps, we've actually outlined the lines.

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1 MR. ABERCROMBIE: Oh, okay.  
2 MR. GATZKA: But that's not an official version,  
3 that's our interpretation based on some of your maps.  
4 MR. ABERCROMBIE: Got'cha.  
5 MR. GATZKA: S do you have a version before you  
6 of the west alignment that would be less --  
7 MR. FELLEENZ: That shouldn't be an issue.  
8 MR. GATZKA: And I know there was -- when you  
9 first initially presented that there was like almost four  
10 variations of the alignment, the west alignment, I think  
11 you've narrowed that down now though.  
12 MR. ABERCROMBIE: Would it be okay to spend a  
13 few minutes, I'll roll the map out and we can talk a  
14 little bit about it.  
15 MR. SPIKES: Sure. Although I am getting a  
16 little hungry.  
17 MR. ABERCROMBIE: I'm throwing you under the  
18 bus.  
19 MR. SPIKES: Thank you.  
20 (Brief pause in proceedings.)  
21 MR. ABERCROMBIE: This -- I think this one has a  
22 little more detail to it. This is Jeff. This one has a  
23 little more detail to it. And I'll roll it out in a  
24 minute. The west and the idea of the proposed alignment  
25 changes, the overcrossings --

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1 MR. SPIKES: East.  
2 MR. ABERCROMBIE: And such -- excuse me, the  
3 east, thank you, station location and so on. The color  
4 changes are -- is just happens to be a change in segment,  
5 in other words, we refer to that piece as the Corcoran  
6 piece, and that's why they change color there. Aerial is  
7 the dashed. Now, and I'll point out some of these are  
8 centered, some of them are offset, you know. And I know  
9 at one point, you know, there was some concern about them  
10 being offset, you know, in this particular phase we  
11 offset it obviously because we want to try and protect  
12 the dairy facility and such. It impacts more ag land,  
13 but those are the things we were trying to do with regard  
14 to, you know, trying to stay in compliance the best as  
15 possible.  
16 We did have -- we looked at a couple different  
17 alignments for the west. And we looked at a couple  
18 different stations. And you'll see, I think, that on  
19 that -- on the other map. But, again, most of the  
20 alignments match up fairly well with what's over on this  
21 side.  
22 This area, there's not a lot of, you know, not  
23 all of these roads are through there, so you -- and I  
24 think we're missing one or two in this area. This area  
25 we're aerial, and hence why you might not see a road

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1 crossing underneath because we're up above and you don't  
2 need to do an up and over.  
3 MS. CARLSON: Why? Why is that aerial?  
4 Colleen.  
5 MR. ABERCROMBIE: We go up and over to cross the  
6 river issues.  
7 MS. CARLSON: Okay.  
8 MR. ABERCROMBIE: And to provide some clearance  
9 above the levees. We're already, you know, x-number of  
10 feet up, and actually I think we bumped it up just a  
11 little bit more as long as we were aerial so that you  
12 could have traffic underneath it before we come back  
13 down. And that runs from -- well, around over up into  
14 Fresno County.  
15 This one does happen to show, you know, a couple  
16 of canal modifications that need, you know, look like we  
17 might need to do.  
18 You know, one constraint was, you know, the new  
19 development that was here, and that pushed it out a  
20 little bit. And maybe I'll roll out the other map now.  
21 But, you know, you know, Frontier School and college and  
22 the high school, and there's several of them on there.  
23 Trying to fit between Armona and Hanford, obviously.  
24 All right. We'll -- let's start up at the top  
25 way up here. This has those other alternatives that were

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1 in here with regards to how -- how best to try and line  
2 it up. And some of the things that we were trying to  
3 avoid with regards to the parks and not directly impact  
4 the parks, trying to balance that.  
5 The dots are residences, you know. Now, there's  
6 two residences I'll point out in particular that concern  
7 us is this one, which looks like it will be eligible,  
8 that's the blue one, I can't remember the name, as a  
9 historic property or eligible under the criteria.  
10 Eligible.  
11 MR. MCALISTER: The Grangeville Church?  
12 MR. ABERCROMBIE: No, it's not the -- it's not  
13 the church.  
14 MR. MCALISTER: Oh, the old Victorian.  
15 MR. ABERCROMBIE: It's the old blue --  
16 MS. CARLSON: Wait, wait, wait, wait. You've  
17 got to identify yourself.  
18 MR. MCALISTER: Oh, I'm sorry. Kevin asked if  
19 it was the church.  
20 MR. ABERCROMBIE: No. Jeff. It's -- it's the  
21 old Victorian, blue, as I recall. And then there's  
22 actually --  
23 MS. CARLSON: Colleen is going to say is that  
24 the Kahn house? The Kahn...  
25 MR. SPIKES: Jan Kahn.

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1 MS. CARLSON: Jan Kahn.  
2 MR. ABERCROMBIE: I can't remember the name.  
3 MS. CARLSON: Okay.  
4 MR. ABERCROMBIE: I can't remember the name.  
5 And then the other one is is this one which in  
6 what we've gleaned so far is another one that's eligible  
7 for historic status, over 50 years or older, whatnot.  
8 And then we come through. And those are the  
9 only ones that we've, you know, that we've identified to  
10 date. And, you know, it has historic, it could be a 4F  
11 type property, and it is very difficult. This  
12 particular --  
13 MR. SPIKES: Tony Barba. Oh, he's over here.  
14 MR. ABERCROMBIE: Yeah, in this -- in this  
15 particular case we're -- what we're carrying forward is  
16 essentially the white line.  
17 MR. GATZKA: This is Greg. This seems to be an  
18 older map, though, your newer one underneath looks like  
19 you've refined that down now to one station location?  
20 MR. ABERCROMBIE: Yes. Yes, that's correct.  
21 This was part of the original discussion about, you know,  
22 where do we want to go and whatnot. The one that we  
23 presented the Board and the one that is online only has  
24 this station location. We felt that that was, you know,  
25 starting to get a little too far away, a little harder

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1 access, not terribly much so with regards to downtown, a  
2 little bit, to have a station to the south of 198. You  
3 know, this one, just similar to the east, you know, it's  
4 next to the railroad for whatever future service might be  
5 able to be put on there. It just still seemed to be a  
6 little better, closer to the city limits, you know, in  
7 their sphere of influence.  
8 And, yes, so you can see the mobile home park,  
9 things that you're going to flag for environmental  
10 justice and some of those kinds of things, you know, the  
11 two schools. And then, yeah, the churches.  
12 And then the separation here really is to do two  
13 things. It's to line up really for Corcoran and how best  
14 to do it. And we have to swing out a little farther this  
15 way because we're trying to miss the dairy proper portion  
16 of this facility. So if we're going to be on the east  
17 side in Corcoran or on the Corcoran bypass it would  
18 essentially be this solid line. If we're going to end up  
19 on the west side of Corcoran, through Corcoran, Corcoran  
20 is -- the west side goes into town at grade, they'll get  
21 a grade separation at --  
22 MR. POPOFF: Orange.  
23 MR. ABERCROMBIE: -- Orange, and then we go  
24 aerial. Because one of the original things when we  
25 worked with the City of Corcoran was is to try and get it

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1 all the way through grade, and it's just problematic with  
2 two things, one, Whitley, in terms of their main street  
3 and, two, possible --

4 MR. SPIKES: Larry, do you have a map of that --  
5 of Corcoran?

6 MR. ABERCROMBIE: I did not bring a detailed map  
7 of Corcoran.

8 MR. SPIKES: But this does not affect that?

9 MR. ABERCROMBIE: No, it -- that is what it was  
10 in the Draft EIR, yeah, yeah.

11 MR. SPIKES: Okay.

12 MR. ABERCROMBIE: I think so. Here we have the  
13 opportunity to go either aerial or we're actually what  
14 you will see is we're looking at being depressed for  
15 noise because of the schools a little bit. Specifically  
16 here. We think it's going to pan out where it's a bigger  
17 footprint with side slopes.

18 Here you have the power lines all overhead, and  
19 so retaining wall or slope, it's just -- it's not, and  
20 the distance, you know, between 198 and BNSF, it becomes  
21 a little bit more problematic to get there, here, you  
22 know, that whole length of towers.

23 MR. SPIKES: Plus this obviously takes Baker  
24 Commodities off the --

25 MR. ABERCROMBIE: This certainly would, yeah.

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1 And to date we have not, you know, found a specific, you  
2 know, in looking at it, we don't see any -- any -- any  
3 commercial type facility like Baker on this site, you  
4 know, that that would be problematic. Right now I think  
5 really the two or these historic homes are probably the  
6 biggest thing that concerns me. Obviously the schools,  
7 we're a little closer here than we are to Kit Carson over  
8 here in this case. And actually I -- we've met with the  
9 College of Sequoias, they're one of the ones that are  
10 most interested in it obviously.

11 And the road -- what I should bring maybe next  
12 time is some of the road configurations, those, I don't  
13 remember if you've seen them with regards to the  
14 alignment. This one actually, because of this house,  
15 it's not the -- the train alignment, it's the  
16 overcrossing at Grangeville that affects that house.

17 MS. CARLSON: I know what house you're talking  
18 about there. It's the blue Victorian with a bunch of  
19 junky cars around it?

20 MR. ABERCROMBIE: Oh, I didn't see the junky  
21 cars.

22 MR. LAGOMARSINO: I think it's -- I think it's a  
23 different -- it's not junky.

24 MS. CARLSON: Okay, that's Kahn's house then.

25 MR. ABERCROMBIE: Anyway, two things I wanted

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1 to, like I said, I wanted to point out was that we would  
2 look at that grade -- excuse me, air --  
3 MR. POPOFF: One up, one down.  
4 MR. ABERCROMBIE: One up, one down.  
5 MR. POPOFF: That's right.  
6 MR. ABERCROMBIE: Correct. Okay, not at grade,  
7 aerial or below.  
8 MR. POPOFF: We have to do grade separations --  
9 this is John -- grade separations and we need separation  
10 of the railroad and the State Route 198.  
11 MR. ABERCROMBIE: We considered, you know, could  
12 you elevate this up and over us, and, you know, it didn't  
13 appear very pretty. Because that, again, they have --  
14 freight has a, you know, much stringent, more stringent  
15 grade criteria to go up and down. You know, that was  
16 pushing it, it was pushing it way back, almost to the  
17 shopping center there.  
18 So the houses, and I wanted to point out the two  
19 variations we're looking at there, why you have two lines  
20 down there. And I think those were the couple points  
21 specifically I wanted to make sure you knew about that we  
22 saw as constraints in terms of trying to lay this out.  
23 You know, obviously the schools and those things too.  
24 MR. SPIKES: Okay. Thank you.  
25 Any questions, Greg?

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1 MR. GATZKA: So I'm assuming -- this is Greg --  
2 I'm assuming these larger footprints are the overpasses.  
3 MR. POPOFF: Yes.  
4 MR. GATZKA: And this here being a smaller  
5 footprint is underneath?  
6 MR. POPOFF: No, it's also over the top.  
7 MR. GATZKA: Over the top. Why the significant  
8 difference in size then?  
9 MR. POPOFF: It's to do -- this actually has a  
10 little bit of a -- to keep this road open you have a  
11 little bit of an offset, so, during construction, and you  
12 also have your entrances in here on your maps.  
13 MR. ABERCROMBIE: No, I think that's the canal.  
14 MR. POPOFF: The canal, sorry. But it's got a  
15 little bit bigger footprint. This has a number of  
16 features to it, and one is I believe this is actually  
17 slightly offset to keep the street open. And also we  
18 have to do some canal work. So the footprint's bigger.  
19 MR. ABERCROMBIE: It's a good question, Greg.  
20 We'd have to confirm -- confirm it, because this is --  
21 it's more in tune with what we see in some of these other  
22 places.  
23 MR. POPOFF: So we're all aware of -- sorry,  
24 this -- you might be right, this is -- may be a small  
25 depression, because we're already declining with the

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1 bridge going up here. So it could be. I'd have to look  
2 at the detail.

3 MR. ABERCROMBIE: Grangeville is about -- Jeff  
4 -- the transition to go up or go down.

5 MR. POPOFF: Yes.

6 MR. GATZKA: In your discussions with CalTrans,  
7 because you've had meetings with them, have they given  
8 you any indication of what they're willing to accept on  
9 how the -- how these two High Speed Rail alignment --  
10 potential alignment and 198 would be designed or  
11 interfaced?

12 MR. ABERCROMBIE: Yes. I don't recall -- I'm  
13 not familiar with what the detail is with regards to how  
14 to reconfigure that interchange. It would have to be  
15 upgraded. And with the station there we need to look at,  
16 you know, how much of 13th Avenue has to be -- has to be  
17 upgraded as well. And that's where actually the impacts  
18 to property owners in Armona come from in that little  
19 piece right there is not from the train, but from the --  
20 the reconfiguring of those ramps. And essentially what  
21 happens is you see this branched off, there's that --  
22 where, was it Front? That runs right along here, runs,  
23 runs, runs, and then it goes (making noise). Essentially  
24 the new off-ramp would take Front Street. And so  
25 there's -- there's some houses right now between Front

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1 and the freeway. And those -- those are a couple of ones  
2 that are impacted.

3 And I -- like I said, I think there's probably a  
4 little bit more work that potentially can be done with,  
5 you know, as example, the City of Fresno has asked us to  
6 go back and look at a couple of things as well as, you  
7 know, can you, you know, rearrange that or put a slip  
8 road next to it. And those are things that I think in  
9 the long run, because we have -- we had already had like  
10 a full property take, it's possible to do. You know, in  
11 terms of being able to do it without --

12 MR. POPOFF: We'd bring our traffic engineers  
13 and work very specifically on each intersection and  
14 optimize them, you know, with the locals and yourself.

15 MR. ABERCROMBIE: CalTrans.

16 MR. POPOFF: CalTrans. Every route involved,  
17 all the --

18 MR. ABERCROMBIE: Yeah, whatever. You know,  
19 similarly, we've got to look and make sure in terms of  
20 the station location what it does to 12th or anything  
21 else, to be sure. And then -- then when the city came in  
22 they were talking about their -- their plans, and I don't  
23 remember where it is. They've got a road that they want  
24 pushed out here, as I recall. And it would happen to be  
25 right near where the station is. So I -- we'd have to

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1 get to a resolution on that. Because it would -- it  
2 basically will line that up on the station.  
3 MR. SPIKES: Okay. Thank you very much. With  
4 respect to Tuesday, we will have the same setup. That  
5 work for you guys?  
6 MR. ABERCROMBIE: Yeah.  
7 MR. FELLEENZ: Yes. The same location and --  
8 MR. SPIKES: Well, he was here last time, I  
9 don't think you were, with respect to how we set this up  
10 before the Board of Supervisors. And so if that works, I  
11 mean, we'll set it up the same way. We anticipate the  
12 same give and take, we'll have them construct a number of  
13 things to talk about for the board members to start that  
14 process. And we'll see where that leads next go around.  
15 We'd anticipate reporting on this in some  
16 fashion. We'll probably be expressing some of our  
17 concerns about continuing to try to get information, but  
18 we will lay out the fact that we laid a road map to how  
19 to get that information back. So I'm not going to throw  
20 you under the bus completely. I just want to make sure  
21 that we indicate that we did have this discussion, we did  
22 cover a number of territories, we did agree to meet  
23 again. So that process is proceeding.  
24 I don't know if, Colleen or Greg, if you guys  
25 have anything you guys want to add to that?

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1 MR. ABERCROMBIE: Do we need any visuals or, you  
2 know, do you have other -- other topics that -- so that I  
3 come prepared for?  
4 MR. SPIKES: You know, it may not be bad to get  
5 that information out, because people are going to want to  
6 know. Even though there's multiple options, if it's  
7 going to be, for lack of a better term, shoved down our  
8 throat here, what's that going to mean.  
9 MR. ABERCROMBIE: Okay.  
10 MR. GATZKA: This is Greg. And there's  
11 speculation even now, we're seeing a lot of people that  
12 are concerned, and they're thinking it's going to take  
13 out their property. We're having to rely on our -- our  
14 estimates. But for a lot -- for most of the part we're  
15 telling them it's not even near your property, so.  
16 MR. ABERCROMBIE: Did -- did we leave you at one  
17 point a west Hanford?  
18 MR. GATZKA: Not a detailed one.  
19 MR. SPIKES: I don't think I've seen one. And  
20 in fact if you can put this -- or we can put it up on the  
21 screen, that would be really helpful.  
22 MR. ABERCROMBIE: Okay.  
23 MR. SPIKES: For Tuesday, if you can do that.  
24 MR. ABERCROMBIE: To walk you down the  
25 alignment? Yeah, I can.

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1 MR. POPOFF: We have it.  
2 MR. ABERCROMBIE: That shouldn't be a problem.  
3 Not this map, but the -- the other one we rolled up, the  
4 first one I showed you, would -- would that be sufficient  
5 for you as -- or to have in terms of the, you know,  
6 people who are inquiring?  
7 MR. SPIKES: I think that what, you know, of  
8 course our concern, as I've stated before, is it's so  
9 squishy, for lack of a better term. But to the extent  
10 you can start bringing into focus, given, again, a lack  
11 of options other than these two, what do those mean. And  
12 so to the extent that that information is given out there  
13 sooner rather than later, I think it will only be better  
14 from where you guys are coming from. It may not be well  
15 received, obviously, in fact, I know it won't be. But to  
16 the extent that, you know, the information getting out  
17 has been lacking, I think that would be something that  
18 you'd be better served to try to address.  
19 MR. ABERCROMBIE: Okay. Well, I do know that,  
20 you know, that this map I think has been -- well, sorry.  
21 That map has been, you know, at the office we have and  
22 for whoever's taking avail of it, you know, there  
23 locally. I'll make sure we have copies. And I'll make  
24 sure, you know, we can set it up so that we can project  
25 it.

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1 MR. SPIKES: That would be good.  
2 MR. ABERCROMBIE: And go down, talk about the  
3 SAPS and some, I mean, maybe some of the constraints that  
4 we are trying to get through.  
5 MS. CARLSON: If you -- Colleen. If you mark it  
6 properly can you give Greg a GIS copy of it?  
7 MR. ABERCROMBIE: I -- I think we already  
8 agreed --  
9 MR. POPOFF: Yes.  
10 MR. ABERCROMBIE: -- that we would, kind of like  
11 we did for the east, we'll get one. I think we're in a  
12 position to do that straight up.  
13 MR. POPOFF: This is John. Yeah. We also have  
14 a series of public meetings planned and --  
15 MR. SCHMIDT: And the first one is on the 23rd  
16 at one o'clock at the Hanford/Tulare, that's a technical  
17 working group. And then following that at five o'clock  
18 we have the Hanford public information meeting.  
19 MS. CARLSON: When is that?  
20 MR. SPIKES: 23rd.  
21 MR. SCHMIDT: 23rd.  
22 MS. CARLSON: And where is it?  
23 MR. SCHMIDT: One's in -- they're both in  
24 Hanford.  
25 MR. GATZKA: Hanford Civic.

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1 MR. SCHMIDT: Hanford Civic, yes.  
2 MR. SPIKES: This is Larry. What about that  
3 e-mail I saw on Train Talk, the Bart bond that they're  
4 going to be doing here in Hanford.  
5 MR. ABERCROMBIE: Uh-huh.  
6 MR. SPIKES: Is that information going to be  
7 available?  
8 MR. ABERCROMBIE: This information I'll -- we  
9 can go by and check. But in terms of I think this --  
10 that map or something similar to it with the west Hanford  
11 has been there. Train Talk is going to cover the  
12 business plan first. I don't remember what the next  
13 topic is.  
14 MR. SPIKES: But that's like next week?  
15 MR. ABERCROMBIE: Yes.  
16 MR. SPIKES: Okay.  
17 MR. ABERCROMBIE: To try and get a little more  
18 circulation through the local office we're going to do a  
19 series of them, one we thought would be right away in  
20 process. I mean, I know the stuff's on the website and  
21 we have the fliers there but, you know, having somebody  
22 talk about it I think will be helpful. West -- west --  
23 west alignment, you know, Hanford. I believe one is on  
24 EIR process, you know, in terms of some of the steps.  
25 I'm trying to remember what the other one is. So anyway.

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1 MR. SPIKES: Okay. Well, I think that's it for  
2 today.  
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I, JULIE A. GREEN, a Certified Shorthand  
Reporter, DO HEREBY CERTIFY:  
That the foregoing and annexed pages  
constitute a full and true transcription of the  
proceedings had in the matter entitled as upon the first  
page hereof.  
Dated: May 14, 2012.

Julie A. Green, C.S.R #4636

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KINGS COUNTY BOARD OF SUPERVISORS  
SPECIAL MEETING  
TUESDAY, MAY 8, 2012, 1:30 P.M.  
COORDINATION WITH HIGH SPEED RAIL AUTHORITY/  
PUBLIC COMMENTS

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1 **SUPERVISORS:**

- 2 Richard Fagundes, Board Chairman
- 3 Doug Verboon, Board Vice Chairman
- 4 Joe Neves, Board Member
- 5 Richard Valle, Board Member
- 6 Tony Barba, Board Member

8 **KINGS COUNTY STAFF**

- 9 Larry Spikes, Kings County Administrative Officer
- 10 Colleen Carlson, Kings County County Counsel
- 11 Greg Gatzka, Kings County Community Development Agency Director
- 12 Catherine Venturella, Clerk of the Board

14 **HIGH SPEED RAIL AUTHORITY**

- 15 Dan Richard
- 16 Tom Richards
- 17 Jeff Abercrombie

1 WHEREUPON, the following proceedings were had,  
2 to wit:

3 ---o0o---

5 SUPERVISOR FAGUNDES: Good afternoon. Today's  
6 Tuesday May 8th, 2012, call to order special meeting.  
7 First of all we'll have roll call.

8 (Roll call taken.)

9 MR. SPIKES: We failed to put on the agenda,  
10 Mr. Chairman, typically we have flag salute at this  
11 point. So if you'd like to do the flag salute now, that  
12 would be my suggestion.

13 (Flag salute held.)

14 SUPERVISOR FAGUNDES: Thank you. This meeting  
15 is to resume coordination beginning with the update as  
16 status of staff to staff meetings conducted since the  
17 last coordination meeting April 3rd, for which official  
18 record has been created. This is a fourth coordination  
19 meeting conducted by the Board of Supervisors with the  
20 High Speed Rail Authority as required under the National  
21 Environmental Policy Act and related federal regulations.

22 It is anticipated that such meetings will  
23 continue to be scheduled on the second Tuesday of each  
24 month as agreed by the chairman of the High Speed Rail  
25 Authority, Mr. Dan Richard. The recommendation is to

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1 resume the coordination beginning with an update as the  
2 status of staff to staff meetings conducted since the  
3 last one April 3rd for which the official record has been  
4 created.

5 MR. SPIKES: Thank you, Mr. Chair, Members of  
6 the Board. I'll take it from that point and try to give  
7 you that background staff to staff meeting.

8 First of all I want to say again thank you,  
9 Chairman Richard and Vice Chair Tom Richards, on behalf  
10 of the Chairman and others for agreeing to come back and  
11 be here today for the fourth attempt for what we  
12 characterize as coordination meetings. Again, after the  
13 last meeting when -- when you were here on April 4th --  
14 I'm sorry, April 3rd, we -- it was agreed that we would  
15 do staff to staff meetings, put that on the record, and  
16 then we would then move -- we would try to find common  
17 ground and move forward from that point.

18 The first of such meetings occurred this past  
19 Friday. While it did not happen as soon as we would have  
20 hoped after the April 3rd meeting, it at least did occur.  
21 A record has been created, but is not yet available for  
22 review. So before I go any further on that, just so  
23 you'll know, of course, we have the Board of Supervisors  
24 together with staff here from the county, but we also  
25 have Margaret Byfield here who is with the American

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1 Stewards of Liberty, and she actually has a relationship,  
2 she works with the Kings County Farm Bureau. We invited  
3 her to be here today to be part of this process because a  
4 lot of what we do with respect to coordination is based  
5 on -- on conversations with her.

6 So anyway, back to the staff to staff meeting.  
7 As we agreed, we did -- did have such a meeting, such a  
8 meeting. It was on the record, we did have a court  
9 reporter, in fact, she's here again today, creating a  
10 record. From Kings County we had Colleen Carlson, County  
11 Counsel; Greg Gatzka, Community Services Director; Kevin  
12 McAlister, Public Works Director; Dave Robinson, Sheriff;  
13 Tim Niswander, Ag Commissioner; myself; and we also had  
14 Mr. Mike Hogan, who is an attorney who specializes in  
15 CEQA that the county has used before and we've asked for  
16 his input on some of the issues that we have concerns  
17 about regarding this process.

18 High Speed Rail Authority staff included Mr. Tom  
19 Fellenz, who is the counsel, legal counsel, and interim  
20 CEO, and Jeff Abercrombie was there, together with John  
21 Popoff, Bob Lagomarsino, and Craig Schmitz. I believe  
22 they're all consultants working on specific categories,  
23 High Speed Rail station development and agricultural  
24 issues, and may have -- I may have that incorrect, but  
25 that's my understanding. Please correct me if I am

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1 wrong. Okay.

2 I promised the folks that were in attendance  
3 that we would give a report on how things went. I  
4 certainly wouldn't characterize it as a bad meeting, I  
5 think it was cordial. It was a discussion on a number of  
6 issues that were important to the county. But I wouldn't  
7 characterize it as particularly that fruitful as we would  
8 hope for going forward. But we did create some dialogue  
9 and we did come to some conclusion on how to get some of  
10 these questions that we want to get answers going  
11 forward.

12 Primarily the meeting was to focus on ag  
13 impacts, and particularly our concern about how the  
14 proposed project or our continuing concerns about the  
15 proposed project and its lack of consistency with the  
16 Kings County general plan. We tried to get an  
17 understanding of how the High Speed Rail Authority  
18 eliminated the I-5 and Highway 99 corridors through the  
19 environmental review process, in other words, how did  
20 that work, how did we go from the program EIR down to the  
21 project level EIR resulting in only an east and west  
22 corridor, east and west of Hanford alignment. And  
23 particularly in our estimation how it doesn't -- doesn't  
24 follow existing transportation corridors sufficiently.  
25 We asked for all the information and we were promised to

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1 get that information back from High Speed Rail Authority,  
2 all the documents associated with that decision-making  
3 process.

4 We were also promised that the High Speed Rail  
5 staff and consultants would bring back the necessary  
6 people to provide additional answers to our questions on  
7 this issue. Much of that discussion I would characterize  
8 as resulting in county staff expressing some of our  
9 frustration in what we view as continuing attempts by  
10 High Speed Rail Authority staff to seek the County's  
11 input and advice on issues that we think are the High  
12 Speed Rail Authority's responsibility for their proposed  
13 project. And for instance I'm sure -- I'm sure that High  
14 Speed Rail Authority would like for us to go ahead and  
15 indicate that we would prefer an east or west option and  
16 also answer the question if we would like to have a High  
17 Speed Rail station. There are all sorts of issues  
18 associated with -- with these questions.

19 And our concern is that -- is quite frankly just  
20 this: We believe that the approach is to go forward,  
21 issue an EIR and EIS, do a legally required minimum  
22 comment period to approve the EIR/EIS, and take their  
23 chances in court. And I'm just editorializing here,  
24 obviously, but these are some of the concerns that I  
25 think that we want to express. Instead, we are trying to

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1 get across is this: You tell -- you tell us what your  
2 proposed project is, listen to our concerns, study the  
3 impacts, such as what is the economic impact of your  
4 moving Amtrak stations from both Corcoran and Hanford.  
5 We've heard Hanford state the economic impacts would be  
6 in the millions and millions of dollars if that station  
7 is lost to downtown Hanford. And this is the sort of  
8 thing that is required by NEPA, and the county is only --  
9 is only demanding that you follow the law. We don't want  
10 you to issue something and then act like it can be  
11 changed in response to comments. I think where we're  
12 coming from is we want you to change the documents up  
13 front. You have to do this in response to the impacts  
14 you identify for your project.

15 And right at this point maybe I'd like to ask if  
16 Greg or Colleen have anything you want to add in that  
17 particular area. Or Margaret Byfield, if you have any  
18 comments on anything else that would be backing up the  
19 suggestion I have and the concerns that we've raised  
20 about what we want to have done with respect to the EIR  
21 process.

22 MS. BYFIELD: Mr. Chairman, I'll go ahead and  
23 voice some things that we've discussed. I've had the  
24 chance to visit with the staff a little bit. The concern  
25 about the I-5 corridor being eliminated and getting to

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1 the place that we are today, which is we're looking at an  
2 alignment through Kings County, a new corridor alignment,  
3 is is -- is one of the things that the staff and -- and  
4 the supervisors have discussed broadly.

5 And one of the concerns which I know has been  
6 raised is that there is not a consistency with the Kings  
7 County plan. And that's been pointed out. It was  
8 pointed out in the comments several times, through all  
9 the commenting process it's been pointed out many times.

10 And so looking back, you know, and start back at  
11 the programmatic phase and looking at how did we get to  
12 this point, it was interesting to learn that in the  
13 programmatic document, and I'm going to quote from the  
14 programmatic document on the -- the record of decision,  
15 page 10, the reason for eliminating Interstate Highway 5,  
16 and it says, quote, the eliminated corridors include an  
17 Interstate Highway 5 corridor which failed to meet basic  
18 project objectives of maximizing intermodal  
19 opportunities, minimizing connectivity and accessibility,  
20 and providing transit connections and multimodal  
21 stations, and additionally would result in increased  
22 incompatibility with land use planning.

23 Well, that was kind of interesting I5 was  
24 eliminated because it conflicted with land use planning,  
25 local plans. Now in taking a look at the programmatic

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1 document, not all the plans were looked at. In other  
2 words, there were land use plans on the I-5 corridor that  
3 evidently caused the elimination of I-5 being considered,  
4 at least in part.

5 And then on the -- the 99 corridor, some of the  
6 plans were looked at. And so we took a closer look, and  
7 Kings County plan is not one that was considered. So  
8 right at the programmatic stage Kings County's plan was  
9 not even looked at when the decision was made to impact  
10 Kings County. And I think that's -- that's what's pretty  
11 important.

12 Land use compatibility in the programmatic  
13 document was considered a premium portion of elimination.  
14 It's a key criteria. And the programmatic document says  
15 land use compatibility, substantial incompatibility with  
16 current or planned local land use as defined in local  
17 plans was considered a criterion for failing to meet  
18 project objectives. Again, Kings County plan was not  
19 considered at that phase.

20 EPA pointed this out in the comments, and -- and  
21 mentioned that, you know, we really need to be looking  
22 closer at local plans because it may change the  
23 cumulative impact analysis, it can change all of the  
24 analysis, and recommended that the Authority do that at  
25 that time. The Authority's response was that land use

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1 plans are not always up to date and therefore not  
2 reliable. And it would be done at the site specific  
3 stage.

4 Now what's kind of interesting about the timing  
5 of this is that it was during the development of the  
6 programmatic study that Kings County was actually in the  
7 process of revising its land use plan. Which would have  
8 been, you know, a very appropriate time for the Authority  
9 to step in and say now is the time for us to start  
10 talking about a corridor, a possible alignment through  
11 Kings County, while you're updating your plan this would  
12 be the time to do it so that we make sure that it's in  
13 the proper location. Which is something that NEPA  
14 requires. NEPA requires that you start looking, you plan  
15 early, you plan early with your local governments, your  
16 local entities, so that you avoid these kind of  
17 conflicts. But that wasn't done here.

18 So we fast forward to the alternative analysis,  
19 and looked at some of the reasons why, trying to --  
20 trying to understand how did we get to a route through  
21 Kings County. Some -- in the alternative analysis some  
22 of the criteria used to compare the corridors was land  
23 use. And on page -- section 2-3, matrix includes port  
24 transit use, is consistent with existing adopted local  
25 regional and state plans, which it's not here, and is

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1 supported by existing and future growth areas, which it's  
2 not here. But that was one of the criteria in the  
3 alternative analysis that was relied upon in order to  
4 eliminate other routes.

5 Specifically there were two routes that were  
6 eliminated, the west of 99 and the east of 99. Both --  
7 and -- and it's interesting how those were eliminated  
8 because it sounds very familiar to what we're dealing  
9 with here. On page 3-2 of the alternatives analysis,  
10 quote, the west of 99 and east of 99 alternatives were  
11 both considered Greenfield alternatives passing largely  
12 through farm land. Both alternatives were eliminated  
13 because of their potential impacts to agriculture land  
14 and their inconsistency with the objectives of following  
15 an existing transportation corridor as a method of  
16 minimizing environmental impacts.

17 Well, that's exactly the same situation we have  
18 here in Kings County. You could write that paragraph for  
19 Kings County. It's exactly the impacts that are here  
20 that have been communicated to you prior to the draft  
21 being released. And yet when we get to Kings County, the  
22 description of Kings County as far as putting a route  
23 through here is there -- this is on page 259 of the  
24 alternatives analysis and the draft environmental impact  
25 statement, it goes through a long explanation of how it's

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1 approximately 30 miles of the BNSF alternative would be  
2 in Kings County, it would pass through the City of  
3 Hanford, goes through all the detail of where it would  
4 go. And then you find out that the alignment was refined  
5 in this area to avoid specific aquatic features north of  
6 Corcoran and east of the BNSF railroad.

7 So Kings County was selected to avoid conflicts  
8 somewhere else. The majority of this part of the  
9 alignment would pass through agriculture land except  
10 where it travels through the City of Corcoran.

11 Now in that description there's no recognition  
12 that it's a new corridor, there's no recognition that  
13 you're really destroying agriculture land. The same  
14 consideration given to the west and east of 99  
15 alternatives were not given to Kings County. And so it's  
16 like when you get to Kings County you change the rules.  
17 Certain rules apply to eliminate other alternatives, but  
18 in Kings County we change the rules and -- and have to  
19 accept this particular route alignment.

20 But I think that, you know, the point is that  
21 NEPA requires that there be a fair hard look and  
22 comparison of the alternatives. And it's, you know, the  
23 Kings County plan is inconsistent with the alignment that  
24 you've selected either west or east of Hanford -- of  
25 Hanford.

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1 One of the other things we took a look at is in  
2 the land use section. The attendant land use section of  
3 the draft environmental impact statement. There's a  
4 table in there which talks about the consistency with the  
5 Kings County plan. And there's 17 spots in that table,  
6 17 times that the Authority in the draft environmental  
7 impact statement states it's consistent with the Kings  
8 County plan.

9 And I don't know if you guys have had a chance  
10 to read or look at Kings County's comments in response to  
11 that, but do you have any idea how many of those  
12 consistency statements were challenged by Kings County as  
13 being inconsistent? Do you have any idea how many of  
14 those statements? There's 17 in there, do you have any  
15 idea?

16 MR. ABERCROMBIE: I don't know offhand.

17 MS. BYFIELD: All of them. All 17 statements in  
18 that table. Kings County has noticed you that it's  
19 inconsistent with Kings County's plan. And they're not  
20 things that are just discretionary or maybe a  
21 misunderstanding, it's things such as placing a high  
22 maintenance facility where you're talking about placing  
23 is county -- it's not zoned for that. So it's violating  
24 zoning laws. And, you know, your -- your draft says it's  
25 consistent with zoning laws. And they've pointed out to

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1 you that no, it isn't.

2 So it's very specific, it's things that are  
3 factual, that can be tracked down, verified. And so it's  
4 just the whole scenario.

5 And I know that with Mr. Richard, with you  
6 coming in in particular, it's, you know, an effort to  
7 reset and to move forward, and that's definitely  
8 appreciated. But the concern is is that the decision to  
9 come through Kings County has a long history, a long  
10 history of not complying with law in order to get to this  
11 point. And that's -- that's the concern.

12 And so when the discussion turns to, you know,  
13 how can we make this route livable for Kings County,  
14 Kings County wants to back up and say no, how do we make  
15 your study comply with the law. Because at this point  
16 you have not considered Kings County's land use plan in  
17 the manner -- in the like manner that you have other  
18 plans, and it also needs to -- there needs to at least be  
19 an effort and a discussion in the document of your  
20 inconsistencies with the plan as you move forward.

21 MR. SPIKES: And if I may, Mr. Chair, I  
22 appreciate Margaret bringing that information all to the  
23 forefront because, and the reason that we just did this,  
24 this is consistent with the issues we've been raising and  
25 we did raise in the Friday meeting with regard to

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1 information we're looking to get back from you with  
2 respect to how we got to this point. As you know, we  
3 think it's only fair that you understand these are the  
4 issues where we can go back and look at documents that  
5 point to specific language that seems to be  
6 inconsistently applied. And certainly Kings County's  
7 perspective on that is it's being applied to our  
8 detriment as opposed to other applications that have  
9 been -- been perhaps to other's favor at this point in  
10 time.

11 So you may want to -- obviously I see you taking  
12 some notes about some issues we've raised, and we will  
13 obviously come back to some of these issues, hopefully  
14 you'll get a chance to respond to some of these questions  
15 this we've raised.

16 Just to finish off then, though, the High Speed  
17 Rail Authority staff, and they did send a letter attached  
18 from the -- from Mr. Richard, the Chairman. They did  
19 attempt to address the 61 questions that we raised and  
20 has been the subject of much discussion. The 61  
21 questions are -- and not just necessarily questions, but  
22 questions and issues, they include some issues and  
23 questions raised by Kettleman City Water District and Kit  
24 Carson School. We didn't -- we didn't anticipate  
25 obviously getting into those at this point in time. We

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1 would anticipate at some future staff to staff meeting  
2 we'll bring them back in for that conversation in those  
3 particular areas.

4 We didn't actually get into the -- any kind of  
5 level of detail with those 61 questions in that Friday  
6 meeting. We did agree that we didn't need to be there  
7 all day going into that level of detail. Instead, we  
8 indicated to them that we're going forward, we would  
9 provide them some information actually in the form of  
10 writing regarding circulation issues that Kevin McAlister  
11 was going to bring forward, and then we would be getting  
12 that information and covering that area next, but only  
13 after we get more questions answered regarding  
14 agricultural issues such as how to -- how does the High  
15 Speed Rail Authority propose to handle dairy permitting,  
16 relocating, and reestablishment. As we pointed out in  
17 that discussion, there's many other agencies besides  
18 Kings County involved in that. I think there was some  
19 suggestion that the administration could assist in trying  
20 to get some assistance through those regulatory agencies,  
21 but we need to get that information more specifically  
22 identified. Available equipment access and pesticide  
23 straying, I think these were some of the issues that  
24 Mr. Gatzka was wanting to continue to talk about, and  
25 we'll get information to that prior to the next meeting.

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1           And our hope before the next meeting was to  
2 meet, I think we settled on something like June 4th,  
3 which would give us a little bit more time for us to get  
4 information to you, to get back to us, have that meeting,  
5 and then have sometime to perhaps get the record  
6 established for the next time you're here on the second  
7 Tuesday in June.

8           In addition to that, at the tail end of the  
9 meeting there was a map, couple of maps that were rolled  
10 out and were discussed with regard to what more specific  
11 detail that we have not seen to this point, had not seen  
12 to this point, if I'm not mistaken, with respect to the  
13 proposed Hanford -- west of Hanford alignment.

14           And I know that's our take on how the meeting  
15 occurred. Mr. Abercrombie may have some different  
16 perspective. And of course Miss Byfield wasn't there.  
17 But I thought it was important that we get the  
18 information to you to propose or to suggest to you that  
19 we continue to talk about I-5 and 99, the process that  
20 eliminated those other options and left us with holding  
21 the situation here where we are today looking at only a  
22 western and eastern -- west and east alignment of  
23 Hanford.

24           So with that, unless there's any other issues or  
25 questions that would like to be raised by Greg and

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1 Colleen, and then ultimately of course by your Board,  
2 that's really I think the synopsis of the meeting that I  
3 had. And, again, from a pretty high level just  
4 discussing in general terms what we discussed.

5           MR. GATZKA: Larry, if I can jump in. Because  
6 we been identifying coordination issues, but we also are  
7 faced with the soon to be released revised Draft  
8 Environmental Impact Report, environmental impact  
9 statement for the Fresno/Bakersfield section. Our office  
10 has been contacted from your staff indicating that that  
11 -- you're looking to see how that notification needs to  
12 be done. That, to us as staff, tells us that that's  
13 imminent, it's going to happen very, very soon. Probably  
14 and based upon meeting reports I think Mr. Richard had  
15 indicated that would be released in June.

16           So as staff we are under the understanding that  
17 that environmental document is going to be released,  
18 being that we still have a whole host of specific project  
19 level detail information that we still do not have, and  
20 as of Friday, like Mr. Spikes had mentioned, we saw a map  
21 that had even new information that we weren't aware of.  
22 That's -- that's the very troubling part for us as a  
23 governmental agency, being able to review those project  
24 details and even try to engage with the Authority when we  
25 don't even know what the -- what the specific proposals

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1 are or how that's going to impact any of our resources,  
2 our property owners, our businesses.  
3 So just to clarify, we do have really two things  
4 that we're very concerned about, the coordination in  
5 terms of how the project got here, but also the very  
6 imminent release of this EIR and EIS and how does all  
7 this work into that to resolve some of these issues  
8 before you release that.  
9 Most of the questions that I posed during the  
10 staff to staff meeting were really in line with asking  
11 the Authority staff specific questions about agricultural  
12 impacts, agricultural businesses, and to hear reassuring  
13 words from the Authority staff and consultants that it's  
14 being worked on, it's being addressed, there's plans,  
15 policies, proposals being developed. But then when I ask  
16 the follow up question as to when is that going to happen  
17 in the process, there was no response in terms of the EIR  
18 release, during midstream or after the final.  
19 We are -- we do have in hand the responsive  
20 questions, last minute questions with the Authority from  
21 Merced to Fresno section. So a lot of the questions that  
22 we've been asking through staff and consultants have  
23 already been addressed, they already have a lot of the  
24 same issues, dairy impacts, agriculture impacts, water  
25 district impacts. So the Authority staff and

1 consultants, by saying that we can't address that, we  
2 can't go into those details, is really not a valid  
3 argument. Because you already have approaches to dealing  
4 with these issues, and that is one of the questions I  
5 posed, share with us what some of those final mitigation  
6 recommendations you have come up to an agreement with in  
7 your documents in the Merced to Fresno, because at that  
8 point during our staff to staff we did not have this  
9 information. But now we do. And there's still a lot of  
10 missing pieces in terms of identifying the actual impacts  
11 the High Speed Rail project will cause and the analysis  
12 leading to how those are going to be mitigated. Still  
13 references for deferral and that it will be worked on.  
14 That doesn't provide any reassurance or any guarantees in  
15 the -- in the documents that the Authority will prove  
16 that any of those things will be done. So that's...  
17 SUPERVISOR FAGUNDES: Any questions?  
18 MR. RICHARD: I don't have questions,  
19 Mr. Chairman. I'll attempt to comment or respond  
20 whenever it's appropriate, if you want to afford your  
21 colleagues an opportunity first. However you'd like me  
22 to do it.  
23 SUPERVISOR FAGUNDES: Any comments from the  
24 board? Questions?  
25 SUPERVISOR VERBOON: Yeah, I have a quick

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1 comment. You know, you're putting a big strain on our  
2 staff. And you're the one that wants High Speed Rail  
3 here in Kings County. It took three years to do, put  
4 together a future plan for Kings County. And we need you  
5 to work with our -- our people and give them time to make  
6 it work. And it's the benefit of you guys. And so if  
7 you could just, you know, you want to put out the EIR  
8 here in possibly June, but yet we've only had one meeting  
9 staff to staff here in Kings County. So it would be  
10 beneficial on your part if you would take time to delay  
11 the EIR and work with our staff and come up with a plan  
12 that actually works for you.

13 And it's not my job to tell you, you know, you  
14 need more time and a bigger staff on your end, but you're  
15 putting a strain on our staff, and we're able to do our  
16 day-to-day routines along with High Speed Rail. So if  
17 you could just take time out of your day to put together  
18 a staff and get together with our people and get this  
19 done so we're not stuck behind the 8-ball, you know, we  
20 don't get 45 days to respond to your EIRs as you see fit,  
21 you know, it's our community and we want to protect  
22 everything we have here today. So I suggest to you you  
23 reach your staff and work with our staff or, you know,  
24 supplement our staff with some more help or some income  
25 to help us, you know, fill the void so you understand how

1 we are here in Kings County.  
2 SUPERVISOR FAGUNDES: Thank you.  
3 Anything else, Joe? Larry?  
4 MR. SPIKES: No.  
5 SUPERVISOR FAGUNDES: Okay, Mr. Richard?  
6 MR. RICHARD: Mr. Chairman, members, members of  
7 your staff, Miss Byfield. First of all, good afternoon,  
8 and I'm actually pleased to be back here with you today.  
9 Let me start by saying that I agree with what  
10 Supervisor Verboon just said. I'm not sure sitting here  
11 exactly when the Draft EIR/EIS is supposed to come out.  
12 However, I will tell you I think Mr. Gatzka's comments  
13 were -- were absolutely right. I will tell you that I  
14 had one conversation with our federal counterparts a  
15 couple of weeks ago where I told them that our view was  
16 since they were a little limited on staff, that our view  
17 was that they should concentrate on getting the Merced  
18 Fresno EIR/EIS done because we were trying to get to the  
19 point of that certification. And that I was perfectly  
20 happy with them putting that ahead of and slowing down on  
21 the Fresno to Bakersfield EIR/EIS for precisely the  
22 reason that Mr. Gatzka talked about, that we wanted to  
23 have more time to deal particularly with Kings County  
24 because we were just at the front end of this process  
25 that Mr. Spikes has described. So I will leave here

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1 today going back trying to get a better sense of where we  
2 are on that.

3 But, you know, I came here last time urging you  
4 to do what I appreciate you did, which was to let us get  
5 into staff to staff discussions saying that we're facing  
6 this time when the EIR/EIS is going to come out and  
7 that's going to formalize everything and let's try to see  
8 how much we can get done before that, so it would be  
9 behove us not to then be trying to jamb you with all of a  
10 sudden this thing coming out.

11 So without knowing exactly where that is in the  
12 process, let me just say that certainly the spirit and  
13 substance of what Supervisor Verboon just said I think is  
14 right, that we should be working with you on this, and if  
15 we need a little flexion, a little slack here and there,  
16 then we'll find a way to make that work.

17 MR. SPIKES: Just so I can understand how much  
18 delay potentially we're talking about here, if there  
19 is -- if you're describing a delay, maybe you're not, but  
20 you're just -- you don't know when it's going to be right  
21 at the moment.

22 MR. RICHARD: I don't know right at the moment,  
23 correct.

24 MR. SPIKES: But this public information meeting  
25 notice indicates revised Draft EIR, Supplemental Draft

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1 EIR/EIS is expected to be released in summer 2012.

2 MR. RICHARD: Right. Which is --

3 MR. GATZKA: Is that still going to be the case?

4 MR. RICHARD: That's my understanding. But, you  
5 know, originally people were talking about late May and  
6 June. And now they're saying summer, which sounds to me  
7 like it's sliding. So, I mean, I understand the concern  
8 if all of a sudden this document pops out the first week  
9 in June, that's why I want to get a better sense of where  
10 we are.

11 MR. SPIKES: Okay.

12 MR. RICHARD: But I think that -- I think that  
13 people were looking at it as -- as looking towards the  
14 summer.

15 Let me -- let me address a couple of the other  
16 points that came up as best I can right at the moment.  
17 These may not be in the order that they came out, but  
18 first of all, I want to say that Mr. Spikes' description  
19 of the meeting and the interaction between the staffs  
20 strikes me as pretty consistent with what I heard from  
21 our side. And so I -- I think it's a testament to  
22 everybody's professionalism that the meeting proceeded as  
23 it did. Certainly, you know, it was a first meeting  
24 after a long period where information had not been  
25 provided to the County and so forth, so I think just

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1 getting going with that is a good thing. And it would be  
2 nice if we got all the information out that you needed  
3 once, but obviously that hasn't happened yet, but we'll  
4 continue that process.

5 Mr. Spikes mentioned that the High Speed Rail  
6 Authority had promised to provide documents pertaining to  
7 the program EIR adoption and the elimination of the I-5  
8 and 99 alternatives. It's my understanding that that was  
9 promised to you, and I will personally make sure that  
10 those documents are delivered so that -- that is there as  
11 well.

12 One other point, we talked about dairy  
13 permitting, repermitting, and other mitigation measures.  
14 I have taken steps now to -- to forge a meeting inside  
15 the administration with relevant leadership, with  
16 relevant leaders from our department, food and  
17 agriculture, office of planning and research and so forth  
18 to move in precisely that direction, to look at what  
19 resources we can bring together within the state level  
20 government, assess what issues may arise, not just here  
21 in Kings County, but along the alignment throughout the  
22 valley wherever -- wherever it ends up that impacts  
23 agricultural land and ancillary agricultural operations  
24 and to identify those things that we think need to be  
25 done. This having conversations with you about what

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1 those issues are will help us in that regard. But I want  
2 to let you know that we're moving in that direction.

3 I think the most difficult thing for me to talk  
4 about, but I'll do my best, are the issues that were  
5 raised by Ms. Byfield. And the reason that they're  
6 difficult for me is that two-fold. First, I wasn't here  
7 nor was my colleague Tom Richards here, I'm not even sure  
8 if you were here for the problematic EIR. So none of us  
9 sitting at the table were here for that process. And  
10 obviously there's some history there which is important  
11 for people to understand. But I can't speak to it  
12 personally 'cause I wasn't there.

13 And secondly, I'm not a CEQA expert, but I will  
14 say this: I understand. I understand exactly the  
15 dilemma that your county administrator laid out, which is  
16 that we're trying to move forward to see if we can talk  
17 about things that mitigate potential impacts, and yet  
18 from the County's perspective we've drawn a box around  
19 that that just looks at the two alignments in Kings  
20 County. And you're saying, well, we don't want to be  
21 pushed into that box, we want to be able to talk about  
22 other things. It's legitimate, I understand it.

23 I think the difficulty that we have is the  
24 program level EIR was done many years ago. It was done  
25 for a variety of reasons. You know, the -- I'll just

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1 point out one thing, which is the law that established  
2 the High Speed Rail program laid out a pretty particular  
3 set of things that were going to be part of that,  
4 including connecting -- I think it's a connecting in  
5 Palmdale, Bakersfield, and Fresno and so forth. The High  
6 Speed Rail Authority at one point, again before I was  
7 there, decided to look at an alignment not up through  
8 Palmdale, but through the Grapevine coming directly up.  
9 And the City of Palmdale promptly sued. Now it wasn't  
10 the kind of lawsuit that you guys might be thinking  
11 about, because they sued saying you can't leave us out,  
12 you've got to come through Palmdale. So I don't know how  
13 many of those kind of lawsuits we're going to get, but we  
14 got that one. And the court decided that it was not, it  
15 was not right, it was not time to have to deal with that  
16 issue.

17 But they raised the issue legally that we could  
18 not vary from that alignment going through Palmdale and  
19 up the -- up the Central Valley through the cities. And  
20 I -- I don't know whether legally that's right or not,  
21 but I -- the reason I raise it is because the issues  
22 that -- that Ms. Byfield raised.

23 And I think part of the commentary here is that  
24 somehow Kings County has been singled out and treated  
25 differently. And I don't believe that's true. People

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1 may give me evidence that it's true, but I don't believe  
2 it's true. I think that there's been a pretty faithful  
3 effort to try to look at what it was that the legislature  
4 proposed and the voters voted on, which was a High Speed  
5 Rail system that connected Los Angeles to San Francisco  
6 up through Palmdale and Bakersfield and Fresno and so  
7 forth. And in that sense the I-5 alignment doesn't do  
8 that, it also has additional problems because ultimately  
9 people would want to connect over. And when they do that  
10 it's my understanding that it would be losing a lot more  
11 farm land. And I think that if I had to guess, and since  
12 this is all being transcribed and recorded I want to  
13 indicate that it is just a guess, not an expert opinion,  
14 but there was a grave concern about development on the  
15 west side of the valley. This is like Los Banos and so  
16 forth. And in fact, the law specifically says that there  
17 cannot be a station between Merced and San Jose, which  
18 implies two things. One, that they figured that High  
19 Speed Rail was going through Merced, and the second is  
20 that they didn't want new cities growing up where the  
21 railroads go, which of course is why we have Hanford, why  
22 we have many cities in California, because they grew up  
23 around a railroad.

24 So I -- I don't believe that whoever my  
25 predecessors were who sat on this Authority sat there and

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1 thought, okay, let's see if we can target Kings County  
2 and go through there in some negative way.

3 I think it is a fair comment to ask why was it  
4 that these things were eliminated and things that Kings  
5 County would like to be eliminated on what they believe  
6 to be the same basis were not. That's a fair question  
7 and we should be prepared to sit down as we provide the  
8 information and -- and answer that.

9 So I -- I do understand this box that we've put  
10 you in by asking you to work with us on the -- on the two  
11 alignments.

12 And I think the other -- the other thing that  
13 occurred to me when Miss Byfield was talking about the 17  
14 areas that the Authority apparently said were consistent  
15 with your general plan and the County responded that none  
16 of them were, to me this is the reason why we need to  
17 have this kind of dialogue. Because I don't know who was  
18 working on this, I don't know who wrote that, I'll find  
19 out, but that project level EIR/EIS was withdrawn. And  
20 what we're talking about now is the reissuance of that  
21 document.

22 So I would certainly like to come out with a  
23 document the second time that is much more accurate. The  
24 county may still have issues with it, but if there are a  
25 number of areas, as we said in our response to you, where

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1 we believe that we are consistent with your general plan,  
2 but we also indicated that we did not believe that we  
3 would be able to build a High Speed Rail system through  
4 Kings County and be entirely consistent with your general  
5 plan. And that is certainly your right to raise  
6 objections to that, but the first thing we ought to do is  
7 be honest about it and forthright about where we're  
8 consistent and where we're inconsistent, then we could  
9 look at the inconsistencies, see if they could be  
10 resolved. If they can't be resolved then it's a public  
11 policy decision whether or not there's either some  
12 offsetting benefit or some greater good or some way to  
13 compensate. But we ought to at least have that  
14 conversation in an open forthright manner. And I  
15 certainly agree with Miss Byfield about that.

16 So I would like to avoid a situation where our  
17 next version of this contains something that you feel to  
18 come back -- the need to come back and say, well, that's  
19 just not factually accurate. You may say we have a  
20 different view about the relative weighting of benefits  
21 and costs here, but at least we ought to be on the same  
22 page with you about what is in your general plan and  
23 what's consistent with that.

24 So let me just say that by the next time we come  
25 back it is my hope that the information has been shared,

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1 we appreciate getting some further information back from  
2 you, I will have a better sense, which doesn't have to  
3 wait until June, we'll try to communicate where we think  
4 we are in the EIR/EIS process. And let me just pledge  
5 from the standpoint of Board member, and you've got the  
6 chairman and the vice chairman here, we have to vote to  
7 release the Draft EIR/EIS. So I'm saying that right  
8 here, so I can't come back next time and say, oh, well,  
9 we don't know how that happened.

10 We've heard Mr. Gatzka, we've heard you clearly  
11 on your point. We're trying to work together, and so we  
12 need to coordinate that whole effort with whatever the  
13 EIR/EIS central is.

14 I believe also when I was here last time I  
15 committed to a 60-day review. I understand 45 is the  
16 legal minimum. I understand you want more than that, and  
17 that's fine, I just wasn't ready to deal with that at  
18 that point. But certainly it won't be the legal minimum.  
19 We're not going to jamb people at that level, even though  
20 I'm sure there will be people who may want more time  
21 than -- than we're prepared to give.

22 But, again, I -- I wanted to let you know that I  
23 had remembered certainly making that commitment to you,  
24 Mr. Chairman, last time I was here. So we will provide  
25 the documents that were promised, we will be reviewing

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1 these things with you and your staff, we will be looking  
2 at the issuance of the EIR/EIS, the next draft, and we'll  
3 continue to try to work to make sure that the documents  
4 that we come out with are clear and straightforward and  
5 don't contain the factual inaccuracies, and then we can  
6 roll up our sleeves and see what we can do about the  
7 areas that are likely to be inconsistent.

8 So those are, I hope, useful comments at this  
9 point, Mr. Chairman.

10 SUPERVISOR FAGUNDES: Margaret?

11 MS. BYFIELD: Thank you, Mr. Richard. Would it  
12 be possible to do a consistency review over those points  
13 that Kings County has raised as being inconsistent prior  
14 to the release of the draft?

15 MR. ABERCROMBIE: I think so.

16 MR. RICHARD: I would say wait and ask our  
17 general counsel, but Mr. Abercrombie says yes, so I'll  
18 say I think so, yes. Yes I think is probably more  
19 definite than I think so. So why don't we do that.

20 MS. CARLSON: Mr. Chairman, I also wanted to  
21 comment.

22 SUPERVISOR FAGUNDES: Colleen?

23 MS. CARLSON: I guess in preparing for this  
24 meeting we anticipated that you may say that you weren't  
25 here then. But the programmatic document is a guiding

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1 document, it's the overall umbrella document. So it  
2 should, you know, be something that should be  
3 consistently consulted in -- in the adoption and  
4 preparation of any other document.

5 And so for almost two years now we've put the  
6 Authority on notice that it's not complied with the law.  
7 It has not, you know, adequately studied and identified  
8 impacts and inconsistencies, and therefore has not  
9 adequately informed the public nor been able to identify  
10 adequate mitigation measures. What we've been  
11 consistently kindly, and sometimes not kindly asking for  
12 is sort of equal application of the law and equal  
13 protection under the law.

14 MR. RICHARD: If I just might, Counsel, you're  
15 not going to be surprised if I just need to say for the  
16 record that I don't think we hold the view that we have  
17 violated the law with the programmatic EIR. I understand  
18 that we may have some differences on it, but I -- I just  
19 -- I just need to say that on the record.

20 SUPERVISOR VALLE: Mr. Chair, just to insert  
21 here, Mr. Chair, I think that from the -- from the  
22 viewpoint that I have here, just so you know, because  
23 people have already referred to the fact that you stated  
24 that you weren't here. But every time you -- you -- you  
25 refer and you say "I wasn't here yet," everyone in the

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1 back cringes because just because you weren't here  
2 doesn't mean that you're not responsible, because just  
3 because you weren't here doesn't mean that Kings County  
4 is still in an unfavorable situation, because we are, and  
5 we're at a disadvantage point. So I think you understand  
6 that the duties that you took the oath you took to become  
7 the chairman, you understand that you're responsible. I  
8 know you get that. But I just I think you should know  
9 that every time you say that, just looking at the room,  
10 just people cringe when -- when you say that.

11 MR. RICHARD: If I might just comment on that,  
12 Supervisor Valle, it's a fair point. So let me just be  
13 really clear about this. Let's separate two things for a  
14 moment. Let's just for one second set aside what was in  
15 the programmatic EIR. And when I said I wasn't here, and  
16 I could feel people cringing behind me when I said that,  
17 I was really talking about the components, the elements  
18 of that document and how it came together and so forth.  
19 And I don't know what happened there.

20 But let me -- let me just man up here and tell  
21 you that, setting aside the programmatic EIR, my view is  
22 as a policy matter that the I-5 is not the right place to  
23 build High Speed Rail. And not to say that anybody in  
24 Kings County is happy to hear this, but just so I'm not  
25 walking away from this, because I really believe -- I

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1 believe a couple things: Number one, I think that on the  
2 west side of the valley where there is no water we will  
3 have serious growth inducing impacts over there.

4 One of the hardest things about dealing with  
5 Kings County and High Speed Rail is that of all -- and  
6 I'm still learning about the many issues in the valley,  
7 but I'll tell you what I believe right now. Of all the  
8 counties in the valley that are primarily based on  
9 agriculture, I think Kings County has done the best job  
10 in terms of limiting urbanization and conversion of your  
11 ag lands to other purposes. So, I mean, I can sit in  
12 Fresno County and I can say, well, you know, we're  
13 talking about a couple thousand acres at most that's  
14 going to be affected by High Speed Rail, when  
15 City of Fresno alone converted 90 thousand acres of  
16 agricultural land to development over the last 30, 40  
17 years. That's not true in Kings County. And so it's one  
18 of the things that makes your county unique. It's, I  
19 understand, one of the things that makes it a special  
20 place for people who live here.

21 But I see High Speed Rail going up the west side  
22 of the valley as being very growth inducing because, you  
23 know, have a station stop somewhere there, and if it's  
24 not done the right -- there's no water, there's no  
25 infrastructure for that, it doesn't serve the communities

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1 that are already here up along this corridor from  
2 Bakersfield up to Merced where we're seeing massive  
3 growth, I mean, population numbers just come out, they're  
4 looking at nine percent growth in the valley for people  
5 over the next 20, 30 years, it's the fastest growing part  
6 of the state. And mainly, not in Kings County but other  
7 places in -- in the valley, it's sprawling. It's not --  
8 it's not intelligently planned growth.

9 So to take and put High Speed Rail on the other  
10 side, not serve any of those communities, not provide for  
11 tying together those communities or being able to tie  
12 them, the valley to the other big parts on the state, I  
13 think personally, as a policy matter, I think is a  
14 mistake.

15 So I won't hide behind the program EIR  
16 supervisor. I need to look you right in the eye and tell  
17 you that I believe that that's not the right place to do  
18 it. Now, that's not going to be a popular thing to hear  
19 right here.

20 I started off thinking that I really wanted to  
21 see if we could bring it down to 99. And particularly  
22 when you have Tulare County and Visalia and people who  
23 say they wanted it there. And so I came on to the Board,  
24 again, I wasn't here when those decisions were made, but  
25 I went back to look at why they were made and understand

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1 them. And I came away with a sense that we were going to  
2 lose more ag land. Not ag land in your county, but that  
3 we were going to lose more ag land because you can't  
4 follow the road, the road curves, I mean, it may seem  
5 straight, and I've been driving a lot lately, it may seem  
6 straight, but in fact it's not straight if you're talking  
7 about trains going at these speeds. So you're either  
8 slicing through and rebuilding intersection after  
9 interchange after interchange, or you're stepping away  
10 from 99, and then you're right back out into the  
11 agricultural lands, you're creating a ribbon between the  
12 train and the 99 corridor that itself would strand a lot  
13 of ag lands.

14 And so all I'm saying to you is I have gone back  
15 to look at these things, because certainly the 99 solved  
16 a number of problems for us here in Kings County, it  
17 solved other political problems, put the station over in  
18 a community that says they want it. But it was just --  
19 it was terrible to try to get there. It was a big sweep  
20 coming out of Fresno, cut across, arced across a whole  
21 bunch of land, divided the land, and took many, many more  
22 acres than here.

23 So I guess I just want to say to you that we're  
24 governed and commanded by the law which requires us to do  
25 these environmental analyses, but when I look at those I

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1 don't want to hide behind them because I think it's the  
2 right result from a broader perspective. Unfortunately,  
3 it's not the right result for you folks here in Kings  
4 County. And I get that. But I just wanted to be -- I  
5 wanted to be really clear about that.

6 MS. CARLSON: Can I make one more comment there?  
7 SUPERVISOR FAGUNDES: Colleen?

8 MS. CARLSON: We don't want to cut a ribbon  
9 between the 99 and the railroad to strand more ag land.  
10 We have a railroad and we're going to have another  
11 railroad, and we're going to strand a bunch of ag land  
12 right through Kings County. That was just my response on  
13 that.

14 The other response, I didn't want you to take my  
15 other response as only talking about the programmatic  
16 EIR. We've been talking about that project level EIR for  
17 a long time. And that's the one we've been saying that  
18 you have to make sure you take all of our concerns now  
19 before it's too late, before you issue it. And we're --  
20 we're fearing that the same thing that happened before,  
21 you're just going to send it out despite what we say, is  
22 going to happen again, and we're going to cry that you've  
23 had all these months and you have all this information on  
24 the record, and it's still not going to be considered.  
25 And then it will be a real problem.

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1 MR. RICHARD: And it will be a problem for me,  
2 Counselor, because I came here asking for a dialogue to  
3 avoid that situation. And I really don't want to be in  
4 the situation where I'm the perpetrator of that. So  
5 that's why we appreciated the staff meeting as they did,  
6 respecting the fact that not many things get resolved in  
7 a first meeting like that, so I'd like to continue that  
8 process, and I understand and accept your point.

9 MR. SPIKES: One other thing that just caught my  
10 attention, if you have any connections with the  
11 California Department of Public Health, could you tell  
12 them there's not enough water on the west side to be  
13 sinking more wells in Kettleman City. That would be very  
14 helpful for us. We're trying to get a water treatment  
15 facility built there, get them on the aqueduct water, and  
16 we keep getting pushed back. It's a lot more cost  
17 effective than to build another well over in Kettleman  
18 City. So just if you have those connections, that might  
19 be helpful.

20 MR. RICHARD: You know, not to be -- not -- not  
21 to be -- not to be glib about this at all, but I made a  
22 statement last time which probably sounded like a throw  
23 away, but I really meant it from the heart, and I want to  
24 say it again, right now as we sit here everybody is just  
25 focused on what High Speed Rail is doing to Kings County.

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1 I'd like to see if there's some things we can do for  
2 Kings County.

3 And I understand that people may be skeptical  
4 but, for example, trying to find ways to help your  
5 dairymen with a number of issues that, yeah, High Speed  
6 Rail may cause but, you know, perhaps can set a precedent  
7 for how we're doing dairy permitting and repermitting in  
8 this state. Looking at some of the -- the road movements  
9 and interchanges that you would have that would have to  
10 be rebuilt, and looking at opportunities to try to do  
11 that in an efficient way if it takes some of those costs  
12 off the county and put them on us. Looking at how we  
13 can, because of all the reasons I've just stated in terms  
14 of the impacts we're having in this county, you know, I  
15 can sit here and I can say to you, oh, I work on High  
16 Speed Rail, I'm just trying to get this thing built, I  
17 don't have any influence in the administration, and I  
18 probably don't, but that doesn't mean that I can't try.  
19 It doesn't mean that we can't be looking for those areas  
20 where, even at the end of the day, if people in this  
21 community are not happy with us or whatever you've  
22 decided to do, pursue your legal remedies, whatever, I'd  
23 still like to be in a place where we have a working  
24 relationship, where we're trying to solve problems for  
25 Kings County. And we have a long way to go before

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1 anybody is convinced that we can do that.

2 But I'll take all those things, Mr. Spikes, I  
3 won't promise you what I can do, but there's no reason  
4 for us not to try.

5 SUPERVISOR VALLE: Mr. Chair, I just want to nip  
6 that in the bud right now because Kettleman City is in my  
7 district, and I just want to be clear that there --  
8 Mr. Chair, there is nothing that -- that -- that we could  
9 accept in District 2 or cut a deal that would -- we would  
10 not sell out the -- the farmers on the -- on the east  
11 side for something to gain in my district, and so  
12 Kettleman City, that's my district, I just want to say  
13 that right now. So there's no confusion later.

14 MR. RICHARD: No, I -- I'm not going to get in  
15 the middle of issues within your county. We'll just  
16 we'll deal with the county as a whole.

17 MR. SPIKES: Well, and to follow up further on  
18 that, I mean, the idea that, you know, I -- I don't think  
19 anybody here believes anybody in High Speed Rail  
20 Authority, although there may be some that disagree with  
21 me, that targeted Kings County in some way to say how can  
22 we be stirring it up in Kings County as much as possible.  
23 I think the reality is that what we're pointing to are  
24 some issues that can be directly attributed to the same  
25 reasons, certain category -- certain alignments were not

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1 selected could be said here as well.

2 I think also you point out correctly that I  
3 think that Kings County does as good a job or better than  
4 anybody with respect to keeping agriculture safe and not  
5 going for urban sprawl. We do not do like many counties  
6 do where they're competing with the cities for auto malls  
7 and what have you. We do not do that. We're not going  
8 to do that. We want any kind of growth to be annexed to  
9 cities where they -- where that occurs, only to the  
10 minimum point necessary to ag land.

11 So I recognize that we provide you with some  
12 very unique circumstances with respect to how, for  
13 instance, you could even put a high speed train station  
14 outside an urbanized area, which of course would happen  
15 with respect particularly to the east side of Hanford.

16 MR. RICHARD: Yeah.

17 MR. SPIKES: And so I recognize that some of  
18 these issues are just because of the way that we conduct  
19 business, but what we're doing here today is very  
20 consistent with the way we do conduct ourselves. And  
21 High Speed Rail coming in the way it's proposed to be  
22 done is just not consistent with everything that we do  
23 with respect to protecting agriculture in Kings County.  
24 And that's why we raise these issues and raise these  
25 concerns and pointed out where we believe there are

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1 definitely things that are applied to other areas haven't  
2 been applied to us. And it's not as if we're suggesting  
3 it's because somebody is out to get Kings County, it's  
4 just that's the facts in our estimation.

5 So that's -- I just wanted to bring that to your  
6 attention. We're not -- I'm not, anyway, suggesting you  
7 guys have targeted Kings County. It's just it feels like  
8 it sometimes because, again, it seems like certain things  
9 are applied this way, not necessarily to Kings County.  
10 And some of that is because of the way we do business. I  
11 recognize that with respect to our general plan  
12 protection of agriculture. I just wanted to bring that  
13 -- you know, you don't have to respond, I just wanted to  
14 bring that up, a clarification that we're not trying to  
15 suggest that somebody is up there really trying to get  
16 Kings County.

17 MR. RICHARD: No, I appreciate that. But I  
18 would also -- I would say the question you raised about  
19 if it appears on the face of it that there's differential  
20 treatment, you're entitled to answers for that.

21 MR. SPIKES: Thank you.

22 MS. BYFIELD: Mr. Chairman?

23 SUPERVISOR FAGUNDES: Yes, ma'am?

24 MS. BYFIELD: One of the things that I think  
25 would be helpful in the environmental analysis is that

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1 there's no comparison of an existing corridor with the  
2 new corridor. In other words, looking at -- well,  
3 getting back to the elimination of the west of 99  
4 alternative, that was eliminated because it really was  
5 creating a new corridor. And when you -- when you get  
6 over to Kings County there's no -- when you go through  
7 the draft you can't find an analysis done that compares  
8 creating a whole new corridor with an existing corridor.  
9 In other words, making that fair comparison. In other  
10 words, the data all is pretty much the same, it's the  
11 same ag data, same numbers, you know, the encyclopedia  
12 data that kind of gets to the numbers of how many acres  
13 will be taken, but there's no real in depth hard look at  
14 the true impact of creating a whole new corridor through  
15 this wide section of ag land.

16 And that's part of the issue too is that when  
17 you get to Kings County you're not talking about just,  
18 you know, taking maybe a mile off or two miles off onto  
19 ag land and, you know, going around something with a  
20 corridor, you're creating a whole new barrier through the  
21 county. And that's never been looked at, a hard analysis  
22 has never been taken. And when you're saying that, you  
23 know, what are some things that you can do for Kings  
24 County, I think doing that proper in depth analysis at  
25 this point before the studies come out would -- would

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1 definitely be welcomed in the process.  
2 MR. RICHARD: I want to make sure my colleague,  
3 Mr. Abercrombie, who's our technical expert on this, I  
4 think I understand where Miss Byfield is going, but I  
5 just want to make sure that we don't leave here without  
6 fully grasping it. I think what -- you're basically  
7 saying that because we depart from the BNSF alignment  
8 that in effect it creates a new corridor and that that  
9 should be looked at in terms of its impacts beyond just  
10 its x-number of acres, but in other words, does it  
11 create, as you put it, a new barrier, a new -- in and of  
12 itself.  
13 MS. BYFIELD: Right.  
14 MR. RICHARD: Okay, I understand that. I mean,  
15 my sense is that that will be, but should be considered  
16 as part of the EIR/EIS process, but.  
17 MS. BYFIELD: Well, it was missing from the  
18 first one, that's why I was raising it.  
19 MR. RICHARD: Well, I mean, we -- we're  
20 reissuing this draft which gives us an opportunity to do  
21 a number of things differently.  
22 SUPERVISOR FAGUNDES: I'm sorry, Greg, did you  
23 have something?  
24 MR. GATZKA: We're probably going to open it up  
25 for public comment around three, so I was just looking at

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1 the clock. And if we're going to stick to that schedule  
2 I did want to make sure that we were going to discuss  
3 some on the Amtrak issue. Because in our staff to staff  
4 discussions, some of the new information that was  
5 revealed to us and provided was that the High Speed Rail  
6 Authority is planning to operate Amtrak from 2018 to 2022  
7 for about a four year period. And we have heard that  
8 there's an MOU that's being worked out with this Regional  
9 Governments Initiative which is basically Galgiani's bill  
10 1779 to put Amtrak service under local control, and  
11 looking at the details on that. I know that the state  
12 already subsidizes Amtrak by about 33 and a half million  
13 dollars annually. That bill states that the funding  
14 would be only guaranteed for five years. So if you take  
15 2013 as when you start construction, for a five year  
16 period that will end on 2018 for the guarantee, and if  
17 you assume that the High Speed Rail is going to have  
18 Amtrak shift over for services between 2018 and 2022, in  
19 the interim time before you get an operational high speed  
20 train, is there any information you can share with us in  
21 terms of what that MOU is? We're -- the County's dealing  
22 with that bill and trying to make amendments now as it  
23 is, these things are intertwined, but yet we don't know  
24 how that MOU is being worked. But that directly does  
25 impact how the City of Hanford and the City of Corcoran

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1 and their Amtrak stations, whether they're going to be  
2 sustainable, not sustainable. If this moves to local  
3 governments and after that five year period in 2018 there  
4 is no more state money provided for operational Amtrak  
5 service, I would assume that that means that there's  
6 going to have to be some other operator to take that over  
7 or it goes away. So if there's anything you can share  
8 with that. And I just want to make sure we were going to  
9 have a chance to talk about Amtrak and the station before  
10 we got too close to 3:00.

11 MR. SPIKES: Actually that was what I was going  
12 to bring up next, so that's perfect.

13 MR. RICHARD: Yeah. First of all, we recognize  
14 this a very important issue. And, you know, I talked  
15 about it a little bit last time, I've been talking about  
16 it since. Mr. Gaska, there are some people on our staff  
17 who are working on that MOU because it's still in  
18 progress. I haven't been briefed on it. But what I'm  
19 going to do is I'm going to have the people who are  
20 involved with it, probably through Abercrombie, but we'll  
21 reach out so that we bring you into the loop on that with  
22 whatever the direction of those discussions are. I don't  
23 personally know right now, I only know that what you just  
24 said, that there is a discussion underway. But we'll --  
25 we will make sure that you get information on that.

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1 On the substantive issue, just a couple of quick  
2 points. One is I actually -- some of you may know, I  
3 spent 12 years as an elected representative on the Bart  
4 Board in the Bay Area, and in that capacity we actually  
5 -- Bart was actually brought in with the capital corridor  
6 system, which is also very popular, like the Amtrak  
7 service here. And we set up -- with the legislature we  
8 set up a joint powers authority to take that system over  
9 from CalTrans. And it's been wildly successful. In  
10 fact, there were four trains a day when we got it and  
11 there's now like 24. And there's been a 13 hundred  
12 percent increase in ridership. So it's been very, very  
13 good. So I -- I'm a believer that these JPA's can work.

14 But certainly there's still some subsidies  
15 involved. And so I had not realized until you said this  
16 that the Galgiani bill implies that there will be a cliff  
17 at the end of five years.

18 We -- the Governor's reorganization proposal for  
19 transportation agencies would put High Speed Rail into a  
20 new transportation agency right next to CalTrans. And  
21 we've already started working very closely with CalTrans  
22 and with Brian Kelly, who was the acting head of all  
23 this. Mr. Kelly and I have been talking about the  
24 preservation of the Amtrak service here. We both know  
25 it's important. He and I are both scheduled, I think

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1 it's the 16th, there's some meeting in Los Angeles with  
2 the Federal Railroad Administration and various rail  
3 operators to look at the future of blended Amtrak and  
4 High Speed Rail services in the state. So we'll get all  
5 this information to you.

6 I, you know, I was pretty enthusiastic when we  
7 announced that we were going to have High Speed Rail  
8 merge with the Amtrak service and all that. Obviously  
9 there wasn't enough attention paid to what's happening in  
10 Hanford, Corcoran, and so forth in particular, the  
11 southern part of the San Joaquin Valley with those  
12 stations.

13 So I've said in a number of settings, including  
14 the legislature, that we need to focus on that, we need  
15 to have answers for communities on that. And so what  
16 we'll do coming out of this meeting is make sure that  
17 you're tied into the evolution of the MOU process, I'll  
18 get you information about this FRA confab with all these  
19 folks, and we'll stay in touch with you about thoughts on  
20 how that service could be preserved.

21 I think I mentioned when I was here last time  
22 that when I was in Kern County the Kern County cog  
23 anticipating some changes there, has already been looking  
24 at some ways to try to preserve that service up and down  
25 the line. And so there may be some other things that we

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1 can do.

2 But clearly it would -- in order to preserve it  
3 it would need to have some ongoing financial support  
4 because those kinds of systems do.

5 So that's the best I can do today, Mr. Gaska,  
6 but that's what I know about that at this point.

7 MS. CARLSON: Mr. Chairman, may I add that if  
8 you can't preserve it, those impacts that the High Speed  
9 Rail is causing should be analyzed in your document.

10 MR. RICHARD: Absolutely, yeah, there's no  
11 question about that.

12 MS. CARLSON: And the -- the five year provision  
13 wasn't implicit, it was explicit, it was actually words  
14 in the statute.

15 MR. RICHARD: Yeah, no, I'm not doubting that.  
16 I'm just saying that I was aware of the statute but I was  
17 not aware of the --

18 MS. CARLSON: I should say the bill.

19 MR. RICHARD: Yeah.

20 MS. CARLSON: It's still a bill at this point.

21 MR. RICHARD: Right. I was not aware of that so  
22 I'll take a look at that.

23 SUPERVISOR VALLE: Mr. Chair?

24 SUPERVISOR FAGUNDES: Okay, thank you.

25 You got something quick?

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1 SUPERVISOR VALLE: Yes, sir. Mr. Chair, since  
2 the last -- your last appearance here in Kings County, I  
3 know just -- just myself that I've testified three times  
4 before you in Sacramento in the last month specifically  
5 on the importance of our Amtrak stations in Corcoran and  
6 Hanford. So I guess can you simply just respond to the  
7 fact that, one, did that help and now could you -- could  
8 you respond to our call to save our stations?

9 MR. RICHARD: First of all, Supervisor, when I  
10 said before that I was enthusiastic about our blended  
11 approach, but I hadn't thought enough about the  
12 preservation of the stations, yes, you appeared before us  
13 a number of times, you made that very clear. There were  
14 some other voices from your constituents who also made  
15 that clear. And I think you focused our attention on  
16 that issue. And let me just say I want to see that  
17 service saved.

18 SUPERVISOR VALLE: Okay, because that's --

19 MR. RICHARD: And we'll work -- and we'll work  
20 and will do everything I can to make that happen.

21 SUPERVISOR VALLE: Okay, because that's what I  
22 went back and reported to Corcoran City Council members  
23 and so did our City Manger, Kindon Meik, he traveled to  
24 Sacramento as well and engaged your Board on the economic  
25 issues of what that Amtrak means specifically to

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1 Corcoran. And you publicly committed to working with us  
2 to do our best to save that. And that's what I wanted to  
3 have said here today.

4 Thank you, Mr. Chair.

5 MR. RICHARD: You have it on the record.

6 SUPERVISOR FAGUNDES: Okay, what I'd like to do  
7 now is take a break for the stenographer to get a little  
8 break here. And we'll be back in ten minutes, if that's  
9 okay with everyone.

10 MR. RICHARD: And Mr. Chairman, my colleagues  
11 and I will do the same thing we did last time, which is  
12 retreat to -- retreat I think is probably a good verb, to  
13 the other side of the --

14 SUPERVISOR FAGUNDES: You're not going far  
15 because they won't let you.

16 MR. SPIKES: Actually -- actually I think we  
17 have a couple more things we want to discuss before you  
18 do that.

19 MR. RICHARD: Oh, that's fine. That's fine.

20 MR. SPIKES: I would suggest you stay there.

21 MR. RICHARD: Okay.

22 (Recess taken.)

23 SUPERVISOR FAGUNDES: Okay, before we continue  
24 with the questions, Supervisor Verboon has a comment.

25 SUPERVISOR VERBOON: This is to Mr. Richard.

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1 You said you weren't here when the project level EIR came  
2 out last year. Who was -- who was in charge of that when  
3 it was released?

4 MR. RICHARD: Stand by one second.

5 When did we release it, Jeff?

6 SUPERVISOR VERBOON: April 2011 we were  
7 discussing it.

8 MR. RICHARD: April 2011. So I think Kurt  
9 Pringle would have been the Chair of the Authority.

10 MR. ABERCROMBIE: Dan Levitt was in charge of  
11 the environmental --

12 MR. RICHARD: Dan Levitt was doing the  
13 environmental work and Roelof Van Ark was the CEO.

14 SUPERVISOR VERBOON: Okay, so they were in  
15 charge of the project level EIR?

16 MR. RICHARD: That's correct.

17 SUPERVISOR VERBOON: Okay.

18 MR. RICHARD: And it is an EIR/EIS, so whoever  
19 was on the federal side of that as well.

20 SUPERVISOR VERBOON: Okay. But no one on this  
21 staff here was involved on that?

22 MR. ABERCROMBIE: Well, I mean, I --

23 MR. SPIKES: For the record, Mr. Abercrombie  
24 said "I was here."

25 MR. RICHARD: With a lot of hand gestures, but

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1 that's all right.

2 SUPERVISOR FAGUNDES: Okay. Now you said,  
3 Larry, you had some more questions?

4 MR. SPIKES: Well, I did, but before I move  
5 forward with the number two item on the agenda, I think  
6 that we had a video that was prepared actually to follow  
7 up on the point on Amtrak. And I think Supervisor Valle  
8 has something to tell us on that.

9 SUPERVISOR VALLE: Okay, well, Mr. -- Chairman  
10 Richard, I actually got this idea from you guys when I  
11 attended your Sacramento Authority meeting last month and  
12 a mayor from another city.

13 MR. RICHARD: Palmdale. Mayor Ledford from  
14 Palmdale.

15 SUPERVISOR VALLE: From Palmdale.

16 MR. RICHARD: Sent his comments via video.

17 SUPERVISOR VALLE: Sent his public comments in  
18 video. And that was a lot of bells and whistles in  
19 there, and suit and tie, national anthem playing in the  
20 background. This video, this is just basic grassroots.  
21 This is the Corcoran save our station. And I think it's  
22 fair to say that the same concerns are highlighted for  
23 the Hanford Amtrak station, it's just I gave an  
24 opportunity back home to the folks that I represent to be  
25 able to comment before you as well.

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1 MR. RICHARD: Thank you.  
2 SUPERVISOR VALLE: Thank you.  
3 (Playing video.)  
4 SUPERVISOR VALLE: That's northbound.  
5 (Playing video.)  
6 SUPERVISOR VALLE: Well, that's it. And thank  
7 you for the time, again, Mr. Chair. The initiative here  
8 isn't to gain any academy awards, it's to not lose our  
9 Amtrak station.  
10 MR. RICHARD: Understood.  
11 SUPERVISOR VALLE: Yes, sir.  
12 SUPERVISOR FAGUNDES: Do you have any more  
13 questions before we go to public comment?  
14 MR. SPIKES: Yes, the next item on the agenda,  
15 actually there's two more under the recommendations  
16 section of the staff report. The next item is discussing  
17 any new developments on the proposed High Speed Rail  
18 project, such as the release of another proposed business  
19 plan and the approval of the environmental impact report  
20 statement, EIR/EIS, for the Merced to Fresno proposed  
21 segment and how they may impact Kings County.  
22 The third one was review High Speed Rail  
23 Authority's responses to the questions posed by Kings  
24 County in previous coordination meetings, which was the  
25 61 questions I was referring to. But actually, we put

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1 this together prior to the meeting we heard on Friday.  
2 So we'll dispose -- dispatch the last one and just focus  
3 on number 2, if we could, for just a few minutes here.  
4 Since the last time you were here, Mr. Richard,  
5 of course the new business plan has been released. And I  
6 know that you had a couple of appearances in Sacramento  
7 before assembly and senate budget subcommittees. And I  
8 know a couple of board members and some other people in  
9 the audience were at those meetings. But I thought  
10 perhaps at least it would be good for you, since you are  
11 here, to perhaps answer some of those same questions I'm  
12 sure that were posed to you then, maybe not. But we came  
13 up with a list of questions that at least I thought would  
14 be helpful so these folks here in Kings County can hear  
15 your responses to some of those issues that have been  
16 raised.  
17 One -- the first question would be how can you  
18 comply with the requirements of Prop. 1A for -- in the  
19 sense that you're supposed to have identified available  
20 funding before you proceed. Hopefully -- well, I'll put  
21 it this way: If the response to that would be to use  
22 carbon credits, I'm assuming that you have an A.G.  
23 opinion or you're working on that to make sure that  
24 that's even legally feasible to do that.  
25 MR. RICHARD: Do you want me to respond to each

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1 one or do you want to --

2 MR. SPIKES: I can give you the other couple --  
3 the other three, and then you can respond to all of them  
4 if you wish.

5 MR. RICHARD: If that's okay, Mr. Chairman.

6 SUPERVISOR FAGUNDES: Whichever is better for --

7 MR. RICHARD: Mr. Spikes, why don't you just  
8 give me all three and I'll try to handle them.

9 MR. SPIKES: Well, the other is how do you meet  
10 the requirements to get from San Francisco to L.A. in the  
11 time limitations that are imposed? I think it's two  
12 hours and --

13 MR. RICHARD: 40 minutes.

14 MR. SPIKES: -- 40 minutes. Without getting off  
15 of the train. And of course the new -- new approach is  
16 to use the so-called blended approach whereby you will  
17 electrify CalTrain and other commuter rail segments. And  
18 so I'm sure you've been posed this question before, but  
19 just for edification here, how would you propose that  
20 that will be consistent with Prop. 1A.

21 And then how do you -- how do you have to meet  
22 the requirements to have a usable segment in a reasonable  
23 time period. I think this time you -- I could be wrong,  
24 but I don't believe that the High Speed Rail Authority is  
25 using the term ICS anymore, which is initial construction

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1 segment, because I think there was some recognition that  
2 would be in violation of Prop. 1A. So there still is the  
3 idea that it's going to take sometime to get an operable  
4 segment running.

5 And the last one is, and this is really kind of  
6 the big question, at least in my mind, is how do you go  
7 from 98 billion to 68 billion in this particular draft,  
8 especially when the voters voted on a 9.9 billion dollar  
9 bond to help fund the project that was supposed to be  
10 around 40 billion originally, how does that all comport  
11 with Prop. 1A?

12 Those are the four questions. I'm sure there's  
13 others, but those are the ones that immediately came to  
14 at least my mind.

15 MR. RICHARD: Okay. Let me -- why don't I just  
16 try to hit them in order. The first one, in terms of  
17 Prop. 1A compliance, the -- we will only purport to build  
18 -- or, well, let me back up. The voters, as you pointed  
19 out, voted for 9.9 billion dollars in bonds.

20 SUPERVISOR VALLE: Excuse me, Mr. Chair, is his  
21 microphone on?

22 FROM THE AUDIENCE: You can't hear back here.

23 MR. RICHARD: Excuse me, it seems to have gotten  
24 turned off. Is that better? I apologize.

25 FROM THE AUDIENCE: Thank you.

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1 MR. RICHARD: All right. So the first question  
2 was how can we proceed in accordance with Prop. 1A if we  
3 haven't identified all the available funds. And are we  
4 looking to cap and trade to make that -- to claim that  
5 we've reached that standard. My understanding of this is  
6 that, first of all, we -- we are not asking to start  
7 construction of any segment for which we don't have the  
8 dollars identified. The -- the initial construction that  
9 we had talked about before just in the valley was a six  
10 billion dollar segment, we had all those six billion  
11 dollar identified.

12 We now believe that we will be able to begin  
13 construction in Madera and continue all the way to the  
14 San Fernando Valley. And we think that that will be with  
15 a combination of funds that could include cap and trade  
16 dollars. And we do have an opinion, not from the A.G.,  
17 but we do have a number of legal opinions that that is a  
18 valid use of cap and trade dollars. But it's still our  
19 hope to have private sector dollars, other federal  
20 dollars and so forth. But in any case, we will only  
21 build those portions for which we have dollars in hand.  
22 We're -- we're now at the point where we can plan for an  
23 initial operating segment, but we won't start any  
24 construction if we don't have actual dollars in hand.

25 The second issue on the two hours and 40

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1 minutes, in fact, that is the requirement, and we -- the  
2 engineers are telling us that we are able to meet the two  
3 hours and 40 minutes. Here's the key aspect of this:  
4 High Speed Rail trains can go 200, 220 miles an hour,  
5 peak speed of 250 miles an hour. But they will not  
6 operate at that speed as they come into more densely  
7 populated areas. And that's the case every place in the  
8 world. If you're on a High Speed Rail train in Europe  
9 somewhere they may be going 186 miles an hour across the  
10 middle of France, but as they come into the outskirts of  
11 Pairs or Marsei they slow down.

12 So the point is that between San Jose and San  
13 Francisco, if we built our own set of tracks, it might be  
14 capable of the train operating at much higher speeds, but  
15 in general the trains would operate around 125, 130 miles  
16 an hour. And we can operate at those same speeds on the  
17 existing tracks if they are electrified. And so that is  
18 why the blended approach allows us to use those existing  
19 tracks there because the speeds are generally lower in  
20 the densely populated areas.

21 That also, by the way, answers your last  
22 question, which is how we could go from 98 billion to 68  
23 billion. Because to build a separate set of tracks just  
24 for High Speed Rail from San Jose up to San Francisco and  
25 all the way into the Trans Bay Terminal could be an

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1 additional 20 billion dollar. And so using the existing  
2 tracks saves quite a bit of money. And it doesn't cost  
3 us anything in terms of our actual operable time.

4 I want to also make a point here about the 43  
5 billion and the 68 billion. One of the things we did in  
6 an effort to be completely forthright with people, which  
7 we knew was going to have political difficulties for us  
8 because it's very hard for people to understand, is that,  
9 and with all due respect to the members of the media who  
10 are here, the media tends to kind of skip over it, is  
11 that in the past everybody had been talking about what  
12 High Speed Rail was going to cost using 2010 dollars.  
13 And so they would do an apples to apples comparison,  
14 while they said it was going to cost this in 2010, now  
15 it's going to cost that.

16 We decided, Mr. Richards and I and our  
17 colleagues decided that we needed to tell people of  
18 California what it was going to cost for them to build  
19 High Speed Rail over the life of the construction with  
20 fully inflated dollars. So if you look at the 43  
21 billion, which I think was probably in 2008 dollars, so  
22 maybe it was 45 in 2010 dollars, right now we'd be at the  
23 equivalent of about 53. Inflated over the next 20 years,  
24 it's 68 billion.

25 So it's the same as when you go into take out a

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1 mortgage on your home and, you know, you go in to get a  
2 two hundred thousand dollar mortgage, but there is that  
3 language in there that now the law requires they put in  
4 that says over the years that you pay this, you will pay  
5 a total of 435 thousand dollars. Nobody tends to walk  
6 around saying they took out a 435 thousand dollar  
7 mortgage, but that's what they're really going to pay  
8 over the life of the mortgage.

9 What we've said to people is this is what you're  
10 really going to pay, this is what it's really going to  
11 cost us over the life of building this project is 68  
12 billion. But in apples to apples comparison, we've got  
13 the number down to where it's higher, but it's not as far  
14 off from the initial numbers as people had originally  
15 thought. But it's a very complicated thing to try to  
16 explain. So we just kind of gave up and said, yeah,  
17 okay, 68 billion. But the fact of the matter is that's  
18 68 billion fully inflated dollars over 20 year  
19 construction period.

20 And I think your -- I think I hit all of those,  
21 but maybe I didn't.

22 MR. SPIKES: Well, I'm just curious, do you know  
23 what the cost overrun was for the Bay Bridge?

24 MR. RICHARD: I don't.

25 MR. SPIKES: I mean, I -- I'd be willing to bet

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1 you it's a lot more than anything that can be accounted  
2 for for inflation. And, you know, that's always -- I  
3 mean, every time we talk about these numbers, they're  
4 always going to be way more than what the estimate is.  
5 And it's just I guess the troubling aspect is we go from  
6 the voted on approximately 40 some million, about 98  
7 billion, now we're down to 68 billion. And, again, it  
8 just seems like, you know, then there's some question, I  
9 know I read some of the articles in the paper about, you  
10 know, ten cents a passenger mile when the cheapest one in  
11 the world is 34 cents a passenger mile. And it just  
12 seems like the -- the mission is to get this built, make  
13 it appear to where it's profitable, will not require  
14 subsidies from the state, no matter what. No matter what  
15 the peer review committee says, no matter what the LAO  
16 says, no matter what the state auditor says. And it's  
17 just frustrating. And certainly to some point, you know,  
18 I respect the fact that you want an open dialogue but,  
19 you know, then it becomes a point where it becomes it  
20 appears it's in spite of what Kings County says too. And  
21 that's -- that's the frustrating portion about this.

22 And, you know, I just -- you know, I read your  
23 letter and, you know, it says you've been charged with  
24 building a high speed train system connecting San  
25 Francisco to Los Angeles. And that's correct. But at

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1 what cost? And does it have to be in compliance with 1A?  
2 And if it is San Francisco to Los Angeles, hey, I-5. I  
3 mean, that's the way people drive here from San Francisco  
4 to L.A.

5 But I understand that there's issues associated  
6 with ridership and trying to make those numbers work.  
7 And, you know, I guess, again, I'm just going a little  
8 bit off the script here, just expressing some of the  
9 concerns I think that many, many people around the state,  
10 not just Kings County because, you know, our issue  
11 started here with respect to the transportation  
12 corridors. But the business plans have been subsequently  
13 released and now we have many, many people throughout the  
14 state, problems outside of Kings County are having to  
15 face. I know what you went through with respect to the  
16 senate, and you're going to continue to have those  
17 conversations I know when they take up the discussion  
18 about providing funding for you to continue.

19 So anyway, that's all I have, Mr. Chair, as far  
20 as the questions.

21 MR. RICHARD: Can I just take like a few minutes  
22 to respond?

23 SUPERVISOR FAGUNDES: Sure.

24 MR. RICHARD: I appreciate the heartfelt  
25 comments. And if you'll allow me I'd just like to tell

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1 you something that is equally from the heart. Number  
2 one, I did volunteer for this, so I'm not going to claim  
3 other than that. I did. At the time I told the Governor  
4 it looks pretty screwed up to me but, you know, it's a  
5 once a month board meeting, I'm sure I can do this. So  
6 that was a pretty bad prediction on my part.

7 But the fact of the matter is that when I was  
8 appointed, the very first phone call that I got was from  
9 Tom Richards, who had only been on the board a few months  
10 before I. But what we talked about at that point was  
11 that there was a business plan that was supposed to come  
12 out. I certainly hadn't seen it, he really hadn't seen  
13 much of the staff product on it. And we talked about the  
14 need for this to really be a business plan and not some  
15 kind of marketing document, but a business plan.

16 Right when I was appointed the Governor also  
17 appointed a guy named Mike Rossi. Mr. Rossi is a former  
18 vice chairman of Bank of America. Mr. Rossi and I,  
19 Mr. Richards and I, we had many conversations that we  
20 were not going to be afraid to walk in and tell the  
21 Governor or the legislature that this thing didn't work  
22 if the numbers didn't work.

23 So I don't need to be doing this at this point  
24 in my life. I think that it is a good thing for the  
25 state, I actually do. And that's why I'm doing it. But,

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1 you know, I had a 12 year career on the Bart Board I was  
2 pretty proud of. We built Bart in the San Francisco  
3 airport. A lot of the same questions were asked about  
4 that, ridership, everything else. Last year they hit 93  
5 percent of their operating costs covered by fare costs,  
6 this year they hit a hundred percent. And -- and we  
7 brought a couple of those lines in, that one was a little  
8 bit over, there were various reasons for it, but we built  
9 Bart from out to Dublin/Pleasanton for less than the  
10 dollars estimated, and brought it in on time.

11 And the other thing that we've got going here is  
12 something called design built contract. Which is  
13 something that has not been used that often, but what it  
14 does is it basically, instead of the state or the  
15 government doing the design, handing it to the builder,  
16 the builder comes back and says, well, you screwed up the  
17 design, I have to have a change order, change order,  
18 change order, change order, which is the main thing that  
19 drives overruns. What this does is you hand 30 percent  
20 of the design to the contractor. They finish the design  
21 and build to their design. We have five international  
22 teams right now competing for the right to do that. It  
23 is a massive shift of risk to them because they have to  
24 complete the design that they themselves do. They don't  
25 get to come in and say, well, this is wrong and so

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1 there's a change order. So we do have a fair amount of  
2 confidence on that.

3 I want to say one thing about ridership. I  
4 wasn't going to raise this, but since you mentioned it I  
5 want to thank Mr. Fukuda for doing -- making a point that  
6 we've tried to make to people, which is when you look at  
7 the City of Corcoran with the population, the figures  
8 that he had up there was roughly 25 thousand, and then  
9 they said the annual ridership was 26 thousand. And we  
10 came out with a business plan that said we were going to  
11 have 38 million annual riders and people said you're  
12 crazy, that's the whole population of California. But if  
13 you look at that video that you just saw, some of the  
14 numbers there are numbers that we've seen that around the  
15 world the number of annual riders of systems are  
16 multiples of two times the population of these countries.  
17 I mean, there are -- this is what you get when you get  
18 train travel. And even on his video, Sacramento was  
19 showing 2. something times the population of the city.

20 Right now, we've backed off on our ridership  
21 figures to be ultraconservative, and we're at 29 million  
22 a year, which is far below any average for any system  
23 around the world. And every one of these systems around  
24 the world, once built, once the capital is expended,  
25 they're all meeting their operating costs.

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1 The study that you talked about on the 10 cents  
2 versus 40 cents, we put some information out last week,  
3 those gentlemen picked up on something from Europe where  
4 they picked the wrong number out of a column that was  
5 basically the cost of the trains, not the cost of the  
6 operation. So in fact what we're showing are numbers  
7 that are even higher than our closest system, which is  
8 Taiwan. So we've been pretty conservative throughout,  
9 which is what happens when you have bankers on the board.

10 And the last point I just want to make is this:  
11 Which is that if this thing really isn't going to work  
12 financially, if we really believe that, Tom, I, Mike  
13 Rossi would be the first ones in the door telling the  
14 Governor and the legislature don't do it. We think that  
15 -- what I truly believe is that if this system is built  
16 it will improve freight movement, which is important here  
17 in the valley, it will improve mobility, it will have  
18 lower costs and environmental impacts than serving  
19 however many new people are coming to California and to  
20 the valley.

21 And, we were talking about this on the way down,  
22 you look at transit oriented developments, what could  
23 happen in Fresno and Bakersfield and Merced, Los Angeles,  
24 there's been a tremendous level of economic activity that  
25 has taken pressure off the rest of the tax base in other

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1 places where this has been done. So looking at it from a  
2 business standpoint, we think that it makes sense.

3 Now, if you're here in Kings County, you don't  
4 particularly want to lay down on the coals for somebody  
5 to, you know, to get there. But if you're asking me as a  
6 matter of the business plan why are we doing this, it's  
7 because overall we believe this is going to be good for  
8 the state.

9 MR. SPIKES: So then at the end of the day I  
10 would assume, if I may, Mr. Chair, LAO, the peer review  
11 committees will agree with you?

12 MR. RICHARD: So at the last hearing, at the  
13 Assembly Transportation Committee, Will Kimpton from the  
14 peer review stood up and basically made a very positive  
15 statement about the new business plan, and that was  
16 reported in the McClatchy newspapers.

17 I -- I'm not going to predict what they're going  
18 to say. But I will tell you, even at that hearing Elaine  
19 Howle, the State Auditor, came in and said that there had  
20 been a number of improvements, she thought the new  
21 business plan had greater clarity and greater consistency  
22 to it. A number of the governance issues that have  
23 plagued the Authority are being cleaned up. So at the  
24 end of the day I hope so.

25 SUPERVISOR VALLE: Mr. Chair, that same day, the

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1 Assembly Transportation Committee hearing, that afternoon  
2 when we were all in front of the senators, since you  
3 recall the positive comment from the peer review, do you  
4 recall the comments from the LAO's office?

5 MR. RICHARD: I do. And -- and the LAO's  
6 office, you know, is generally still recommending not  
7 going forward with this. There's no question.

8 SUPERVISOR VALLE: They were very critical.

9 MR. RICHARD: They were.

10 SUPERVISOR VALLE: Critical.

11 MR. RICHARD: That doesn't mean that they were  
12 entirely correct. But, yes, they were.

13 SUPERVISOR VALLE: You sure went out on a limb.  
14 She was sure --

15 MR. RICHARD: Well, for example -- for example,  
16 the -- you know, the LAO person came out talking about  
17 cap and trade, and there were a number of statements  
18 there that I think were not repeated in subsequent  
19 hearings. By the LAO.

20 SUPERVISOR VALLE: Okay. And then to close out  
21 on that day, Mr. Chair, the -- when Mr. Spikes asked you  
22 about the change in the numbers, you know, that was  
23 almost our conversation in Sacramento. And so for a lot  
24 of us who have been around you a lot, that scenario, that  
25 simple scenario that you attempted to paint right now

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1 about how it relates to our mortgage payments, that --  
2 that's new to us. I haven't heard that. And you were --  
3 you were in front of a different crowd then and had to  
4 give a -- a different answer and -- and attempt to answer  
5 in a -- in a number of ways.

6 So here in Kings County, you know, we -- as  
7 Mr. Spikes said, we just wanted an update, we wanted to  
8 hear what you said there. And it's just that simple --  
9 that simple answer of why the -- the price changed so  
10 dramatically, and that -- that didn't stick to the wall,  
11 that is not sticking to the wall here. It was -- the  
12 LAO's office didn't buy it, the senators didn't buy it, I  
13 don't think Kings County is buying it.

14 MR. RICHARD: Well, with all due respect,  
15 Supervisor, I don't think the LAO questioned the change  
16 from the 98 billion to the 68 billion. They had other  
17 concerns and questions. Their main -- the main issue  
18 that they have, and that most, the peer review and  
19 others, is where is all the money coming from. I  
20 understand that issue. And we're dealing with that as  
21 best we can. But I don't think that they questioned our  
22 capital cost numbers, if I recall. I'll go back and look  
23 at their report.

24 SUPERVISOR VERBOON: I have the answer to  
25 Mr. Spikes' question. 3.6 billion overrun. On the 6.3

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1 million dollar project on Bay Bridge, it's 3.6 million  
2 dollars over.

3 MR. SPIKES: Billion.

4 SUPERVISOR VERBOON: Right.

5 MR. SPIKES: Well, and another thing and, again,  
6 I won't belabor the point any further, but California I  
7 would venture to guess is more expensive than anywhere  
8 else in the world in terms of energy costs, in terms of  
9 labor costs, and everything else associated with a  
10 project of this nature. And so that's why I again just  
11 -- it just -- it seems really -- I don't know if I want  
12 to say farfetched, but it just seems really difficult to  
13 try to achieve the upgrading costs that are being  
14 suggested, especially, you know, given what we have to  
15 deal with in California with respect to the regulations  
16 and the rules and, again, labor costs and energy costs,  
17 everything associated with all the different -- I mean,  
18 all the issues associated with this project. So, just  
19 some thoughts.

20 MR. RICHARD: We'll keep sharing information  
21 about it.

22 MR. SPIKES: Yeah. Thank you.

23 SUPERVISOR BARBA: Yeah, Mr. Chairman, I have a  
24 comment. You know, in this morning's press in the Bee  
25 there was a comment about that valley growth was slow.

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1 And apparently the new [unk] claim that there's going to  
2 be 7 -- about 7.5 million in -- people here, a decrease  
3 of two million people -- two million persons. Now,  
4 what's -- how is that going to affect our ridership on  
5 this -- on this high speed rail?

6 MR. RICHARD: Supervisor Barba, Mr. Richards and  
7 I were discussing this on the way down. The State  
8 Department of Finance has a population forecasting group.  
9 And they made a number of population forecasts. People  
10 may choose to believe it or not, but virtually everything  
11 that we put into the business plan, we tried to be as  
12 conservative as we could be. So we already were way  
13 below the population forecast projected by the state.

14 And Tom told me on the way down that in our  
15 business plan we had projected a state population, and  
16 population is a predictor of ridership, so your question  
17 is right on point, but the state had -- we had predicted,  
18 what, 49 million. And now their new figures that have  
19 dropped are comparable to 50 million. So we already had  
20 taken a pretty conservative look at population growth.

21 SUPERVISOR BARBA: Okay. Okay. That was my  
22 only question.

23 SUPERVISOR FAGUNDES: Okay, is there any other  
24 questions? If not we'll go into -- I had one thing that  
25 it just -- it just bothers me to no end. You made the

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1 statement a little while ago, and you said we want to  
2 compensate people for their losses. You could never do  
3 that. I only own four acres out here. It was my  
4 grandfather's and on. I wish the High Speed Rail  
5 Authority would put their -- themselves in the same  
6 position that we are in now. You could never compensate  
7 people for what they're going to lose here.

8 I just don't understand a project like this, you  
9 just don't seem like you care for who's out there.  
10 Just -- just run over us. And -- and I just -- that word  
11 "compensate" just drives me bananas because it's just a  
12 way to get around and get over people. And I just -- I  
13 can't handle that.

14 So I -- if you got something to say on that, I'd  
15 like to hear it.

16 MR. RICHARD: Well, first of all, Mr. Chairman,  
17 I appreciate you saying it as opposed to just having it  
18 stick in your craw. If we're going to work together then  
19 I don't want to say things that are offensive and --

20 SUPERVISOR FAGUNDES: I don't either, but I just  
21 did.

22 MR. RICHARD: No, no, you didn't.

23 SUPERVISOR FAGUNDES: I mean, I'm sorry, I just,  
24 you know.

25 MR. RICHARD: You absolutely did not. And --

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1 and let me -- let me just say to you that I apologize if  
2 my words conveyed that. Because I, first of all, I will  
3 tell you that I think that for a long time there's been a  
4 sense that the High Speed Rail Authority has been so  
5 focused on a mission, as Mr. Spikes laid it out, of  
6 connecting, you know, San Francisco and Los Angeles and  
7 other parts of the state that, you know, hey, just get  
8 out of our way, we're coming through with the train. And  
9 I was here last time, and I indicated that I felt that  
10 that attitude sometimes had been out there, and whether  
11 it was perceived correctly or not, and in some cases it  
12 might have been perceived correctly.

13 I have now been in Kings County a number of  
14 times. The first time I was here it was to fill a --  
15 fulfill a promise I made to Frank Oliveira. Because I  
16 was sitting up there in Sacramento and we were talking  
17 about all these things, and here was a guy standing in  
18 front of me who had something going on in his life that I  
19 had no idea what it was. And so I told him I would come  
20 to Kings County and stand on his farm and, you know, be  
21 out there with my feet on his dirt and figure out what  
22 was going on. And so I came down here. And that was the  
23 first trip.

24 And he said, well, where do you want to go? I  
25 said wherever you think I should go. Whoever you think I

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1 should meet. Whatever you think I should see. And so,  
2 you know, I was on the west alignment, I was on the east  
3 alignment. I saw Mr. Tos' property, I saw Mr. Oliveira's  
4 property. I remember that he grows organic cherries and  
5 almonds there. Aaron Fukuda showed me where the  
6 Ponderosa is, I saw that. I've seen Baker Commodities.  
7 I saw exactly where the alignment would go. I understand  
8 now with, you know, seven hundred carcasses a day that  
9 get processed it's an essential part of your ecosystem  
10 here in the valley. And I stood in Sam Gascar's milking  
11 barn, and I know that he's from a multi generation  
12 Portuguese American family, and that this is a way of  
13 life for him.

14 So all I can tell you, Mr. Chairman, is this is  
15 not the case of just saying, gee, I wish these people  
16 in Kings County would just shut up and let us build a  
17 train through here. I understand there are real fresh in  
18 blood people, and we're going to do everything we can.  
19 And at the end of the day I'm not going to look you in  
20 the eye and tell you that there's not going to be things  
21 that I wish didn't happen. Because unless -- if this  
22 train happens at all, somebody is going to get hurt by  
23 it, there's no question about it.

24 SUPERVISOR FAGUNDES: I understand what you're  
25 saying. And but there's only one -- one thing that's

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1 wrong with what you're saying. You don't own the land  
2 that you were standing on.  
3 MR. RICHARD: That's correct. I don't.  
4 SUPERVISOR FAGUNDES: So it's just, you know,  
5 where -- we just want answers, we haven't got them.  
6 There's no time limit on anything. I don't know how you  
7 can come up with one thing, in the time limit that you  
8 give us it's -- you're doing it in one county and you're  
9 not doing it in another. With us. And --  
10 MR. RICHARD: I'm also spending more time in  
11 Kings County than I've probably spent in any other county  
12 in California.  
13 SUPERVISOR FAGUNDES: Well, that's good. That's  
14 good. We need that. Thank you. I appreciate it.  
15 MR. RICHARD: And, Mr. Chairman, all I can say  
16 is we'll keep trying our best. And at the end of the day  
17 you're an elected representative of the folks in this  
18 community along with your colleagues, and you'll decide  
19 how well we've done or not.  
20 SUPERVISOR FAGUNDES: I'm really not talking  
21 from the end of an elected official, I'm talking from a  
22 property owner. And I've been here all my life, I was  
23 born and raised here. And don't get me wrong, you're not  
24 going through my property, but I could just about feel  
25 the way these people feel if it did.

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1 SUPERVISOR VERBOON: Yet. They still may go  
2 through your property.  
3 SUPERVISOR FAGUNDES: Huh?  
4 SUPERVISOR VERBOON: They still may go through  
5 your property. Keep talking.  
6 MR. RICHARD: What's your address?  
7 SUPERVISOR FAGUNDES: I'm not going to give you  
8 my address.  
9 MR. RICHARD: No, let me, and you're --  
10 SUPERVISOR FAGUNDES: I got four acres, I don't  
11 know if that will work.  
12 MR. RICHARD: Oh, you're not the only one who  
13 feels that way because Mr. Oliveira has made it very  
14 clear to us that even if we pick the west alignment, even  
15 if we didn't go through his property, he still cares  
16 about -- and Mrs. Fukuda, Aaron's mother, has been very  
17 clear about this too, that they care about their  
18 neighbors and what happens to their neighbors and the  
19 people in the community. And even though I don't own  
20 land here, I do get a sense of community coming here.  
21 SUPERVISOR FAGUNDES: Why don't you -- I know  
22 where you can buy a piece of property on that alignment.  
23 I'm sorry, I'm just...  
24 MR. RICHARD: That would cause me to spend a lot  
25 of time in Corcoran.

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1 SUPERVISOR FAGUNDES: Yeah, but you know what's  
2 coming.

3 Okay, I thank you. We'll go into -- is there  
4 anything else? We'll go into public comment now.  
5 Anybody that's got cards, will they get around the side  
6 there, please. We're going to allow three minutes.  
7 We'll start with number 1. But we're going to allow  
8 three minutes, right?

9 If there's any -- if there's any duplicate  
10 questions or questions that have been asked before,  
11 comments made before, let's -- let's kind of let somebody  
12 else come in. Or if your question is answered, let  
13 somebody else, we have a variety of people here, that we  
14 give others a chance.

15 MR. GATZKA: Mr. Chairman? Chairman? Chairman  
16 Fagundes, just want real quick before the High Speed Rail  
17 staff leave, just let Mr. Spikes identify maybe if we  
18 have a possible date for the next staff to staff. Just  
19 real quick before --

20 MR. SPIKES: Yes, I think I mentioned earlier I  
21 think we lighted on June 4th.

22 SUPERVISOR FAGUNDES: Yeah, June 4th is the  
23 next.

24 MR. SPIKES: The next staff meeting we are going  
25 to do. With the idea of being that we would get them

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1 some information in writing in advance to give them some  
2 advance notice, they could come back and respond to some  
3 of our questions. And that should give a little more  
4 time between that meeting and this next meeting of this  
5 nature, which I think would be, what, June 12th. Thank  
6 you.

7 THE CLERK: Okay, Catherine?

8 MS. CARLSON: Mr. Chairman?

9 SUPERVISOR FAGUNDES: Catherine, if we can get  
10 the clock so we can go by a clock. So you know where you  
11 stand. I know it's hard to do anything in three minutes,  
12 and I apologize, but if we don't do that we'll be here  
13 until the next meeting.

14 MS. CARLSON: Mr. Chairman, may I remind  
15 everybody that the court reporter's ear is trained to go  
16 towards the sound that's being spoken. And so when  
17 people are speaking in the back of the room, that's  
18 distracting to her. So one at a time, please.

19 MR. SPIKES: Mr. Chairman, do you have the  
20 cards?

21 SUPERVISOR FAGUNDES: No, I don't have any  
22 cards. How many do we have? Does anybody know?

23 MR. SPIKES: That's what I was trying to get to  
24 is figure out --

25 FROM THE AUDIENCE: 12.

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1 MR. SPIKES: 12. That's what I wanted to know.  
 2 Thank you.  
 3 FROM THE AUDIENCE: 14.  
 4 MR. SPIKES: 14.  
 5 FROM THE AUDIENCE: 13.  
 6 MR. SPIKES: Anybody else who wants to get a  
 7 card, please speak up now, so we'll know about how long  
 8 we need to provide time for everybody to be able to speak  
 9 that wants to speak. I'm in no way trying to keep  
 10 anybody from speaking, we'll allow the time for that.  
 11 SUPERVISOR FAGUNDES: Make sure it's on daylight  
 12 savings time, Catherine.  
 13 SUPERVISOR VERBOON: We can go ahead and start.  
 14 SUPERVISOR FAGUNDES: Yeah, he might get an  
 15 extra minute. Go ahead. Go ahead. You're number one?  
 16 State your name, please, and -- for the record?  
 17 MR. RIDER: I'm Glen Rider. I've lived in this  
 18 county for 50 some years. I'd like to speak to these  
 19 gentlemen here.  
 20 My first subject is logic. I think a lot of  
 21 logic. I am well aware that logic and government rarely  
 22 bed down together. But we need to try to get some logic  
 23 involved here.  
 24 Now, the first thing I thought of last time that  
 25 these gentlemen were here, Mr. Abercrombie and I had a

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1 short discussion -- well, I think it was a short  
 2 discussion, it was -- he was just blowing smoke as far as  
 3 I could tell, about the idea of putting the rail line  
 4 along the corridor like it was originally voted for by  
 5 the people. And he immediately started off with the big  
 6 old long dissertation of why it wouldn't work, which was  
 7 absolutely ridiculous as far as I could tell.  
 8 I'd like to have you do one thing. Just count  
 9 the amount of roads that you would have to disrupt within  
 10 a mile of the railroad track or 99 highway compared to  
 11 how many roads you would have to interrupt on either one,  
 12 the east or the west alignment. It's a phenomenal  
 13 difference. That should right there tell you that the  
 14 cost involved is much much cheaper over there. There has  
 15 to be some sort of political reason besides the fact that  
 16 there's far fewer houses in that area, because people  
 17 don't like to live next to trains, let's face it.  
 18 Secondly, I kind of consider the fact that 20  
 19 years ago I think it was used car salesmen were just  
 20 about the top of the list of people that people didn't  
 21 like. Well, it's been taken over by government and  
 22 government entities like this. The reason why I don't  
 23 like them is because fraud. People were sold cars that  
 24 had major problems. And I was in the business of  
 25 repairing cars for 30 some years, and I've seen a lot of

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1 them where they bring in a car that they just bought, and  
2 it's beautiful, but it ends up costing more to fix it  
3 probably than the used car salesman's commission when he  
4 sold it.

5 And that's going to be the same situation here.  
6 The amount of expense here is going to be horrendous,  
7 especially in the tax base for the -- the county. It's  
8 going to break the county.

9 We have got to do things differently. We've got  
10 to have logic. And logic says that if this is built,  
11 which I don't agree with at all because, number one, we  
12 can't afford it; number two, we don't need it. So let's  
13 use logic. Put it where it belongs, put it where the  
14 voters voted to put it.

15 And then we've got to talk about the subject of  
16 who's going to pay for it. All these people from  
17 Corcoran were happy with the -- with the ride, but still,  
18 the taxpayers paying part of their tickets.

19 We also have the problem that some of this money  
20 is coming from the federal government. And as most  
21 people don't realize, when the federal government doesn't  
22 have the money they either borrow it or print it. In  
23 most cases it's borrowed from the federal reserve, who  
24 prints it, or arranges to have it printed. So we're  
25 going no where here.

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1 Do we have the time over there yet? I don't see  
2 one.

3 MR. GATZKA: I was improvising.

4 MR. RIDER: Oh, okay. So basically that's the  
5 point here. We don't need it, it's in the wrong place,  
6 we can't afford it. Thank you.

7 SUPERVISOR FAGUNDES: Thank you. Number 2.  
8 Number 2.

9 MS. GUTHRIE: Good afternoon, Chairman Fagundes,  
10 Members of the Board, Chairman Richard, Vice Chairman  
11 Richards. Thank you for holding this special meeting  
12 so our --

13 My name is Rondi Guthrie with the CrisCom  
14 Company, and I'm here on behalf of the City of Corcoran  
15 today.

16 Thank you for holding this special meeting so  
17 our concerns regarding the development of the High Speed  
18 Rail through our town can be heard once again.

19 As you know, we have thoroughly reviewed the  
20 Draft EIR and remain opposed to the proposed routes  
21 through Corcoran. All of the proposed routes will have a  
22 detrimental impact on our city. They threaten our  
23 agricultural industry by separating our farms from water  
24 and irrigation systems and diminishing the amount of  
25 farmable land. This obviously leads to less jobs and

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1 less economic activity in our town.  
 2 The proposed routes will also destroy the  
 3 character of our community and our revitalization efforts  
 4 in our downtown.  
 5 The visual effects and the noise levels of this  
 6 type of rail system will greatly undermine our sense of  
 7 community.  
 8 And this development will lead to the loss of  
 9 our Amtrak service. As you saw in the video shown  
 10 earlier, Corcoran residents and businesses rely on Amtrak  
 11 for economic activity in town and also to travel in and  
 12 out of our county.  
 13 At this point in time there are far too many  
 14 questions and too few answers to justify the destruction  
 15 of our community for this experiment in High Speed Rail.  
 16 We should not be put in a position to lose anything we  
 17 currently have and treasure in our community, but that is  
 18 exactly the situation we are in.  
 19 We would respectfully ask that the High Speed  
 20 Rail Authority listen to our concerns and address them as  
 21 we move forward.  
 22 Our city manager is also here to address the  
 23 board. Thank you for your consideration.  
 24 SUPERVISOR FAGUNDES: Thank you, Rondi.  
 25 Next, number 3?

1 MR. MEIK: Members of the respective boards, I  
 2 thank you for your time today. Kindon Meik, City Manager  
 3 of City of Corcoran.  
 4 I want to publicly thank Miss Byfield for her  
 5 comments today, and hope to reiterate and emphasize some  
 6 of the points that she brought up in regards to the  
 7 general plan.  
 8 As has been done in the past, Corcoran expresses  
 9 its opposition to the High Speed Rail and wants to make  
 10 that known on the public record.  
 11 In regards to the Corcoran's general plan,  
 12 Corcoran is concerned about the social justice issues  
 13 that have not been resolved. Specifically we're worried  
 14 about the disproportionate and unfavorable consequences  
 15 to minority neighborhoods and businesses. We're also  
 16 concerned about the potential displacement of local  
 17 businesses that generate some of the largest revenue  
 18 sources or local tax -- local revenue taxes for our  
 19 community.  
 20 I won't speak much more on agribusiness or ag  
 21 lands, but we understand how important that is to our  
 22 community and our county.  
 23 And as pointed out in the video, the services  
 24 with Amtrak. It is a crucial part of our -- our  
 25 community. It coordinates with our local transit, our

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1 city owned busses. If Amtrak goes away, it's very likely  
2 that our city owned buses, funded by county and state  
3 monies, will also go away. So once again, that then  
4 jeopardizes the opportunities that our residents have for  
5 connecting to services that they desperately need, and it  
6 puts a prohibitive aspect on the quality of life that  
7 they are seeking. Thank you.

8 SUPERVISOR FAGUNDES: Thank you very much.

9 Next, number 4.

10 MR. BAKER: Okay, I'm going to kind of go quick  
11 on this because I was here last time and got cut off.

12 SUPERVISOR FAGUNDES: State your name, please,  
13 for the record?

14 MR. BAKER: My name is Leonard Baker. I was  
15 born and raised here in Kings County, and presently I'm  
16 farming, I'm a retired engineer.

17 In today's social norm, those who benefit the  
18 most from an action should bear the brunt of any  
19 consequences. One could surmise that the urban area  
20 should deal more with the disruptions currently facing  
21 the valley's counties, farms, and dairies.

22 In a hastily outlined attempt to get a completed  
23 EIR allowing a groundbreaking effort in Fresno by 2012,  
24 High Speed Rail decided the Fresno to Bakersfield EIR  
25 dispute would require delaying beyond 2012. To justify

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1 this a consideration of two routes was proposed through  
2 Kings County, each exhibiting similar disruption to the  
3 community.

4 A more meaningful consideration would be an  
5 urban route maintaining more proximity to the BNSF right  
6 of way, minimizing new crossings and farm land divisions.  
7 Two high speed rail urban alignments, options H1 and H2,  
8 were designed in 2006, and should be considered as an  
9 alternate to the rural route rather than two rural  
10 routes. Not only would urban residents alongside the  
11 BNSF route be more willing to relocate, but imminent  
12 domain should apply equally to urban and rural  
13 properties.

14 Fresno's favorability to High Speed Rail stems  
15 from its urban root. Why can't a city say not in my back  
16 yard and get that respect, as Hanford has, and the county  
17 has no say in what happens in my back yard. There's no  
18 reason to believe the Hanford Community would be any  
19 different than the High Speed Rail Proposition 1A results  
20 across this California.

21 Understandably, the cost of providing both High  
22 Speed Rail and BNSF rights of way through Hanford may be  
23 more than the cost of a High Speed Rail route alone.  
24 However, a combination of providing a High Speed Rail  
25 route through Hanford and a BNSF rural route could

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1 conceivably cost less. Not only would the High Speed  
2 Rail benefit by utilizing all of the BNSF right of way  
3 through Hanford, but the farming community -- concerns  
4 are more easily addressed with the lower speed  
5 requirements of the BNSF.

6 Environmentally sensitive areas could be easily  
7 avoided as well as dairies, Baker Commodities, with a  
8 high speed rail route. The Highway 43 corridor could be  
9 more closely followed, pleasing both farmers and home  
10 owners. An elevated high speed rail through town needed  
11 to cross over the San Joaquin Railway would relieve  
12 crosstown congestion that presently exists with the BNSF  
13 every 20 to 30 minutes, and relocate the BNSF related  
14 emissions downwind from the community of Hanford.

15 If allowing the High Speed Rail to utilize  
16 existing railways in the Bay Area and Los Angeles at the  
17 detriment of 200 mile per hour top speed can save more  
18 than 30 billion in overall costs, surely a localized  
19 reduction of the 200 mile per hour speed to avoid the  
20 detrimental effects in Kings and Kern Counties' urban  
21 areas, they could overall -- they could increase the  
22 overall favorability to high speed rail. A 15 minute  
23 extension to a two hour trip is acceptable in today's  
24 climate.

25 SUPERVISOR FAGUNDES: Mr. Baker.

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1 MR. BAKER: High Speed Rail needs more  
2 engineering and less politicizing.

3 SUPERVISOR FAGUNDES: Thank you.

4 MR. HOGGARD: Ronald Hoggard.

5 I had the opportunity with a lot of other good  
6 folks to go to Sacramento and to -- and to be at the  
7 budget hearings. And, you know, we've talked, as  
8 Mr. Spikes talked about the 40 billion, the 98, perhaps  
9 117, back to 68.4. I think our confidence in these  
10 numbers is less than stellar.

11 And one of the things that I just wanted to  
12 mention in the short period of time that we have, today  
13 was mentioned some of the -- the impacts that I don't  
14 know are being figured into the cost. If -- if a dairy  
15 has to -- and I don't know what the permitting time  
16 requirements are for that, but I know enough to know that  
17 those cows can't walk around for two years without having  
18 a place to go and still have, you know, a milking dairy  
19 there.

20 And some of the other businesses that have  
21 permitting requirements, have you set aside money to  
22 compensate people for this? Are you trying to work  
23 through the processes? How are you going to solve these  
24 issues for the businesses if this even comes about? And  
25 I think there will be other things. And what happens if

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1 in this process people in Kings County or other places  
2 are not happy, and then take the route of going to court  
3 and you go over your time limit to get the federal  
4 funding, how are you going to address the loss of the  
5 federal funding?

6 Thank you.

7 SUPERVISOR FAGUNDES: Thank you, Mr. Hoggard.

8 Next, number 6?

9 Good afternoon, Leonard.

10 MR. DIAS: Well, good afternoon. My name is  
11 Leonard Dias, I'm here as the Kit Carson School Board  
12 Chairman.

13 But first, on a personal note I'd like to thank  
14 the High Speed Rail, because after they come into effect  
15 they've taken us poor used car salesmen off the list as  
16 the top person being hated. So I do want to say thank  
17 you for that.

18 But back to the school issues here. In some of  
19 the questions in our coordination process that was  
20 presented to the High Speed Rail Authority, and first I'd  
21 like to thank the county for allowing us to be part of  
22 that. You guys have been a great friend of the schools  
23 here in Kings County, we do want to say thank you for  
24 that.

25 We're very concerned about a possible decline in

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1 enrollment because of Ponderosa District. And the  
2 response is pretty much, well, it's only going to be  
3 seven to 12 residences that are going to be destroyed,  
4 five or eight kids, no big deal. Unfortunately, when  
5 you're a small school district and you have 420 kids in  
6 your district, that is a big deal. That's \$50,000 out of  
7 our budget every year.

8 And dealing with the state and budgets, I love  
9 the whole idea that we're going to have this money, we're  
10 going to do this, it reminds me of last year's state  
11 budget where we predicted we might have more money so we  
12 can balance the budget on forecasting. Well, being a  
13 school, guess what? That didn't come through. And we  
14 were the first ones to get cut. That's very  
15 disheartening to me as a school board member to see that  
16 the kids are going to get hit every single time, High  
17 Speed Rail continues on.

18 Also, it says halt future growth was one of our  
19 things. And you guys have a thing here saying analysis  
20 shows the HSR two alternatives in the Ponderosa area  
21 would create additional employment and business  
22 opportunities and attract higher wage jobs in comparison  
23 to no project alternatives. I don't know anybody in our  
24 district who will be able to work on the High Speed Rail.  
25 And I find it very offensive that you're going to sit

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1 here and tell me you're going to prevent -- provide all  
2 these jobs in the Ponderosa area because you're going to  
3 destroy the area, we're going to find all these jobs for  
4 these people. Where are they going to live? You say  
5 you're going to relocate these people -- I'm sorry, they  
6 say they're going to relocate these people, I'd like to  
7 find that one acre plot somewhere else.

8 They said that land designated, you know, that  
9 we're not going to have any negative impacts to our area.  
10 Although at this point there may be a possibility of  
11 increasing the property values in our area by having the  
12 High Speed Rail there. I'm sorry, when you're cutting  
13 through the farms in our district, you're not going to  
14 increase the property value. It's going to be very hard  
15 for a farmer or anybody to be able to sell that property.  
16 And god forbid the people in Ponderosa, because they  
17 won't be able to find a place, a nice one acre plot  
18 somewhere else.

19 HSR is -- about the sound. I know my time is  
20 up. You said about the sound will affect Kit Carson  
21 School District very much. Because there's already  
22 tracks there, there's already 198 and all that. The  
23 tracks that are there right now, the train comes through  
24 about 10 o'clock at night, and believe me, I live close  
25 by. I hear that train. And you can't tell me I'm not

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1 going to hear a train going by at a hundred miles an  
2 hour, even if we're 400 feet away or 200 -- 22 hundred  
3 feet away, whatever your figures were here, that 12 times  
4 a day we're not going to hear that at the school. I have  
5 a real hard time with that. Thank you.

6 SUPERVISOR FAGUNDES: Thank you, Leonard.

7 Next, number 7?

8 MR. SCOTT: Good afternoon, sir. My name is  
9 Alan Scott. I'm out of the alignment and I'm sort of a  
10 protagonist to the High Speed Rail.

11 My first question is you spent a billion  
12 dollars. And back in September when we spoke at the  
13 auditorium the first thing I said to the group then, you  
14 weren't there, though, Mr. Richard, I defer to that, you  
15 weren't there so you wouldn't know this, but when  
16 Mr. Simmons was sleeping and I think Mr. -- someone was  
17 chairing the meeting, I can't remember who, and you  
18 brought in a 30 thousand dollar -- 30 thousand page  
19 document. And I said you would never bring it into my  
20 work, I would never allow it.

21 MR. SPIKES: Mr. Scott?

22 MR. SCOTT: Yeah.

23 MR. SPIKES: Please address your comments to the  
24 board.

25 MR. SCOTT: Oh, sorry. Sorry, excuse me.

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1           So we've spent a billion. You say this is the  
2 best business plan, and you got another EIR coming out.  
3 You had the young lady from the group speak highly from  
4 the American Standard Group, if I got the title wrong I  
5 apologize. But the bottom line is she outlined all of  
6 the errors and all of the deficiencies that were  
7 presented in the EIR. And now we get another EIR within  
8 weeks coming out, and she just dumped a whole bucket on  
9 top of your EIR. Or the EIR for this county. And the  
10 seriousness of it is I think they're in legal trouble.

11           Bottom line is one billion is spent. We do  
12 do-overs tomorrow, we do do-overs the next day, we do  
13 do-overs and do-overs.

14           I was at a meeting in Bakersfield the other day  
15 about this joint powers agreement, whatever you want to  
16 call it. And I had to tell a group down there that your  
17 biggest problem is communication, lack of. And they  
18 agreed. I don't know where it sits right now with the  
19 joint powers, I think that's the Galgiani bill. And get  
20 it to meet -- to join up the two.

21           I just think that this group, whether it's  
22 Mr. Richards or whoever it is running the High Speed Rail  
23 group, has taken -- taken a dim view of Kings County.  
24 They think that we are just going to sit here and take  
25 it.

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1           I applaud the County, I applaud the Supervisors,  
2 I applaud the staff, for all the due diligence they've  
3 done over the many years. And I've only been involved  
4 for a year.

5           Bottom line is Fowler, Selma, and Kingsburg said  
6 stay out. I believe Kings County said stay out. Thank  
7 you.

8           SUPERVISOR FAGUNDES: Thank you.  
9           Next? Number 8? No number 8? Oh, you're  
10 number 8. Okay, come on.

11           MR. MACHADO: Gentlemen of the Board, my name is  
12 Joe Machado. I'm greatly affected by the alignment. But  
13 I don't want to talk about myself, I want to talk about  
14 some observations I observed locally.

15           There in the dairy belt where they plan to go  
16 through, I was the other day just sitting on a tractor  
17 and just kind of paused. There was about four different  
18 companies in about four different dairies in proximity,  
19 silage trucks, as we all know. Now, these are people  
20 trying to feed their families. They have a certain  
21 season of the year, you know, where they chop. And there  
22 was four different companies, I swear, I must have  
23 counted at least a hundred trucks, about 20, 25 per crew.

24           Now, in the last EIR my little pot filled  
25 asphalt crumbling road was not going to have an overpass.

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1 Well, my perspective, my property, it's a two mile round  
2 trip to get from the -- from the field to the dairy.  
3 Well, these guys now will have to be ten mile round trip,  
4 because the only available overpass will be on Kansas.  
5 Okay, granted, that be it, how is that going to help  
6 Kings County environmentally with our air pollution?

7 A lot of these drivers are on an ag permit for  
8 their trucks. They're only allowed 12 thousand miles a  
9 year under certain animal husbandry permit because they  
10 have -- they're limited time on how they make their  
11 money. Now just in my dairy they have to go eight extra  
12 miles, and some of these other dairies is the same  
13 situation.

14 So what is the benefits to Kings County? That's  
15 what we want the High Speed Rail people to understand.  
16 There is no benefit here. There's just detriment.

17 And for some of those that follow the  
18 Authority's actions, Mr. Richard, you know, he stated  
19 today that if he would -- he would have been the first to  
20 go to the Governor's office if this wasn't work. I just  
21 want to recommend what are you waiting for, Dan? You and  
22 Rossi just should run in there right now.

23 You can't make High Speed Rail work. You have  
24 to highjack Amtrak, that is actually making a profit,  
25 that is actually serving people. You want to highjack

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1 it, put it on your fancy call it a hybrid Amtrak track,  
2 just to justify building the tracks to sever our spines,  
3 and then eliminate it so you won't have any competition.  
4 That is just conquering the weak, and that's what this  
5 organization does is conquer the weak.

6 And to Mr. Fagundes' comment about -- imminent  
7 domain is brutal. Don't let these guys tell you, oh,  
8 we're here to -- all they're required by law is to give  
9 you an appraisal, give you a figure, if you don't like it  
10 you get your appraiser you go and you go to court. After  
11 that, if you agree, sign on the dotted line, get out of  
12 our face. We're coming through. And that's the way  
13 business is conducted. So don't have any visions of  
14 making any money out of High Speed Rail because you're  
15 not going to get rich by these guys. Thank you.

16 SUPERVISOR FAGUNDES: Thank you, Mr. Machado.  
17 Next, number 9?

18 MR. FUKUDA: Good afternoon, Supervisors, Aaron  
19 Fukuda, 7415 Mountain View Street, Hanford, California.

20 I'm going to make a statement, and I'd like to  
21 enter a few questions into the record so that the  
22 Authority can get this record later on and hopefully  
23 answer those, because we've been still waiting for those  
24 answers from those little fancy little cards we submitted  
25 about a year ago.

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1 Chairman Richard seemed to be indicating that,  
2 you know, he's a new member, so he's trying to sell  
3 everybody else that was part of this program, put them  
4 under the bus or the train. But, you know, the way I  
5 look at it, men stand up and they say there was a mistake  
6 and I'm going to fix the mistake. Children play the  
7 blame game. And that's what we're doing right now, we're  
8 playing the blame game.

9 This was laid in front of them about a year ago,  
10 they could have fixed it then, but they haven't. They're  
11 here and they're going to do it at the very last minute  
12 and there's going to be a lot of mistakes made.

13 So here's some of the things that I'd like to  
14 enter into the record: The rail Authority continually  
15 indicates that they could not talk to land owners and  
16 talk about the impact. They keep saying it's against the  
17 law. I can't find the law that says that. The law says  
18 they can't negotiate a price. But they can talk to the  
19 land owners about the impacts. And that would be the  
20 only responsible thing to do.

21 Secondly, in the -- a lot of their alternative  
22 analyses they eliminated some of the 99 sections because  
23 of an odor issue that has to do with the Highway 99  
24 corridor. But they didn't look at the odor issues we  
25 deal with over on the Hanford east alignment because

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1 we're fairly close to Baker Commodities and those 700  
2 dead cows, it's not a very pleasant smell.

3 Next, they indicate that they're eliminating  
4 about 40 homes. But I don't think they've really looked  
5 into the cutting off of access. There's other homes that  
6 are going to be eliminated because you can't get access.

7 And they keep saying there's a plentiful supply  
8 of rural residential homes or ranches style. They just  
9 say there's plenty number. There is no study, there's no  
10 numbers, it's just a blanket statement. CEQA and the EIR  
11 require studies, not blanket statements.

12 You know, the Authority also talked about, you  
13 know, they want to -- they can't talk about the I-5  
14 corridor. I just want to bring it up because, you know,  
15 I dropped it a long time ago because they're not  
16 listening, the development on the I-5 corridor, there's  
17 no water; that's what you want.

18 Dan Richard reported that he's coordinating with  
19 the California Department of Food and Agriculture, and we  
20 were there. That group, that board was actually shocked  
21 because it hadn't been updated on these things. And they  
22 firmly believe that this project will induce growth in  
23 the central valley, which is not addressed and the valley  
24 cannot handle. That will increase the groundwater  
25 assumption because that's how we get our supply of water

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1 in the area. That is also not addressed by the High  
2 Speed Rail Authority.

3 And then there's this idea of what we can do for  
4 Kings County. How can we buy you off. I think the  
5 Authority has said, you know, over and over and over  
6 again that basically they want to -- to work with us and  
7 do this and that, and then they go back and then the same  
8 answers come forward, and we're not going anywhere. So  
9 what they can do for Kings County is simply leave.  
10 There's others that want it. Just take it to them. Talk  
11 to them. They'll have an open conversation.

12 Lastly, the EIR needs to address the design  
13 build situation. They're touting it as the savior. It's  
14 going to be the destruction of this project. Remember,  
15 once they bid, that -- that dollar is sealed. So when  
16 the -- when the impact hits, if there's no money to  
17 address it, who do we go talk to when the contractor will  
18 not address that impact? Thank you very much.

19 SUPERVISOR FAGUNDES: Thank you, Aaron.

20 Next, number ten?

21 MS. LEAL: Thank you, Chairman of the Board. My  
22 name is Pamela Leal, and I actually wasn't going to speak  
23 because I'm not so good at this. Oh, shoot, I just lost  
24 the website that I was going to read from. Really?  
25 That's it. Yes.

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1 SUPERVISOR FAGUNDES: The clock is running.

2 MS. LEAL: Okay. I just wanted to state that --  
3 sorry, Pamela Leal, Californians --

4 SUPERVISOR FAGUNDES: You have to state your  
5 name again.

6 MS. LEAL: Pamela Leal, Californians in Support  
7 of High Speed Rail Accountability.

8 My husband hauls silage for him, and my children  
9 go to that school over there that they were just speaking  
10 of.

11 Chairman just made a comment about Will Kimpton  
12 and his positive thoughts from the LAO of the High Speed  
13 Rail. And I just -- the great thing about running a Face  
14 Book page that has a lot of web sites is you're informed.  
15 And so I would like to read his comment really quick  
16 please before I throw up.

17 The group said in his report that we cannot  
18 overemphasize the fact that moving ahead on the high  
19 speed rail project without credible sources, adequate  
20 funding, without a definitive business model, without a  
21 strategy to maximize the independent utility and value to  
22 the state, and without the appropriate management  
23 resources, represents an immense financial risk on the  
24 part of the State of California. Does not sound  
25 positive. So I just wanted to correct that

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1 misinformation. Thank you.  
2 SUPERVISOR FAGUNDES: Thank you, Pamela.  
3 Next, number 11.  
4 MR. BROWNING: Hard act to follow. Yes, good  
5 afternoon, Chairman, Members of the Board. I've got --  
6 SUPERVISOR FAGUNDES: State your name, please.  
7 MR. BROWNING: Oh, Ross Browning, a resident of  
8 Laton. If all of a sudden you don't understand me, say  
9 something, I've just gotten back from the dentist and  
10 this lip is about this big and it's flopping around, I  
11 don't know that I'm -- I don't recognize my own voice.  
12 I've got a couple of things I'd like you folks  
13 to pass on to the High Speed Rail Authority. One is I  
14 wonder if -- no, I -- not -- I don't wonder. I want to  
15 know have they examined, investigated, enumerated, and --  
16 and analyzed the effect of the High Speed Rail in the  
17 alignments that they're talking about, what effect it  
18 will have on ground well water? Not the water itself,  
19 but the wells. Either personal wells or deep wells for  
20 agriculture or for dairies. I would like to know just  
21 how many wells are involved, have they studied it. And  
22 then where is the money coming from to replace those  
23 wells, and how much will that cost? So that's one for  
24 them.  
25 And then I have a comment for the -- that you

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1 can pass on to those gentlemen for me. There's a lot of  
2 hoopla going on, is it 33, is it 45, is it 65, is it 98,  
3 is it 170? Where is it today? And now I've heard today,  
4 well, we've brought it all back because we're trying to  
5 take care of inflation and your construction dollars.  
6 Hogwash.  
7 Every engineer that I know had to take a course,  
8 had to be familiar with the concept called cash flow. To  
9 cash flow analysis, whether discounted, cash flow takes  
10 any project you want, I don't care how many years out you  
11 go, brings it back to today and compares it dollar for  
12 dollar. Not dollar for dollar plus basketballs or  
13 anything else, dollar for dollar. Makes a fair  
14 comparison.  
15 I don't know why the vice chairman -- oh, I've  
16 got a lot of time -- why the vice chairman of the Bank of  
17 America doesn't know this and can't come up with this.  
18 So I would like to -- you gentlemen to ask him why they  
19 can't come up with a set of numbers that eliminates all  
20 the confusion and hog -- confusion is what they like, but  
21 just eliminates all that and just give us a discounted  
22 cash flow every year from now until the end of the  
23 project. Thank you very much.  
24 SUPERVISOR FAGUNDES: Thank you, sir.  
25 Next? Number 12.

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1 MS. CARLSON: Mr. Chairman. Mr. Chairman. I  
2 just wanted to check on the court reporter, there's been  
3 a lot of talking going on. Do you need a break.  
4 SUPERVISOR FAGUNDES: Okay, thank you. I'm  
5 sorry. I look right over you.  
6 MR. OLIVEIRA: Frank Oliveira, Citizens for  
7 California High Speed Rail Accountability.  
8 I was not going to speak today. But as I  
9 listened to the meeting progress there's some things that  
10 came to mind that I need to make sure are in the record  
11 and that people do not forget how we got here.  
12 People in Kings County attempted to work with  
13 the California High Speed Rail for several years, or at  
14 least a year, to figure out how to make this project  
15 work. It was May 5th of 2011, about year ago, where I  
16 sat in a room in Sacramento and listened to High Speed  
17 Rail Authority staff report everything is okay down here.  
18 Governments are happy. People are happy. Ag is  
19 mitigated. Do you believe that was true? Because if  
20 that was true, we wouldn't be here now.  
21 Now, that alternative analysis report was  
22 approved. It is the foundation for everything that's  
23 going on here in Kings County. So what I'm saying is the  
24 foundation of all the reports here is what? So we should  
25 be addressing the foundation of things before we build on

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1 top of things.  
2 Kings County has been treated differently. No  
3 doubt. We expressed that things were not correct, and we  
4 were prevented from speaking. Our civil rights were  
5 violated. We were treated differently. We were treated  
6 very differently. To the point where we had to scramble  
7 just to get 30 more seconds of time to speak like  
8 everybody else. It even required the highway patrol  
9 intervening. Okay, to get that point across.  
10 Cooperation. We've had cooperation since  
11 January. I believe it was the highway patrol thing that  
12 got us the cooperation. And I do appreciate that. We've  
13 had one meeting, and that was a good thing. But we've  
14 had one meeting. I asked simply in that meeting how am I  
15 going to get to my property that's landlocked over there?  
16 I've been asking that question for over a year. Nobody  
17 has an answer. I haven't heard an answer.  
18 Information about I-5 and Highway 99. I know  
19 for a fact there are -- that there are over 40 typed  
20 requests that were submitted in June of 2011 and July of  
21 2011 requesting information pertaining to those  
22 environmental impact reports. We have never received  
23 those.  
24 Finally, the JPA. To Mr. Richard's credit, the  
25 JPA, AB 1779, I've heard him testify in Sacramento and he

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1 said hear that they're working on MOU's, on a joint power  
2 authority to help connect the rails. But the JPA people  
3 swear they're creating the JPA to protect everybody from  
4 the High Speed Rail. And they have MOU's that they're  
5 working with the High Speed Rail.

6 So, okay, there is a lot of things that just  
7 aren't quite correct. I do believe we need to revisit  
8 the source document which puts us in Kings County, the  
9 alternative analysis report that was approved on May 5th,  
10 2011. Thank you for all the work that everybody has been  
11 doing.

12 SUPERVISOR FAGUNDES: Thank you, Frank.  
13 Next in number 13.

14 MS. FAGUNDES: Number 13. Mary Jane Fagundes,  
15 9785 Ponderosa, Hanford. I wasn't planning on speaking  
16 today, but I'll make it quick.

17 First of all, Mr. Richard, you -- Mr. Richard  
18 continues to say I think this, I think that. It's not  
19 about what he thinks.

20 Also, a discussion of Bart. Bart was built,  
21 what, when, in the 1970's, I believe, and it's been 40  
22 years and we're just now breaking even? That's really a  
23 comfort.

24 Anyway, I worked with the US government. And  
25 whenever I was promoted my employer was responsible for

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1 training me so I was able to execute my job. And it  
2 behaved me to understand the history as well as rules and  
3 regulations in order to do my job and to do it well.

4 No more excuses. Do your homework, Mr. Richard.

5 Now, my only question is this: High Speed Rail  
6 keeps talking about the fact that the 99 isn't -- isn't  
7 really straight. I don't see how veering out of Fresno  
8 towards Laton, then cutting east across the 43 to 7-1/2  
9 Avenue, and then again cutting across the 43 again, then  
10 across on the other side of -- south side of Hanford, and  
11 then it cuts across the 43 again through Corcoran, how  
12 straight is that? That's three times in a matter of  
13 about 25 miles. It sounds like that snake thing that I  
14 talked about in Bakersfield last year. Thank you.

15 SUPERVISOR FAGUNDES: Thank you, Mary Jane.  
16 Next? Number 14.

17 MS. FUKUDA: I'll talk to you today. Maureen  
18 Fukuda, 895 Laura Lane, Hanford, California.

19 I have one answer and two questions. The answer  
20 is I know why Mr. Spikes is working so hard. Because his  
21 relative will have to find another place to stable his  
22 horses, right? Animal loses stable.

23 MR. SPIKES: I didn't really think about that.  
24 But that's a good point.

25 MS. FUKUDA: You better work harder now.

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1 The other question is, it just dawned on me, the  
2 route is going through Fresno and then it veers off of 99  
3 and it goes through Laton and in our area. Why doesn't  
4 it go through Fowler, Selma, and Kingsburg? And I was  
5 told, well, their city government said they didn't want  
6 it. So the route veered.

7 Okay, my question is is we're saying change the  
8 route. And alluding to Mr. Oliveira, I think we are  
9 treated differently. But my question is is why isn't our  
10 request being heeded just as Selma, Fowler, and  
11 Kingsburg?

12 The other question I have, that was the first  
13 question. The second question is I wanted to see the  
14 Cartmill overpass, bypass in Tulare. It's in back of the  
15 Outlet Mall. And I've been hearing about it. It's huge.  
16 It's a new one. And as I understand, all new ones have  
17 to be built handicapped access, which means the grade is  
18 lower. And it's just -- it looks like the eighth wonder  
19 of the world. It's just sloping down there. I could --  
20 I could skateboard that. At my age I could skateboard  
21 that. You know.

22 My question is, is if this rail is going over  
23 Bakersfield, why can't it go over Fowler, Selma, and  
24 Kingsburg? They would not have to build all these eighth  
25 wonders of the world overpasses every how many miles?

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1 All the way down the line. A cost analysis. My question  
2 is is which would come out cheaper? Follow 99, go over  
3 these towns. If you can go over Bakersfield, why can't  
4 you go over little Fowler, little Selma, little  
5 Kingsburg?

6 And I'd like to close with, and I know I'm not  
7 saying it right, but there was a lady here and she said  
8 this situation is not too different than a quote from a  
9 former president. And it was kind of like knock-knock.  
10 Who's there? The government. I'm here to help you.

11 Thank you.

12 SUPERVISOR FAGUNDES: Thank you, Miss Fukuda.  
13 Is there anyone else?

14 MS. DWYER: Just me. Just me.

15 SUPERVISOR FAGUNDES: Number 15.

16 MS. DWYER: Number 15. Glenda Dwyer.

17 Chairman and Board, you know, in listening to  
18 Chairman Richard, all I could think of was the book I  
19 read back in high school, and I thought of -- well, the  
20 book was 1984, and I don't know if any of you have read  
21 it. But the gist of it was double speak. And I swear,  
22 he is so good at it. I didn't -- I didn't catch on to a  
23 lot of what he said because it just didn't make any  
24 sense.

25 Anyway, one thing that really bothers me about

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1 this -- first of all, I have to say I'm really proud of  
2 this community, and I -- I hope all of you up here on the  
3 board are proud of all these people out here that are  
4 giving their all, you know, to no avail, I -- I believe,  
5 because I think this whole High Speed Rail is tyranny.  
6 They're going to do what they're going to do and it  
7 doesn't matter what the voices of the people say. The  
8 government, that's just the government right now, they do  
9 what they want to do with our money. And the reason I  
10 say tyranny is because -- well, first of all, cap and  
11 trade. If anyone knows what cap and trade is all about,  
12 it's extortion. It's -- they find a fictitious level of  
13 carbon that's being emitted by our businesses, and they  
14 charge them, or they have them buy fictitious credits,  
15 and the government gets that money, or somebody makes a  
16 bunch of money off of that. Now, they're going to use  
17 that money. And those businesses are going to charge us  
18 more. So eventually, I mean, they're going to use our  
19 money in the long-run to pay for this. So it's tyranny  
20 and it's extortion. They're both wrong.

21 And I'll end with I was in Fresno eating dinner  
22 last -- May 2nd, and I believe that was the meeting where  
23 the EIR/EIS in Fresno. And I happened to look up, I was  
24 at Pismo's, and I happened to look up and I did see Tom  
25 Richards across from me. He was sitting there with

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1 Mr. Umbur, another female, and our very own Congressman  
2 Jim Costa. And, now, Jim Costa represents this county,  
3 and this county is against High Speed Rail. And I  
4 thought, well, that's really strange. And no less than  
5 three times did I see them toast with their drinks. So I  
6 wonder what they were toasting to. And I'll just leave  
7 it at that. Thank you very much.

8 SUPERVISOR FAGUNDES: Thank you.

9 Is there anyone else?

10 MS. PECK: Number 16.

11 SUPERVISOR FAGUNDES: Oh, Diana.

12 MS. PECK: Hello, Chairman Fagundes, Members of  
13 the Board, thank you. My name is Diana Peck, I'm with  
14 Kings County Farm Bureau.

15 And I know you don't appreciate simple  
16 analogies, Mr. Valle, but I'm going to make a simple  
17 analogy today for you. My son is a senior in high  
18 school, and has been working for, well, since he was nine  
19 years old on trying to get a basketball scholarship. And  
20 we're down to the wire now because it's his senior year,  
21 and low and behold, two things happened this year that's  
22 preventing him from achieving his dreams. Number one,  
23 his numbers have not been there that they're required to  
24 be at the level that he was hoping they'd be. Number  
25 two, in his English class he had two major research

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1 papers that were due that he failed to accomplish the  
2 level that was intended. He basically breezed over them,  
3 inserted very vague and meaningless material, and  
4 received two F's. And so therefore his grades aren't  
5 going to allow him to progress.

6 And the analogy I make here is that that's what  
7 we have going on with the EIR. How can we expect this  
8 project to progress, how can we put a stamp of approval  
9 on it when there are fatal flaws? Right now we would  
10 give this report an F grade.

11 Many of the environmental review consultants  
12 have looked it over, attorneys have looked it over, and  
13 you here at the county have, and you know it deserves an  
14 F grade.

15 So a couple things I want to say, number one, I  
16 want to enter it into the record as well. Like  
17 Mr. Oliveira, one thing I'm very disturbed about, and  
18 it's because it's very personal to me, is that this  
19 county laid out the conflicts with the draft  
20 environmental document, or actually with the project and  
21 your plan in April 2011. Mr. Abercrombie was present at  
22 that meeting. You gave him a list and you gave it to him  
23 in writing as a follow up. In May, we attended the board  
24 meeting in Sacramento, we shared that with Mr. Pringle,  
25 how can you progress when there are these serious

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1 conflicts in Kings County?

2 So they were apprised of those conflicts, they  
3 did nothing to resolve them, and in August of 2011, just  
4 a few months later, released their draft document. So we  
5 don't have to go back to the program level, the project  
6 level EIR is fatally flawed. And I want to enter that  
7 into the record.

8 Just as Mr. Fukuda pointed out a number of  
9 deficiencies in the alternatives analysis and also in the  
10 station feasibility study there are as well, we as the  
11 Kings County Farm Bureau and the Citizens for California  
12 High Speed Rail Accountability will continue to  
13 investigate those documents and share with you our  
14 findings on the flaws and on the deficiencies. So we  
15 will do our best to keep you informed. And most  
16 importantly, we are grateful for everything that you do.  
17 I know that your staff is completely impacted by this  
18 project. But the manner in which that you are expressing  
19 yourselves and doing your due diligence to protect your  
20 community is admirable, and you are an example to the  
21 entire State of California. And you're being talked  
22 about throughout the state as an example of that  
23 responsibility.

24 I want to say one more thing. Mr. Richard  
25 continues to apologize and give assurances that things

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1 are going to get better. And while we appreciate those  
2 apologies, apologies are not enough. There is a duty for  
3 them to comply with their responsibilities. That  
4 would -- that is what we would like for you to insist  
5 upon. Not apologies and friendly handshakes, but them  
6 complying with their duty. Thank you.

7 SUPERVISOR FAGUNDES: Thank you. Is there  
8 anyone else? Number 17, is there a 17?

9 Okay, if not then we'll close the public comment  
10 and bring it back to staff.

11 Anyone from staff have anything?

12 MR. SPIKES: Nope.

13 SUPERVISOR FAGUNDES: Okay, do we have a  
14 scheduled -- do we have -- do you have something?

15 SUPERVISOR VALLE: No.

16 SUPERVISOR FAGUNDES: Then we have scheduled for  
17 the next meeting June -- June 4th?

18 MR. SPIKES: No, that would be the staff to  
19 staff meeting. I think our intent was to have another --  
20 we were trying to target the second Tuesday of every  
21 month, which in this case would be June 12th, if  
22 Mr. Richard and Mr. Richards and staff could be back,  
23 that would be great.

24 SUPERVISOR FAGUNDES: Okay. Is there anything  
25 from the Rail Authority you'd like to say to conclude

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1 this meeting?

2 MR. RICHARD: It's late in the afternoon,  
3 Mr. Chair, I think we can just respond with the things  
4 that we've committed to.

5 SUPERVISOR FAGUNDES: Okay. Thank you very  
6 much. Then I thank everybody for coming and  
7 participating. And this meeting is adjourned.

8 ---o0o---

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1 STAFF PRESENT:  
2  
3 **KINGS COUNTY**  
4 Greg Gatzka, Kings County Community Development Agency Director  
5 Larry Spikes, Kings County Administrative Officer  
6 Colleen Carlson, Kings County County Counsel  
7 Dave Robinson, Kings County Sheriff  
8 Kevin McAlister, Kings County Public Works Director  
9 Deb West, Assistant County Administrative Officer  
10  
11 **HIGH SPEED RAIL AUTHORITY**  
12 James Labanowski, Consultant  
13 Kinzie Gordon, Consultant  
14 Tom Tracy, Consultant  
15 Jeff Abercrombie, Area Program Manager Central Valley  
16 Thomas Fellenz, Chief Counsel, Acting CEO  
17 Tony Valdez, Consultant  
18  
19  
20  
21  
22  
23  
24  
25

1 WHEREUPON, the following proceedings were had,  
2 to wit:  
3 ---oOo---  
4 MR. SPIKES: Anyway, I apologize for getting  
5 started late. I appreciate you folks coming back again  
6 for what is the next of our staff to staff meetings on  
7 the record in preparation for the Board of Supervisors.  
8 And just -- just for the record we're here for a  
9 technical meeting which the Board has authorized the  
10 staff to attend so long as it is recorded and that a  
11 summary of the proceedings is reported back to the Board  
12 at its continued coordination meeting. The next one is  
13 scheduled on June 12th, next week. I'm assuming that  
14 still works okay for the schedule?  
15 MR. FELLEENZ: Yes, yeah.  
16 MR. SPIKES: Okay, good.  
17 MR. ABERCROMBIE: Well, is Dan -- is Dan  
18 available the 12th?  
19 MR. FELLEENZ: I haven't checked with him.  
20 When is the board meeting? What date?  
21 MR. SPIKES: June 12th.  
22 MR. FELLEENZ: The 12th, okay.  
23 MR. SPIKES: A week from tomorrow. I think  
24 that's where we left it.  
25 MR. ABERCROMBIE: Well, I think that's where we



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1 left it, but I have not taken the time to confirm.  
2 MR. SPIKES: Okay. Okay.  
3 MR. FELLEENZ: Yeah, we'll let you know.  
4 MR. SPIKES: If you don't mind, actually, since  
5 we have some new people involved in this process, perhaps  
6 if we can go through some introductions and get an  
7 understanding of what everybody's responsibility is for  
8 the High Speed Rail Authority, that would be most  
9 helpful.  
10 MR. FELLEENZ: Absolutely. Why don't we just,  
11 Tom, why you don't start it.  
12 MR. TRACY: Okay, I'm Tom Tracy, I work for  
13 Parsons Brinckerhoff, we are the program manager for the  
14 program, for the High Speed Rail Authority. I am the  
15 Regional Manager for the Fresno to Bakersfield project.  
16 My role is to manage the work of the design consultant --  
17 design and environmental consultant team for the  
18 Authority.  
19 MR. SPIKES: Thank you.  
20 MS. GORDON: My name is Kinzie Gordon, I'm with  
21 the regional consultant that is the JV that works on the  
22 Fresno to Bakersfield section. My role is integration  
23 manager where I integrate the efforts between our  
24 engineering and environmental teams.  
25 MR. SPIKES: Thank you.

4

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1 MR. LABANOWSKI: My name is James Labanowski,  
2 and I'm an engineer with the regional consulting team and  
3 work on the various aspects of the engineering on the  
4 train sites as well as the roadway sites and utilities.  
5 MR. VALDEZ: I'm Tony Valdez, I'm also with  
6 Parsons Brinckerhoff, I'm working on the agreement team,  
7 so I'll be working with both reimbursement agreements as  
8 well as the master agreements, those type of agreements.  
9 MR. FELLEENZ: So based on the questions that you  
10 had posed I had to bring those people who have the best  
11 knowledge.  
12 MR. SPIKES: Okay. And we all know who Jeff is.  
13 And we know who you are, Tom.  
14 MR. FELLEENZ: That's right.  
15 MR. SPIKES: So -- oh, now here comes Kevin  
16 McAlister.  
17 MR. McALISTER: I'm sorry.  
18 MR. SPIKES: That's okay.  
19 MR. ABERCROMBIE: No, no, no, Kevin, Kevin,  
20 we've got a spot --  
21 MR. SPIKES: We've got a spot right here for  
22 you.  
23 MR. McALISTER: Oh, oh, okay.  
24 MR. SPIKES: Didn't want you to feel --  
25 MR. McALISTER: Left out, thank you.

5

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1 MR. SPIKES: -- left out.  
 2 Just again for everybody sitting here, perhaps  
 3 the new folks, just maybe we can introduce ourselves too,  
 4 starting with Greg.  
 5 MR. GATZKA: Greg Gatzka, Community Development  
 6 Agency Director.  
 7 MR. ROBINSON: Dave Robinson, Kings County  
 8 Sheriff.  
 9 MR. McALISTER: Kevin McAlister, Public Works.  
 10 MR. SPIKES: Larry Spikes, County Administrative  
 11 Officer.  
 12 MS. CARLSON: Colleen Carlson, County Counsel.  
 13 MR. SPIKES: And in the audience we have Deb  
 14 West, the Assistant CAO. And Julie Green is the Court  
 15 Reporter. And we'll have to keep her in mind as we go  
 16 through this process, make sure she doesn't get  
 17 overtaxed.  
 18 All right. So I appreciate you folks coming  
 19 down again and I appreciate you bringing the folks that  
 20 would be best suited perhaps to answer some of the  
 21 questions that we raised in our letter. And I wish we'd  
 22 gotten this letter to you a little bit earlier, but I  
 23 appreciate the fact that you tried to respond  
 24 accordingly. It of course was our plan to get it to you  
 25 much earlier, but you know how things are.

1 So maybe we should start with that, if that --  
 2 unless somebody has a different idea.  
 3 MR. FELLEENZ: I think that's a good place to  
 4 start.  
 5 MR. SPIKES: Okay. Basically the letter as  
 6 outlined does -- does result from questions that were  
 7 raised in response to the letter dated April 27th to  
 8 Chairman Fagundes from Dan Richard which was an attempt  
 9 to respond to the 61 questions and issues that were  
 10 raised by the County. In response to that, this letter  
 11 was sent, and it was dated May 29th, and has questions  
 12 from each of the specific areas that were outlined most  
 13 heavily, which is from Greg Gatzka, Community Development  
 14 Director, Sheriff Dave Robinson, and Public Works  
 15 Director Kevin McAlister.  
 16 So although I didn't suggest this, but perhaps  
 17 we should start with, Greg, if you have this in front of  
 18 you, Greg, unless you want me to outline what the issues  
 19 are.  
 20 MR. GATZKA: I didn't bring a copy of it with  
 21 me.  
 22 MR. SPIKES: Okay. Starting off with that, that  
 23 particular issue, though, and Greg is well versed in  
 24 this, I will restate what his questions are. What are  
 25 the proposed mitigation approaches to address

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1 agricultural surface water delivery and groundwater well  
2 replacement for existing farming operations within Kings  
3 County?

4 Will these, quote/unquote, potential mitigation  
5 measures be presented to County Staff and our Board as  
6 they are not specific property owner agreements for  
7 compensation purposes.

8 Where is the existing water facility survey or  
9 inventory by CHSRA for purposes of CEQA and NEPA analysis  
10 to disclose existing conditions?

11 So I'll stop right there. And, Greg, if you  
12 want to elaborate on that, if any, or if that covers the  
13 questions adequately.

14 MR. GATZKA: I think that -- that covers it.  
15 The only -- the only point that we had made at the last  
16 working group meeting was that there seemed to be a lot  
17 of discussion that these were things that were in the  
18 works. But my question really was pointed as to whether  
19 -- in what timing that was going to be done, as to  
20 whether it was going to be released prior to the EIR  
21 draft, midstream through the EIR draft, or something  
22 after the effect of the approval of that document. That  
23 was one of the main questions.

24 MR. ABERCROMBIE: Well, you know, Kinzie might  
25 be able to talk a little bit about what's in the draft

8

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1 document. But, you know, I haven't been, you know, here  
2 a couple of times, and at other meetings we've talked  
3 that we do have to replace about realigning canals and  
4 whatnot. And so what -- what I have here is a handout  
5 that talks about just, you know, the hypothetical  
6 situations, you know, while they're not specific to any  
7 particular property owner and whatnot, it covers a little  
8 bit about what we've tried to articulate perhaps in other  
9 meetings.

10 And -- and actually maybe Tony can talk a little  
11 bit about it. I asked him to bring some of the  
12 agreements that we are putting together with Madera  
13 Irrigation District, you know, when we're talking about  
14 canals and specific, you know, water delivery systems.  
15 We haven't got down to the, you know, to the individual  
16 property owner type negotiations. But those -- what you  
17 have there is two examples, one of which is is the canal  
18 realignment. And the idea of making sure that it will  
19 extend underneath our right of way. And Tony can talk  
20 about some of the details where -- where we've -- I think  
21 Madera has asked for extra width so that they still have  
22 turnarounds and such. And the bottom image talks about  
23 -- just shows the relocation of the pump and what you  
24 might have to do to reconfigure water collection in the  
25 tail water and irrigation distribution systems on a, you

9

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1 know, a property type situation itself. That's just an  
2 example.  
3 I guess part of my question would be is is this  
4 the direction you're thinking, Greg, in terms of what you  
5 would expect in terms of an example?  
6 MR. GATZKA: It sounds like you're working with  
7 the districts, so you have a whole 'nother level of  
8 individual property owners and their --  
9 MR. ABERCROMBIE: Yeah.  
10 MR. GATZKA: So I understand that part. What --  
11 and this seems like an engineering diagram, but it  
12 doesn't tell us in terms of whether is there going to be  
13 a proscriptive easement that's going to be allowed to be  
14 maintained through there? These are some of the details  
15 that are going to determine whether a property owner or  
16 district is going to have a right to have access through  
17 your -- your easement for that allowance. So that's what  
18 I'm looking for, some of the approaches that the  
19 Authority is going to be willing to take to maintain the  
20 -- maintain the water availability through that. 'Cause  
21 that's going to have a direct impact on the productivity  
22 and the timing of the farming operations, whether they're  
23 going to be able to actually maintain their productive  
24 state or if they're going to have to be offline for  
25 awhile or a term where there is no productivity.

10

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1 MR. VALDEZ: So during the agreement phase what  
2 we're doing is we talk to the irrigation district, for  
3 example, where we ask them what are your irrigation  
4 seasons. So then they give us this window of opening  
5 that we can go into construction. If we cannot meet that  
6 window they've given us opportunities to create a bypass.  
7 In some cases we can maintain the flow of water to the  
8 different farmers or different folks that are needed in  
9 water.  
10 During that stage as well we also talk about  
11 conflict identification. We come up with a list of the  
12 conflicts that we do believe that are out there. They  
13 review that list with us and then they start giving us  
14 feedback. Along with these conflicts that you've  
15 identified we have some other conflicts as well. And  
16 then we start sitting down with them and reviewing  
17 approaches on how we can address those conflicts. For  
18 example, are we going to cross underneath the actual  
19 train? Are we going to put in a culvert? Those are some  
20 of the types of examples that we -- that we've talked to  
21 Fresno Irrigation and Madera Irrigation as well.  
22 We also talked about turnouts or maybe controls  
23 or trash right as well. And those are some of the other  
24 examples that they've given us to facilitate some of  
25 their operations as well.

11

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1 I've also included a copy of their agreement  
2 that we had with Madera Irrigation District. I've also  
3 included a copy of our reimbursement agreement that we  
4 talked about before we start getting into these details,  
5 so that way we can compensate them for their time and  
6 their efforts for working with us as well. Like, for  
7 example, last Friday -- excuse me, last Wednesday we met  
8 with Madera Irrigation and we went through all their  
9 conflicts, they had about eight conflicts. And during  
10 our discussions we met with the ditch tenders, we met  
11 with their chief operations facility individuals, we also  
12 met with their chief engineer, the general manager. And  
13 as we start going through every single conflict they  
14 start pointing out concerns, they start identifying flow,  
15 for instance, where they need to maintain as well. So  
16 that's the level of detail that we get into with the  
17 irrigation districts as well.

18 When it comes to easements, one of the questions  
19 that they asked is can they maintain their same easement  
20 that they had before. And so in those cases we talked  
21 about and we're going to relocate your fantail, we're  
22 going to transfer their easement to a new location.  
23 Those are things that we worked out with them. There  
24 might -- there may be a joint lease agreement somewhere  
25 down the road as well on how we work together as well.

12

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1 And those are all the items that we talked about  
2 and are included in the master agreement with them. And  
3 we can share those with you after the meeting and you can  
4 review them as well, just to give you an idea of some of  
5 the items that we include in the agreement.

6 MR. GATZKA: And you're referring to examples of  
7 --

8 MR. VALDEZ: These are actual --

9 MR. GATZKA: -- the Merced to Fresno section  
10 that their EIR was adopted, right?

11 MR. VALDEZ: This is Merced to Fresno, and I  
12 also have examples from Fresno to Bakersfield as well.

13 MR. GATZKA: So these examples, are these things  
14 that are worked out after the adoption of the EIR?

15 MR. VALDEZ: These -- I'm not quite sure. We  
16 started talking to them very early, so I wasn't quite  
17 sure what stage was the EIR approved or not. So, but.

18 MR. ABERCROMBIE: Some of the stuff that Tony's  
19 team or that they're working on is is going from what  
20 would be being put into the construction contract. In  
21 other words, going from 30 percent to full design, such  
22 as flow rates, you know, those things that are  
23 specifications that have to be included. So that, you  
24 know, while the process of knowing when you can build a  
25 canal and the window and how to make it happen versus the

13

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1 very technical nature of how big do you build it, so.  
2 Does that help?  
3 MR. GATZKA: It helps, but I don't think it  
4 still answers the question really where it gets down into  
5 the details of the EIR and the EIS process of identifying  
6 potential impacts. And then key here, agricultural  
7 production impacts that ties to our economy. How do  
8 these details factor into the productivity that's going  
9 to be impacted as a result of the High Speed Rail  
10 function?

11 MS. GORDON: I can speak to that. The economic  
12 impacts are addressed on a broad scale for the entire  
13 section within the socioeconomics chapter of the EIR/EIS.  
14 As I think everyone knows, the process under NEPA and  
15 CEQA is not really to drill down to the individual  
16 impact, but to talk on a more regional and global scale,  
17 and then to come up with broader based mitigation  
18 concepts and measures under which they both serve as an  
19 umbrella for the pathway going forward for the individual  
20 agreements that are negotiated as Tony was referring to.

21 So there will not be in the document something  
22 that identifies, say, every crossing and exactly how it  
23 will be resolved; rather, there's an indication that  
24 those water delivery systems will be preserved, that  
25 individual land owners will be compensated if things are

14

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1 altered such that they're no longer able to use land  
2 that's taken in the right of way agreement, the socioecon  
3 aspects are developed using standard methodologies and  
4 protocols that are applicable to the state and that in  
5 fact were in part developed through several of the big  
6 working groups.

7 So those are -- that's where those -- those  
8 chapters will be under, agricultural for the specifics or  
9 the general discussions, I would say, on the impacts to  
10 the ag land, and to the economic impacts and a loss of  
11 productivity on farm land, those impacts are covered in  
12 the socioeconomics chapters.

13 MS. CARLSON: May I butt in and ask a question  
14 there? You're talking about the state and CEQA. What  
15 about the level of detail required relating to the  
16 economic impacts under NEPA?

17 MS. GORDON: I believe those are also addressed.  
18 The document is intended to fulfill both the CEQA and  
19 NEPA, and the level of analysis that's handled has been  
20 reviewed by the lead agency for NEPA, which would be the  
21 FRA. So those protocols and methodologies were vetted  
22 through the FRA's NEPA specialists.

23 MS. CARLSON: While I still have -- while I  
24 still have the microphone, could you mark that as Exhibit  
25 1 and include it in the transcript.

15

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1 And any other documents you want to include,  
2 just ask for the next number to be admitted.  
3 MR. ABERCROMBIE: Tony, how many documents do  
4 you have that you were thinking of --  
5 MR. VALDEZ: I have about six.  
6 MR. ABERCROMBIE: So we're through 7.  
7 Do you need a title -- want a title read for  
8 each one?  
9 MS. CARLSON: That would be very helpful.  
10 MR. ABERCROMBIE: Why don't you read the title  
11 for each one.  
12 MS. CARLSON: And we'd prefer the ones that  
13 apply to the Fresno to Bakersfield also, if you have  
14 those.  
15 MR. ABERCROMBIE: Yeah. Make sure you clarify  
16 which ones are for which.  
17 MR. VALDEZ: I have a Standard Reimbursement  
18 Agreement for Madera Irrigation District. That falls  
19 within the Merced to Fresno.  
20 MS. CARLSON: That would be Number 2.  
21 MR. VALDEZ: I have the Draft Agreement, the  
22 Master Agreement between California High Speed Rail  
23 Authority and Madera Irrigation District. This would  
24 fall within Merced to Fresno as well.  
25 MS. CARLSON: Number 3.

16

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1 MR. VALDEZ: I have a Draft Task Order Number 1  
2 for Fresno Irrigation District. This will cover Merced  
3 to Fresno.  
4 MS. CARLSON: I'm sorry, I didn't hear the  
5 title, draft what?  
6 MR. VALDEZ: Task order.  
7 MS. CARLSON: Task order. Okay, that will be  
8 number 4.  
9 MR. ABERCROMBIE: And that's only for the Fresno  
10 station north?  
11 MR. VALDEZ: Yes, from Fresno to Bakers --  
12 excuse me, Merced to Fresno.  
13 MR. ABERCROMBIE: Okay. A clarification 'cause  
14 they're both in there. Or it covers both sections.  
15 MR. VALDEZ: I have an Appendix D from Fresno  
16 County, this is their special conditions that they  
17 identified during the Master Agreement discussion.  
18 MS. CARLSON: So that would be Number 5.  
19 MR. VALDEZ: And this would be for Fresno to  
20 Bakersfield.  
21 I have a table of contents from the Fresno  
22 County agreement. And this would be for Fresno to  
23 Bakersfield.  
24 MS. CARLSON: Number 6.  
25 MR. VALDEZ: And I have a -- meeting notes from

17

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1 Madera Irrigation District discussing their conflicts.

2 And this would be for Merced to Fresno.

3 MS. CARLSON: That would be Number 7.

4 MR. FELLEENZ: And he's also marking each one  
5 either with an MF or FB to determine -- to show which  
6 section it represents. Would you like to see these if  
7 you have questions about them?

8 MS. CARLSON: Well, it would have been nice if  
9 we were to have copies for everybody, but that's fine, we  
10 can look at them later.

11 MR. SPIKES: Can we -- who's the person at FRA  
12 who's their NEPA expert or which people?

13 MS. GORDON: It's Melissa Dumont and I believe  
14 Peter -- is Peter --

15 MR. FELLEENZ: David Allenstein.

16 MS. GORDON: David Allenstein.

17 MR. SPIKES: Okay, thank you. I was just  
18 curious because you folks are acting as agents on behalf  
19 of FRA, as I understand the legal concept, but we've  
20 reached out to FRA on a number of occasions and not been  
21 able to get any significant response. So I was just  
22 thinking if we had some names perhaps we could follow up  
23 on that interpretation with respect to that being  
24 satisfactory under NEPA. So I appreciate that.

25 MR. McALISTER: Tony, do those agreements carry

18

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1 through to post construction maintenance and operational  
2 activities of these water facilities?

3 MR. VALDEZ: The agreements do reference post  
4 construction. But we figure a joint use agreement will  
5 probably work out after the transfer agreements are in  
6 place. These agreements are just to set up the  
7 groundwork on how we're going to do work, just some  
8 logistics on how we'll -- payment, which is the most  
9 important thing for most agencies as well, what's going  
10 to be the process. What's going to be the process for  
11 the design builders are going to be design building  
12 construction, which most of the agencies are asking us to  
13 do. With the example of P.G. & E. would be they would  
14 like to do their own design work and they would like to  
15 do their own construction. So that's the type of  
16 agreement we would work out at this stage.

17 The task orders is what we're using to identify  
18 the actual conflicts, how they're going to be completed.  
19 For example, if we're going to be crossing a culvert -- I  
20 mean, excuse me, a canal, or are we going to put a  
21 culvert. So that's the level of detail we get into the  
22 task orders as well.

23 MR. McALISTER: Okay, post construction, do you  
24 have the unilateral right to stop water deliveries if you  
25 think it's in the best interest of High Speed Rail?

19

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1 MR. VALDEZ: In the agreement what we talk about  
2 is those discussions get worked out with irrigation  
3 districts. And we've set up different time frames, or if  
4 there's a way that we're not going to be able to meet our  
5 deadlines, one of the things that we've worked and talked  
6 about is a bypass in these cases.

7 MR. McALISTER: Well, again, I mean, post  
8 construction activity, after everything has been  
9 constructed, if, for example, you think there might be a  
10 leak in a culvert pipe, can you tell the ditch company  
11 stop operations?

12 MR. VALDEZ: The agreement does not get into  
13 that detail.

14 MR. McALISTER: And so that discussion is not  
15 covered as a possible impact in the EIR/EIS document?

16 MR. VALDEZ: I'm not familiar with the EIR  
17 process.

18 MR. McALISTER: Okay.

19 MR. VALDEZ: Just on the agreement stage.

20 MR. McALISTER: Okay, thank you.

21 MS. GORDON: No, it is not covered at that level  
22 of detail in the environmental document, no. Because  
23 those would be operational factors that if, for instance,  
24 a new culvert conveying a canal water diversion beneath  
25 the right of way were to be breached, it would probably

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1 be in everybody's best interest to ensure that whatever  
2 measures needed to be taken to address that leak were  
3 taken.

4 MR. McALISTER: Oh, a breach I understand. I  
5 was thinking more of a situation like we're having with  
6 one of our dams in the area where there was concern about  
7 how high can we fill the damn because possible suspected  
8 seepage. And so we were restricted from -- from raising  
9 up to -- I think we were limited to 30 percent of  
10 capacity. As it turns out, that was -- they made a  
11 mountain out of a molehill, there was no concern.

12 I was just wondering if the financial aspects,  
13 the financial impacts to irrigation suppliers was going  
14 to be addressed, and if your agreements gave you the  
15 unilateral right to stop the deliveries at any time that  
16 you suspected there might be a problem, whether the  
17 problem was real or just suspected.

18 And I don't -- I don't consider that to be a  
19 detail, I consider that to be a thing of great concern to  
20 the -- to many irrigation companies with respect to their  
21 individual facilities.

22 MS. GORDON: As I understand, the mitigation  
23 measures currently do, and the agreements as they're  
24 negotiated do strive to assure delivery and assure access  
25 to valves and things like that as well.

21

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1 MR. ABERCROMBIE: You know, Kevin, I'm going to  
2 go back with my history with CalTrans and check. You  
3 know, in my 27 years with CalTrans I've never heard of  
4 that being in any of the agreements that I've seen or  
5 worked with. So I can't imagine it would be much  
6 different with regards to as a state agency, you know,  
7 having the highway system affected in the same manner.  
8 So I think that's perhaps maybe one of the first places  
9 we should go back and double check.

10 And, Tony, I'm going to ask you to follow up on  
11 that.

12 Long term use agreements do maintain, through  
13 all that stuff, those are things that are still, you  
14 know, that those all have to, as you mentioned, be  
15 brought up, will be worked, have to get dealt with. The  
16 City of Fresno has been asking about that, you know, all  
17 of them have, Madera Irrigation District. And where  
18 we're starting to build, those will all have to be done  
19 as well as we move forward with it, so.

20 But the situation you're explaining, it's just  
21 -- I haven't come across it, you know, with regards to  
22 the highway system at all. So it would be good to double  
23 check. I think that's probably the easiest best example  
24 we could point to and let's find out what they're doing.

25 MR. McALISTER: Okay, thank you.

22

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1 MR. GATZKA: Wait, Jeff.  
2 MR. ABERCROMBIE: Go ahead.  
3 MR. GATZKA: I was going to follow up on,  
4 Miss Gordon, your statements on the project level EIR of  
5 explaining it as looking at global large scale impacts  
6 and in general. I'm actually a little confused in that  
7 because that -- that almost sounds as if you're  
8 describing the programmatic EIR, 30 thousand foot  
9 elevation, looking at a wide large scale possible  
10 impacts, but in general. Project level EIR more  
11 specific. What I have not heard is whether the High  
12 Speed Rail Authority has looked at specific facilities  
13 and resources on the ground in terms of groundwater  
14 wells, irrigation canals, and facilities, and do you have  
15 an inventory of these types of facilities and are aware  
16 of what facilities are on the ground which lends to an  
17 analysis?

18 MS. GORDON: Yes, there has been a utilities  
19 survey, as I understand, James. There also is -- now  
20 there will be in the new release, in the revised  
21 document, a table has been added that itemizes all the  
22 canals that are crossed. So there will be that level of  
23 inventory for canals.

24 I cannot speak specifically to a well inventory.  
25 I believe they've certainly looked into the municipal

23

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1 wells, but in terms of individual private wells on  
2 private land, I don't believe those have been identified  
3 specifically. However, if they should fall within the  
4 right of way, the Authority plans to make whole the  
5 individuals affected by relocating that well, if one had  
6 to be either destroyed or fall within a right of way  
7 where the access would be constrained.

8 MR. GATZKA: So then if there is project  
9 specific level inventories, and there's -- obviously the  
10 Authority has been doing an analysis, is there any -- any  
11 discussion or any -- any analysis in terms of what that  
12 potential disruption of those lines may be to the  
13 impacted parties that maybe are outside the right of way?

14 MS. GORDON: Can you speak to that, James?

15 MR. LABANOWSKI: Well, it sounds to me like  
16 that's more of an EIR/EIS question. The inventory that  
17 we did was obviously with as many of the public agencies  
18 as we could gather information from. And now that's  
19 what's included in the utility report. That was then  
20 taken, that information was just taken in a raw  
21 engineering format, given to the group that's working on  
22 the EIR/EIS to do analyses of those impacts and include  
23 that in the utility section of the EIR/EIS. So that  
24 would be the section that I would suggest, you know, kind  
25 of directing you to in terms of what those kind of

24

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1 municipal impacts are.

2 With regard to private property owners,  
3 obviously the right of way process will guide how  
4 those -- how those impacts can be mitigated. And just  
5 speaking on a very practical level, I can't see that if  
6 there's a direct impact to a well as we go through the  
7 property analysis portion of this that that well is going  
8 to be shut down and water is going to be restricted until  
9 a new well is dug. We'd obviously mitigate that and have  
10 the new system up and running before you ever had to  
11 remove any existing wells or any existing utility lines.  
12 So the intent would be, in any of the utility processes,  
13 we've kind of used this term in general to make someone  
14 whole. The idea is to impact them in the least  
15 significant amount as possible and to work with those  
16 property owners. And that's a standard process that  
17 happens when negotiating with the property owner,  
18 discussing the impacts that you have on a person's  
19 property.

20 And it sits, unfortunately, outside the EIR/EIS  
21 process. But I think the assumption is made, Kinzie may  
22 be able to speak to this, is that those individual  
23 property owner impacts shouldn't hopefully impact in a  
24 general economic sense globally what would happen within  
25 the county. Because we assume we're taking care of that

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1 and the property owner is going to continue to be able to  
2 produce and farm and do the things that he needs to do  
3 with as little interruption as possible, so.

4 MR. GATZKA: That's actually a very good  
5 explanation. That's the first time I've heard about the  
6 timing of -- of the replacement process.

7 MR. LABANOWSKI: Right.

8 MR. GATZKA: And so it sounds like a reasonable  
9 approach. But is that going to be added in mitigation  
10 for the environmental documents to ensure that the  
11 Authority is going to be --

12 MR. ABERCROMBIE: Well, the -- the first draft  
13 document, you know, there's a little section in the ag  
14 group that, and I'll paraphrase, that talks about making  
15 sure that, you know, water is not shut off or is  
16 scheduled at down times where they're not irrigating and  
17 things along those lines. And it's, you know, just like  
18 we would do with an irrigation district, you know, that  
19 there's a window of time that it happens. The same would  
20 be true when the right of way agent and the property  
21 owner sit down and negotiate when -- what needs to be  
22 done before the -- before the property is taken care of.  
23 And monetarily if they're making an agreement that will  
24 have a well replaced before the, you know, before he  
25 needs it then, you know, it gets clear.

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1 So it's a similar process on both sides. But  
2 the original draft has, as I recall, has a paragraph that  
3 kind of outlines that same process, that those things  
4 have to be taken care of so that the water is never shut  
5 off.

6 MS. CARLSON: Can I interject here because it  
7 sounds like you have the, again, the sort of 30 thousand  
8 foot level worked out, the big utility companies. But  
9 you're coming through, what, 22, 28 miles of farm land.  
10 They operate, you know, they're big commercial farms with  
11 wells. And if one or two or 10 or 27 have to be  
12 relocated, it could impact the whole farming operation.  
13 Some of them are grade driven and everything else. And  
14 so it seems to me like you should have an inventory of  
15 the farm wells that would be affected and have a  
16 mitigation plan working as part of your environmental  
17 document rather than waiting until the right of way  
18 acquisition stage of -- of the process. It doesn't --  
19 that's nonsensical to me.

20 MR. ABERCROMBIE: Greg, you ready to move on?

21 MR. SPIKES: You can just take it from there,  
22 Greg, if you want to go through the rest of these  
23 questions. Do you have that in front of you?

24 MR. GATZKA: Thanks to Colleen I've got a copy.  
25 The next one is relation to the farm equipment

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1 access and the access of your grade separated alignment  
2 for the overpasses. That falls under the public works  
3 arena as well. But that's obviously been another key  
4 question that our agricultural community has been very  
5 concerned about, large farming equipment having to get  
6 access over the easement or over these overpasses. Have  
7 you seen anymore detailed --

8 MR. McALISTER: For the design?

9 MR. GATZKA: -- design?

10 MR. McALISTER: No.

11 MR. TRACY: So is this question, this is related  
12 to specifically the overcrossings and undercrossings, or  
13 is it related to something different like --

14 MR. McALISTER: Well, our major concern is we  
15 have a lot of slow large --

16 MR. TRACY: Yeah.

17 MR. McALISTER: -- pieces of farm equipment.  
18 They have certain exemptions from the Vehicle Code  
19 regarding their width, their weight, their height, and  
20 their ability to -- they don't have to follow the normal  
21 rules of the road. And we are concerned -- this isn't  
22 going to be a normal bridge crossing where we're normally  
23 just concerned, you know, if they can go their 30 -- or,  
24 well, a hundred feet, get off the bridge without taking  
25 out a guardrail, we're happy. This is a different

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1 situation. The Sheriff and I have talked about this, and  
2 we both have concerns. How are you going to accommodate  
3 these types of pieces of equipment, especially at night  
4 or in the fog? Predominantly in the fog? No amount of  
5 lighting on the vehicle is going to help. They operate  
6 in the early morning hours when it's dark. How are you  
7 planning to mitigate those potential conflicts?

8 MR. ABERCROMBIE: So if I understand the  
9 question and, you know, the Vehicle Code does allow farm  
10 to farm transport of wide vehicles, is is you're  
11 concerned about it being over the -- over the double  
12 yellow line?

13 MR. McALISTER: In general, yes.

14 MR. ABERCROMBIE: I mean. Obviously I -- well,  
15 just -- well, I shouldn't say obviously. That's the  
16 general assumption is is if it's not with the contained  
17 -- can't be contained within -- within the eastbound  
18 direction, there could be a problem.

19 MR. McALISTER: Yes.

20 MR. ROBINSON: Well, and more so than just the  
21 double yellow line. I mean, the traffic flow itself in  
22 dense thick fog, I'm not sure if any of you are from the  
23 valley or lived in the valley during the foggy season,  
24 but traffic flow itself, even if they're contained within  
25 their own lane, I mean, going over those overpasses

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1 they're going to be moving at a snail's pace. And so are  
2 there some ideas, you know, being looked at to make sure  
3 that they have an area to cross where it's not going to  
4 impact traffic? I mean, I envision that people are going  
5 to die on these overpasses because you're putting them  
6 through farm land where people live and work every single  
7 day, and that's what I envision. And that's going to  
8 have an impact not only on families, but also emergency  
9 response times and emergency, you know, personnel.

10 This is new to Kings County. Yeah, we have  
11 overpasses in Kings County, but not running through the  
12 middle of farm land in this manner. So it just doesn't  
13 seem to detail out anywhere how that's going to be  
14 addressed.

15 MS. GORDON: It's -- it's -- it's not detailed  
16 out. I would assume that we'd be looking at -- all the  
17 roads would be built to county standards and would  
18 include shoulders of varying widths, depending on what  
19 the functions of the roadway are. If there's a wide path  
20 it would be eight feet wide; if it's not, probably be  
21 four feet wide, 12 foot lanes.

22 And in terms of inclement weather conditions, I  
23 would -- I don't know this, but I'm understanding that  
24 there typically are a lead vehicle and a trailing vehicle  
25 that would be implemented. No? That's not --

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1 MR. SPIKES: We're not talking about that, we're  
2 just talking about normal agricultural practices where  
3 they have to drive the piece of equipment from farm to  
4 farm or whatever. It's not the same thing with a wide  
5 load with a guide car.

6 MS. GORDON: No, no, I understand that. I know  
7 they can definitely overlap.

8 MR. TRACY: If they weren't crossing over an  
9 overcrossing and they were just driving down the road on  
10 a foggy day, how do you -- how are they protected?

11 MR. ROBINSON: They -- generally what we see is  
12 they'll get into the shoulder, the dirt shoulder area to  
13 keep as much of the piece of equipment off of the road.

14 MR. TRACY: Okay. So if we considered in some  
15 of those areas some -- a little bit wider than standard  
16 shoulder or a way to, yeah, to make sure they can get as  
17 far over as they can, there still would -- I imagine they  
18 would run with lights on at least, but I think the  
19 widened shoulder, we could look at that.

20 MR. ABERCROMBIE: Well, the ag working group  
21 talked a little bit about this, and it doesn't -- and the  
22 case is the same I think as what Tom started to point out  
23 is is in the fog if they're moving and, you know, even  
24 though they're using part of the shoulder, you know, they  
25 are out into the road, you can have somebody come up

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1 behind them. I mean, that -- that situation hasn't  
2 really changed.

3           What would change is, as what I'm hearing from  
4 you, is is in them going over the shoulder they are at  
5 least for a longer period of time potentially impending  
6 the opposite direction traffic. And we can talk about  
7 the, you know, the -- when we do design the standards  
8 that includes signage, you know, or curves, you know,  
9 that would be, you know, appropriate, and including sight  
10 distance. But in the fog, you know, sometimes people  
11 don't slow down and, you know, those are things that you  
12 design around and do your best for, but you can't,  
13 obviously, you know, for people who are going to ignore  
14 the rules, you can't do it.

15           What Tom hit upon is really what -- what, you  
16 know, I've asked the team is where it's possible is is,  
17 you know, to take into account that if you had a 12 foot  
18 lane and an eight foot shoulder, that's going to  
19 accommodate almost any piece of equipment that is being  
20 moved back and forth, generally speaking. It would --  
21 and all be contained within one lane, you know, or -- let  
22 me rephrase that, not one lane, one direction of travel.  
23 And I think that's, you know, the most appropriate type  
24 of solution with regards to where we're at. Especially  
25 with regards to, you know, in farm country they do,

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1 they -- they drive half on, you know, halfway off, you  
2 know, out into the other side and they swing around the  
3 telephone poles or whatever they need to do, you know,  
4 with visibility. And, you know, the ones that I think  
5 that are more concerned, are trying to move it on a day  
6 that's not so good for visibility, they probably do have  
7 a farm truck, I've seen that too, that you've got a, you  
8 know, a guy driving the tractor and the farmhand on the  
9 one side or the other, you know, and usually behind them  
10 because it's the slowing traffic you need to get done.

11           So that would be -- that's the direction that  
12 we've been heading is is to make sure that we've got  
13 ample width for the overcrossings to accommodate those  
14 types of things.

15           MR. TRACY: Another thing that maybe we could --  
16 if you've got some ideas based on discussions that you've  
17 had with the -- with your farming community, what would  
18 work for that, maybe some things that we could consider.  
19 I don't know if there's, you know, Jeff mentioned special  
20 signage, I don't know if we could consider special  
21 lighting in certain weather conditions. I don't even  
22 know how you would work that.

23           MS. CARLSON: I can say that width is a really  
24 important factor, the width, because --

25           MR. TRACY: Yeah.

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1 MS. CARLSON: -- living in the valley my whole  
2 life I was always taught in the fog you drive, you know,  
3 to the yellow line. I mean, that's your guiding light.  
4 MR. TRACY: Sometimes that's all you can see is  
5 the fog line.  
6 MS. CARLSON: Exactly. And if the, you know,  
7 piece of big farm equipment is, you know, a foot over the  
8 guiding light, you're in trouble.  
9 MR. TRACY: Yeah.  
10 MR. McALISTER: Are you planning on constructing  
11 the bridges to stopping side distance?  
12 MR. TRACY: Certainly.  
13 MR. ABERCROMBIE: Yes. Design speed --  
14 MR. McALISTER: You aren't considering the  
15 passing side?  
16 MR. ABERCROMBIE: Tom -- or excuse me, James,  
17 where are we at there?  
18 MR. LABANOWSKI: Yeah, we don't anticipate -- we  
19 don't anticipate that there would be any passing on the  
20 overcrossing, so as they approach the overcrossing, given  
21 the design speeds, it would only be designed for stopping  
22 side distance. You wouldn't have a double yellow line  
23 and have people crossing over on an overcrossing.  
24 MR. ABERCROMBIE: CalTrans typically will put a  
25 double yellow line to prevent that.

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1 MR. LABANOWSKI: Yeah, exactly. So they'd be  
2 striped. But does that mean the people aren't going to  
3 do it? Yeah. You know, I understand. Especially in a  
4 county situation where roads are straight for miles and  
5 miles and miles, a lot of times the signage and the  
6 striping guidelines are ignored. But for the purposes of  
7 what we're doing, stopping side distance, so.  
8 MR. McALISTER: Okay.  
9 MR. GATZKA: In relation to that question has  
10 there been any kind of a survey or, I don't know if  
11 analysis would be, the existing farming operations that  
12 we have to know which operations would have to cross over  
13 because of land that would be owned on the opposite side  
14 of the -- the High Speed Rail alignment?  
15 MR. TRACY: Numbers?  
16 MR. ABERCROMBIE: Yeah, that would be part of  
17 our right of way activity group. I don't know how  
18 you've -- if they've gone through and identified. And  
19 part of the problem with the right of way group or with  
20 regards to that is is just doing a simple title search  
21 doesn't necessarily take care of that either. I don't  
22 know, Greg.  
23 MR. TRACY: Yeah, I don't think we have, but  
24 that's --  
25 MR. GATZKA: Well, then I guess the question is

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1 would you envision doing what you're talking about with  
2 the possibly wider overpass on every overpass or in areas  
3 that primarily have the biggest need?

4 MR. LABANOWSKI: Let me just address that real  
5 quick. The initial engineering analysis that guided  
6 which widths, because what would be a good number on  
7 overcrossings is basically two widths, either a 32 foot  
8 width or a 40 foot width. And the only change is two 12  
9 foot lanes, the only change is to width of the shoulder.  
10 So in the case of the -- the narrower overcrossings,  
11 that's a four foot shoulder as opposed to an eight foot  
12 shoulder. What we used to guide that was strictly  
13 average daily traffic volumes. And when we hit the value  
14 of greater than 2,000 ADT, then we had the wider  
15 structure.

16 I'm trying to get an idea, actually I have a  
17 message back to the office right now to get an idea of  
18 what the proportion is, not that we would deal with each  
19 of the specific ones today, but at least proportionately  
20 how many we have that are at 40 feet versus 32 feet.

21 And I know that internally as this question came  
22 up that Jeff and Tom and I have all talked about maybe a  
23 more rigorous thought process or analysis of the roads  
24 that are 32, you know, are -- is there a question, given  
25 some of the operations that appear to be going on in

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1 those areas from a farming standpoint, that it would make  
2 sense that outside of the official, you know, kind of  
3 engineering analysis that we'd widen those to 40 feet.  
4 And I think we're taking a closer look at those to  
5 determine if in some cases 40 feet would be more  
6 appropriate.

7 From an engineer -- from an environmental  
8 standpoint for us to go from 32 feet to 40 feet right now  
9 really wouldn't create any impacts to the work that we're  
10 doing on the environmental side of things. So it's just  
11 really a matter of kind of determining that.

12 And as Tom stated, we have done a detailed kind  
13 of analysis of trying to understand the operation of the  
14 individual farms around each one of these crossings. And  
15 I think that can be looked at with a little more detail  
16 to help guide that decision about 32 versus 40, so.

17 MR. ABERCROMBIE: What I'd suggest that for this  
18 particular one is we make it an action item to go back  
19 through the table of crossings, let's find out which ones  
20 are which, and then sit down with whoever and whatnot and  
21 let's take a look and see.

22 MR. TRACY: Or even if you had nominees, I mean,  
23 if you said, well, these are clearly -- clearly the ones  
24 that, you know, or if they all are, you may -- you may  
25 think they all are, and that's okay, I guess.

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1 MR. GATZKA: But, Tom, the missing piece in that  
2 really is in the surveying analysis with the farming  
3 operations, because otherwise you'd be asking us for a  
4 guess. Because in any project that we ever deal with in  
5 permitting, we don't know the full operations or -- or  
6 the needs out there until we do that study and do that  
7 analysis, so there's no way that we could ever --

8 MR. TRACY: Okay.

9 MR. GATZKA: -- advocate for a specific  
10 overpass, not knowing the full operations out there for  
11 the ag community. If the analysis is going to rely  
12 primarily on ADT, you're going to miss the boat on  
13 agricultural equipment.

14 MR. TRACY: Okay, so we can get with the ag  
15 commissioner and farm bureaus and talk with them.

16 MR. ABERCROMBIE: Let's do a follow up. The  
17 first thing I need is the inventory, all right.

18 MR. LABANOWSKI: And just as we were talking I  
19 got a text message from the folks back in the office. So  
20 it's -- there are proportionately more that are the  
21 narrower section than are the wider section. So I think  
22 it's a worthwhile comment to explore.

23 And, you know, if we can get a direct  
24 recommendation, just to give you an example of how we  
25 work with some of the other agencies, when you've got a

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1 direct recommendation from, you know, whether it's a  
2 public works department or the ag commission or whoever  
3 that says, look, it's very important to us that these  
4 crossings be like this, from an engineering side of  
5 things, it's no problem for us to accommodate that.

6 So it's -- it's, you know, we're looking to  
7 co-labor with you to guide that process. But from an  
8 engineering standpoint, sorry to have my engineering hat  
9 on but, you know, I just kind of look at the numbers and  
10 go with it that -- from that standpoint unless somebody  
11 raises their hand and says the numbers don't always work,  
12 don't always add up. So appreciate the opportunity to  
13 hear from you guys on that, so.

14 MR. GATZKA: Kevin, do you have anything else on  
15 overcrossings or right of way?

16 MR. McALISTER: Not just yet.

17 MR. GATZKA: The next one I had on my list for  
18 notes, and these were follow up from last time, was the  
19 more in depth discussion on the pesticide potential drift  
20 and analysis related -- related to that to know how that  
21 may impact our farming operations in the county. Is  
22 there any additional detail that you can provide? Does  
23 the initial -- the previous project level EIR really did  
24 not address that. It referenced a spraying operator who  
25 didn't think there would ever be a problem; to us that

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1 really did not lend any analysis or any real in depth  
 2 discussion on that subject.

3 MS. GORDON: There has now been a new appendix  
 4 added to the final EIR/EIS from Merced/Fresno which will  
 5 also be incorporated into the Fresno/Bakersfield section,  
 6 that's appendix 3 -- 3.3-A, "Potential Impacts From  
 7 Induced Winds," and it does not specifically speak to  
 8 pesticide drift, but it does speak to the impacts the  
 9 train would have on buffeting and the distances that wind  
 10 -- induced wind would occur and sort of kind of how the  
 11 properties of the aerodynamics will slowly dissipate with  
 12 distance from the right of way. And there's some  
 13 discussion in this document, we've brought some copies.

14 MR. ABERCROMBIE: Let's make that --

15 MS. GORDON: Exhibit --

16 MR. ABERCROMBIE: -- 8.

17 MS. GORDON: -- 8. And the title is "Potential  
 18 Impacts From Induced Winds." There's a discussion in  
 19 here -- one thing that becomes clear, there's very little  
 20 hard data and, you know, specific studies have been done  
 21 on high speed trains, but there have been several  
 22 calculated efforts to project and predict what the winds  
 23 would be.

24 There is a discussion in here on impacts from  
 25 fugitive dust, which would be somewhat similar in terms

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1 of suspended particles moving away from the train.  
 2 There's also a discussion of potential effects on bee  
 3 pollination.

4 And in general the conclusion is that the wind  
 5 -- induced wind I suppose is the way they refer to it,  
 6 that is caused by a train traveling at the estimated  
 7 maximum speeds would dissipate fairly quickly such that  
 8 by the time you were at the edge of the right of way they  
 9 would be not much different than what the weather  
 10 services report as average winds and gusts. So they're  
 11 bounded within the range of normal.

12 So the conclusion is that there should not be  
 13 significant impact from induced winds on either dust  
 14 generation, bee activity and pollination along with the  
 15 orchards and whatnot along the right of way, and this  
 16 could be extrapolated for pesticides. The pesticide  
 17 drift issue is not specifically culled out in the memo.

18 MR. ABERCROMBIE: And I'll -- if you look at  
 19 page 2 is where it starts out as the engineering  
 20 calculations which, you know, is boring, but it  
 21 culminates on page 4 with the graph, which is a little  
 22 easier to look at. And it talks about, you know, and  
 23 I've shared before that the induced wind as indicated is  
 24 anywhere between 10 and 20 percent of the train speed.  
 25 That is -- is at essentially about 10 feet from the side

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1 of the train, and then it continues to drop off. The  
2 equation maxes out at about 30 feet. Our right of way in  
3 almost all our circumstances are greater than 30 feet.  
4 And so you can see there out at about 30 feet you're  
5 somewhere around two miles per hour for an induced wind.

6 What is a nice check, what's kind of interesting  
7 in there, if you look below the graph in section 2-2, it  
8 corr -- that equation correlates well to the -- to a  
9 study that was done in Germany for worker safety in terms  
10 of in the right of way. And that's what 2-2 covers a  
11 little bit was -- and it -- and it plots well with what  
12 they experimentally measured, you know, versus what the  
13 equation did.

14 And then as Kinzie pointed out, it talked a  
15 little bit about some of the way they saw it. This memo  
16 or the predecessor or the precursor to this with regards  
17 to this memo was shared with the Department of Pesticide  
18 Regulations and whatnot, and the ag working group looked  
19 at it a little bit with regards to it.

20 And, you know, based on -- based on that wind  
21 speed at two, you can see a little farther down in the  
22 document on the next page 5 it -- they looked at the ten  
23 year averages for the meteorological data, and that's  
24 what Kinzie referred to with regards to average wind  
25 speed and wind gusts and whatnot, so.

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1 MR. FELLEENZ: Did you want to mark this as the  
2 next one in line? That's Number 8. And the title of  
3 that would be "Impact From Induced Winds, Appendix  
4 3.3-A".

5 MS. CARLSON: She just did that, so thank you  
6 for following up.

7 MR. ABERCROMBIE: But we got it covered, it's  
8 twice now.

9 So, you know, the -- with regards to the effect  
10 based on the train, you know, where -- where there's a  
11 farm split, obviously there is a new corridor that an  
12 agricultural operation would have to address. Where --  
13 where we're already along the road or anything like that  
14 then, you know, those conditions exist and the farming  
15 operations, you know, have -- have developed to, you  
16 know, whatever that farmer has done, has developed to --  
17 his protocols to match it. So I know you probably will  
18 want to spend time looking at that, and it may generate  
19 more questions too, but.

20 MR. GATZKA: Yeah, just I was looking at the --  
21 because it states Sterling and Baker 2010, so I was just  
22 trying to see what -- what that reference was coming  
23 from. Was that an individual study that was done for the  
24 High Speed Rail Authority or was that a separate  
25 independent --

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1 MR. ABERCROMBIE: The Sterling and Baker is --  
2 was the German study I referenced, if I understand -- if  
3 I remember correctly. It was done on German High Speed  
4 Rail or for German high speed rail trains.  
5 MR. GATZKA: Not being familiar with -- with  
6 Germany, do they have this high of regulatory standards  
7 as we do in California for pesticide use?  
8 MR. ABERCROMBIE: They didn't study pesticides.  
9 That's what -- this was specifically with regards to what  
10 the width -- what -- what winds may be generated.  
11 MR. GATZKA: So I know you've got -- you've got  
12 some studies and analyses and the engineering factors in  
13 here to understand wind factor. But the key thing goes  
14 to the pesticide use and application. You mentioned you  
15 had discussions or you'd been venting this with the  
16 Department of Pesticide Regulation, and what has their  
17 feedback been on this and their perspective on how that  
18 may impact pesticide usage since this is -- we're talking  
19 -- if you're still on the same frequency of trains  
20 operating every six minutes, coming through, that's a  
21 pretty frequent occurrence of that wind factor versus  
22 what the agricultural community is used to now. And has  
23 there been any -- any study or analysis in terms of  
24 existing freight rail and how that industry, pesticide  
25 use, has had to adapt to that? Because we do have one

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1 case in Kings and Fresno County of a lawsuit that was  
2 filed in relation to pesticide drift because of a freight  
3 train. So we know -- we know that that's a reality that  
4 our ag community may be faced with. But I'm still not  
5 seeing anything in here that is directly addressing the  
6 potential liability of that type of operation, the  
7 potential buffering of that just due to the fact that  
8 pesticide operators may not even want to go near the  
9 train within a hundred miles -- a hundred feet or  
10 something of that nature, I don't see anything in here  
11 that -- that really addresses that issue.  
12 MR. ABERCROMBIE: Well, what we're saying in  
13 this document is -- is, you know, the wind in and of  
14 itself, the train in and of itself, isn't going to  
15 affect, you know, the -- a pesticide application that is  
16 properly applied.  
17 Now, if I understand through the Agricultural  
18 Commissioners, drift means is they're not supposed to  
19 have that go past their property. Not supposed to be on  
20 a public road, wouldn't be -- shouldn't be on our High  
21 Speed Rail right of way, shouldn't be on the freeway, et  
22 cetera. That would I think be the layman's term of  
23 drift.  
24 So what the paper indicates is is if it's  
25 properly applied, then that's not going to be a problem.

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1 If they apply it over the high speed train then, yeah,  
2 that would be a problem. But that's not then being  
3 applied correctly.  
4 MS. CARLSON: I have a question. I don't really  
5 do math that well, so you were talking about by the time  
6 the train came through it -- it's effects, its wind  
7 effects would abate by the time it reached the outside of  
8 the right of way, if I said that correctly. Does that  
9 formula take into account the trains over and over and  
10 over again, or is that just one train coming through and  
11 the dis -- the amount of time between each of those  
12 trains, would that have any impact on the formula?  
13 MR. ABERCROMBIE: I'd have to go back and ask  
14 the specialists. I don't believe it would in a five  
15 minute, you know, six minute time increment.  
16 James, if you can -- if you do have a comment.  
17 And, again, I just -- I do -- I do -- I do  
18 want to -- I want to clarify that what we're saying is is  
19 that the wind speed is nominal out at the right of way.  
20 And we didn't -- you didn't say the word "zero," but it  
21 was "nonexistent" I think was the word you used, and what  
22 we're saying is is we expect it to be somewhere less than  
23 two, two and a half, three miles an hour, so.  
24 MR. TRACY: I understood it dissipated in  
25 something like 20 seconds.

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1 MR. ABERCROMBIE: Well, gust-wise, yes. I'm  
2 sorry.  
3 MR. TRACY: Yeah. And then, you know, so if  
4 another train came along in six minutes, then that  
5 wouldn't tend to be a cumulative effect. That's just off  
6 the top of my head. So we'd have to have somebody really  
7 look at it.  
8 MR. LABANOWSKI: That's all I was going to say  
9 too. There's no, yeah, it doesn't accumulate and then,  
10 you know, since they're waiting for the next train to  
11 come by and --  
12 MR. TRACY: Have a tornado.  
13 MR. LABANOWSKI: Yeah.  
14 MR. TRACY: No tornadoes.  
15 MR. ABERCROMBIE: Do you recall whether the DPR  
16 letter went to the Merced/Fresno? That's probably part  
17 of the admin record, but was it in the -- excuse me, in  
18 the Merced to Fresno document?  
19 MS. GORDON: The what?  
20 MR. ABERCROMBIE: The DPR, the Department of  
21 Pesticide Regulations letter?  
22 MS. GORDON: I do not know if that's in the  
23 appendix. But it would be on the record, certainly.  
24 MS. CARLSON: Back to you, Greg.  
25 MR. GATZKA: Yes, I was going to say that's

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1 pretty much what I had on my questions of the letter was  
2 -- the other one was whether you were going to provide  
3 analysis of some of those things. And I do appreciate  
4 your sharing some of this information, it kind of gives  
5 more -- more background on what you're going to be  
6 releasing on the drift.

7 MR. FELLEENZ: Greg, I have a suggestion. You  
8 mentioned that there was a lawsuit where there was an  
9 allegation there was pesticide drift because of a freight  
10 train. Can you share that information with us and we can  
11 kind of look at where that information -- what --

12 MR. GATZKA: Well, unfortunately it was a civil  
13 case.

14 MR. FELLEENZ: Okay.

15 MR. GATZKA: And it was -- and so a lot of the  
16 documents can't even be shared with us. But the farming  
17 operator who operates both in Fresno and Kings is the one  
18 that's conveyed a lot of the information to us.

19 MR. FELLEENZ: I see.

20 MR. GATZKA: We've asked, but we haven't been  
21 able to.

22 MR. ABERCROMBIE: Yeah, Tom, we asked several,  
23 you know, back awhile ago when we were here with regards  
24 to that. And as Greg mentioned, they haven't been able  
25 to get it either. It would be helpful information I

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1 think when you're talking about trying to understand the  
2 concerns and what really happened and whether or not it  
3 could be repeated. It doesn't -- it doesn't appear to be  
4 so. But, you know, that's, again, you know, I think  
5 probably the best part of the -- biggest part of their  
6 argument is is, you know, how it really was applied.

7 MR. GATZKA: That case having been kind of like  
8 in our back yard, though, that sends a strong message  
9 through the industry in terms of how they're going to be  
10 willing to operate and spray pesticides. And due to  
11 their own liability they are going to operate -- they're  
12 already operating away from freight rail to begin with,  
13 but they operate -- the details we did get, they have to  
14 operate within certain windows of when that train is  
15 coming through and a time buffering between it.

16 So that's why it begs the question, High Speed  
17 Rail operating every six minutes, there may not be a  
18 window period for them to even be able to operate in  
19 between the train operating. I think what we had gotten  
20 feedback from the farming operator was that -- in that  
21 civil case I think they were required to have a 200 foot  
22 buffer from -- during -- during freight rail operations  
23 they were supposed to buffer from that and not operate  
24 pesticides during a certain window period of that freight  
25 rail coming through. And they had to coordinate -- the

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1 pesticide operator had to coordinate with the rail  
2 schedule.  
3 So that -- that reality is out there. That's  
4 why it's -- it's a very important question for us because  
5 if a farming operation has to -- if it's near your High  
6 Speed Rail alignment, has to accommodate your train  
7 schedule, there is no window for them. So just the  
8 nature and liability, that operator probably isn't going  
9 to spray or apply in his normal manner within a certain  
10 buffer. What buffer we don't know. But that's a  
11 question that we've been asking.  
12 MR. ABERCROMBIE: Can you share the operator's  
13 name?  
14 MR. GATZKA: I don't have the operator's name.  
15 I just have the farming operator.  
16 MR. ABERCROMBIE: Okay, the farming -- I wasn't  
17 sure whether you were talking about the pesticide  
18 application operator or the farmer himself.  
19 MR. GATZKA: Okay.  
20 MR. FELLEENZ: Thank you, that's helpful to  
21 understand, you know, the facts of those cases and what  
22 the concern is. Thanks.  
23 MR. GATZKA: Just to follow up from the last  
24 couple meetings, we did ask if we could get access to the  
25 GIS data on the alignments. And if I recall, that was --

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1 okay, I guess he's going to point at Tom.  
2 MR. TRACY: Me?  
3 MR. GATZKA: Even though you weren't here --  
4 MR. ABERCROMBIE: The GIS data.  
5 MR. TRACY: Okay, what did I not do?  
6 MR. GATZKA: The rest of the group I guess  
7 obligated you to get some GIS data on the High Speed Rail  
8 alignment.  
9 MR. ABERCROMBIE: The alignment data.  
10 MR. GATZKA: If I understand the responses  
11 correctly from last time.  
12 MR. TRACY: Okay. I guess -- I apologize, I'll  
13 get that as soon as I get back.  
14 MR. ABERCROMBIE: That's my fault, Greg.  
15 MR. TRACY: That should be easy to do.  
16 MR. ABERCROMBIE: But if he -- if you don't have  
17 it in a week, Tom is the guy.  
18 MR. TRACY: No, I'll get it, Greg. Do you want  
19 it -- what format? Do you want it in like a KMZ format  
20 or do you actually want the full broad GIS stuff?  
21 MR. GATZKA: GIS data is perfectly fine.  
22 MR. TRACY: Okay.  
23 MR. GATZKA: And then one other followup  
24 question: Since our first meeting with Chairman Dan  
25 Richard, he indicated that he was going to be possibly

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1 working with the Governor on dairy permitting  
2 streamlining; has there been any -- any further  
3 discussions or any progress on any of that?

4 MR. FELLEENZ: I don't have an update on that,  
5 but I'll get that for you.

6 MR. SPIKES: Well, I think that next in the  
7 letter were a list of questions, comments raised by  
8 Sheriff David Robinson. And so with that, I would just  
9 suggest, David, if you could follow up with those  
10 questions and maybe get some responses.

11 MR. ROBINSON: You've seen the questions that I  
12 sent in? Okay, then I won't -- I won't read them.

13 The -- one of them was partially addressed  
14 earlier, and that was there's two road closures that I  
15 think could potentially be significant, the 9th Avenue on  
16 the east alignment, the .3 miles southeast of the Kings  
17 River which results in 2.25 miles of out of direction  
18 travel; and then the other is the South 10th Avenue in  
19 the Guernsey area. And just both of those locations  
20 are -- are going to be difficult. The one in the north  
21 end of the county because you're going to have to go so  
22 far around it's going to obviously create some lengthy  
23 response times in that area; and the south one, 10th  
24 Avenue, on the other alignment, because that is a main  
25 roadway that we use, emergency personnel uses to work

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1 between Hanford and Corcoran, south Hanford, which is  
2 county jurisdiction, and then the Corcoran area.

3 We're in the process, we have a fire station now  
4 in the Guernsey area and we've been working on opening up  
5 substations in other areas of the county, and that's one  
6 area that we're working on putting law enforcement  
7 personnel in the old fire station to operate out of.

8 And so I would just, you know, I know that it  
9 was brought up earlier that those are things that can be  
10 discussed down the road if there's going to be some  
11 significant impacts by a road closure, that that can  
12 possibly be studied further, but I want to point those  
13 out that those definitely could be significant impacts.

14 MR. ABERCROMBIE: Well, that's why I did bring  
15 the maps. And James can talk a little bit about this  
16 while he's here. In the -- James, correct me, on the --  
17 let's talk at the north one there at 9th, in that little  
18 pocket area between the two rivers and whatnot.

19 MR. ROBINSON: Right.

20 MR. ABERCROMBIE: There's one residence in that  
21 area?

22 MR. ROBINSON: Right.

23 MR. ABERCROMBIE: And then farming operations?

24 MR. ROBINSON: Yes.

25 MR. ABERCROMBIE: Okay.

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1 MR. ROBINSON: When you say one residence,  
2 that's that's going to be eliminated one residence or.  
3 MR. LABANOWSKI: Well, there's just only one  
4 residential property that we can kind of see within that  
5 area. And obviously when we were making decisions about,  
6 you know, which locations would include crossings, we  
7 didn't have the benefit of discussions with you about  
8 typical emergency routes and things like that.  
9 MR. ROBINSON: Right.  
10 MR. LABANOWSKI: So I think that's why we are  
11 open to a discussion about if there's a route that is  
12 typically used, we certainly don't want to close that  
13 route. So, you know, when we looked at this road versus  
14 that road versus the other one, we took into account  
15 ADT's, as I mentioned earlier, just the volumes that are  
16 used, we took into account what we could see visually  
17 from aerial photography and mapping that we had, and then  
18 we tried to determine where to best place these because  
19 we couldn't, you know, obviously put one every half a  
20 mile or so, so we were trying to hit the major roads.  
21 And so it's good to have those discussions with you and  
22 we can sit in front of the maps down there and --  
23 MR. ABERCROMBIE: This might be, these two  
24 questions, between those two, might be worth going down  
25 to the table.

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1 MR. LABANOWSKI: Sure, I'll do that.  
2 MR. ROBINSON: Sure.  
3 MR. SPIKES: Actually, if we could maybe just  
4 take a break and -- are you ready for that? Okay. Take  
5 a break and then when we can reconvene over those maps.  
6 And remember that issue again about making sure you  
7 identify who's speaking for her purposes. Thank you.  
8 (Recess taken.)  
9 MR. SPIKES: Okay, if everybody is ready we can  
10 pick up where we left off, which was to look at some maps  
11 that were associated with some of the questions that were  
12 raised by Sheriff Dave Robinson regarding some specific  
13 traffic corridors. And I think we have for the record  
14 those up on the screen on the computer that can be looked  
15 at better than just spreading out maps around a table.  
16 Unless I'm mistaken, that that's what we accomplished.  
17 MR. ABERCROMBIE: We're halfway there.  
18 MR. SPIKES: Okay.  
19 MR. ABERCROMBIE: Halfway there. That one?  
20 MR. TRACY: That's west Hanford, but it's not  
21 the one we were just looking at.  
22 MR. ABERCROMBIE: You won't -- you won't --  
23 MR. TRACY: It's not enough of it. Okay.  
24 That's not it. That's Fresno, sorry. And Jeff.  
25 MR. ABERCROMBIE: Want to put it on a thumb

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1 drive?  
2 MR. TRACY: It's not on a thumb drive.  
3 MR. ABERCROMBIE: She can put it on thumb drive.  
4 MR. TRACY: All right.  
5 MR. ABERCROMBIE: You were -- you were -- you  
6 were giving us -- Sheriff Robinson was giving us a  
7 description about his services in the area about the boat  
8 ramps, and if you rehash that, then bring the maps up,  
9 we'll talk about it.  
10 MR. ROBINSON: Yeah, absolutely. So basically  
11 between the equivalent of 9th Avenue and the Dejong side  
12 of the river, that's one of the access points to get to  
13 the weir that's down by the golf course, which is closer  
14 to 12th Avenue and Dover Avenue. And so during the  
15 summer months it's very high volume of traffic that --  
16 floaters and boaters on the waterway, and we only have  
17 limited access points. And that's one of our emergency  
18 personnel access points is that location. And so if  
19 there's a way that that roadway could be at least open to  
20 emergency personnel access and probably the property  
21 owners in that area, that would help alleviate the 2.25  
22 mile, you know, delay that you'd have to go around to get  
23 into that area.  
24 MR. ABERCROMBIE: Zoom, zoom, zoom, zoom. Okay.  
25 Scroll down just a little bit. Well, up, the other down.

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1 MR. ROBINSON: There you go, right there.  
2 MS. CARLSON: Jeff, you're a little happier than  
3 usual, is that because you're leaving soon or what's  
4 going on there?  
5 MR. ABERCROMBIE: That's a -- that's -- that's a  
6 rumor.  
7 MR. GATZKA: It's gone viral though.  
8 MR. ABERCROMBIE: Does that make people happy?  
9 Without the street names I'm --  
10 MR. ROBINSON: Well, you're right there, if you  
11 go to the right. Go straight over to the right.  
12 MR. ABERCROMBIE: This is -- this is -- this is  
13 the only one in.  
14 MR. ROBINSON: No, you're too far up. Go down.  
15 Right there. That's Denver.  
16 MR. ABERCROMBIE: Okay.  
17 MR. ROBINSON: And then the landing areas that I  
18 was talking about is right there exactly. So that's 9th  
19 Avenue there where the hand is that goes straight down.  
20 Yeah.  
21 MR. ABERCROMBIE: Is this an addition, Tom?  
22 MR. TRACY: No, that's --  
23 MR. ROBINSON: That looks to me like one of the  
24 older ones because I recall that from one of the previous  
25 maps.

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1 MR. LABANOWSKI: Yeah, that's an old --  
2 MR. ABERCROMBIE: Because that's not even on the  
3 one that you guys printed for me two weeks ago.  
4 MR. LABANOWSKI: Right, that's an old one.  
5 MR. ROBINSON: Right.  
6 MR. ABERCROMBIE: Just that map's two weeks old.  
7 All right. So based on -- why don't you tell me what the  
8 roadway network is in here, James, since I don't know  
9 anymore.  
10 MR. SPIKES: That interchange that's depicted  
11 there I think is on 10th Avenue.  
12 MR. LABANOWSKI: Well, yeah, this is not the  
13 best map to be using.  
14 MR. SPIKES: Just to give you some knowledge of  
15 where the avenues are.  
16 MR. LABANOWSKI: Right, right, exactly.  
17 MR. SPIKES: Or am I wrong?  
18 MR. LABANOWSKI: So that's 4-- that's 4- --  
19 MR. ROBINSON: Yeah, right, 43.  
20 MR. LABANOWSKI: That is 43.  
21 MR. ROBINSON: Exactly.  
22 MR. LABANOWSKI: So what you're talking about --  
23 MR. SPIKES: So 10th is over there, yeah.  
24 MR. ROBINSON: And that's Denver --  
25 MR. LABANOWSKI: Right.

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1 MR. ROBINSON: -- where the hand is.  
2 MR. LABANOWSKI: Right. So Cairo is?  
3 MR. ROBINSON: Is north.  
4 MR. LABANOWSKI: Oh, Cairo is up in there,  
5 sorry. Now I'm oriented.  
6 MR. SPIKES: Sorry, that interchange is 8th  
7 Avenue.  
8 MR. LABANOWSKI: Yeah, let's not -- let's not  
9 look at that.  
10 MS. CARLSON: Wait, wait, wait. Everybody be  
11 reminded that the Court Reporter cannot get everybody  
12 talking over each other. So don't just shout out, you've  
13 got to say your name or whatever, give her a chance.  
14 MR. ABERCROMBIE: Sorry.  
15 MR. LABANOWSKI: Okay. So, Tom, would you mind  
16 pulling the map down just slightly so that -- no, the  
17 other direction. Okay. So the landing area that, Dave,  
18 you're talking about is there about in the middle of the  
19 map.  
20 MR. ROBINSON: Correct, right there. So  
21 straight down is 9th Avenue. And then that's Denver  
22 there.  
23 MR. McALISTER: No, Denver is north of there,  
24 David. That's Denver where the hand is.  
25 MR. ROBINSON: Oh, okay.

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1 MR. ABERCROMBIE: This is Jeff. This is -- this  
2 is what you were pointing to me at the map.

3 MR. ROBINSON: Oh, I see. Okay. Yeah, you're  
4 right. I was -- yeah, you're right. Over a little bit  
5 farther.

6 MR. SPIKES: That's 9th.

7 MR. LABANOWSKI: Okay. So that's the landing  
8 area. And then the first overcrossing, Tom, if you slide  
9 the hand down to that, that's Cairo. And that's about as  
10 it is today.

11 MR. ROBINSON: Okay.

12 MR. LABANOWSKI: And so what we're talking about  
13 is the two and a half mile detour to go out and around  
14 that that we're trying to -- trying to figure out a way  
15 to mitigate that. And so Tom had the profile up earlier,  
16 one of the options that we could consider is if the road  
17 were high enough -- or I'm sorry, if the profile were  
18 high enough, that potentially we could put an  
19 undercrossing at any point along there that would allow  
20 for, if nothing else, private and emergency vehicle  
21 access to mitigate that -- that two and a half mile --  
22 that two and a half mile detour. That's one option that  
23 could be explored.

24 In looking at it briefly it looks like we do not  
25 have a significant height in our profile at that point,

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1 but that doesn't mean that an undercrossing still  
2 couldn't be done. We'd have to look at potentially is  
3 there some way to make a compromise between the road and  
4 the profile of the train to still allow vehicles to come  
5 in and underneath. So we can take a look at that.

6 MR. ABERCROMBIE: How much clearance do we have  
7 above the farm -- Jeff -- farm land? Can you tip --

8 MR. LABANOWSKI: Elevation-wise?

9 MR. ABERCROMBIE: Elevation, yeah.

10 MR. LABANOWSKI: Yeah, I'm looking at the map, I  
11 think we're about 10 feet. Which isn't that much higher  
12 than normally when we're at grade. When we're at grade  
13 through most of the train alignment itself we're about  
14 eight feet elevated. So we're only a couple of more feet  
15 elevated. And as we come across the channel that allows  
16 us enough elevation obviously to let the water flow  
17 underneath it, and we're high enough to be above the  
18 levees that contain that water course in its position.  
19 But obviously 10 feet high is not high enough to get a  
20 vehicle through, so we'd have to look at some compromise  
21 or potentially taking the road down a bit or some  
22 adjustment potentially to the train elevation.

23 And one of the things that I'll just -- that  
24 I'll just mention is as we are working through the  
25 process of developing alternatives through the Kings

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1 River complex, we haven't reached a full conclusion as to  
2 what all the various features are for mitigating the  
3 impacts that we have. And so there's still potential in  
4 here, knowing what we know, that the track elevations  
5 could change in some -- in some way and that impact then  
6 could probably be accommodated with -- with, you know, a  
7 smaller access through.

8 The other option that we could explore on this  
9 is that we can go -- if you go back to the KMZ. We've  
10 oriented the crossing along -- along Cairo, and I  
11 don't believe that even this alignment is necessarily the  
12 latest one, the horizontal placement of the train is  
13 necessarily the latest one, because I think it actually  
14 kind of comes through here a little bit more because it  
15 seems like we were almost centered on that intersection  
16 of is it 9-1/2?

17 MR. ROBINSON: I think that's 9th.

18 MR. ABERCROMBIE: 9-1/2?

19 MR. LABANOWSKI: So 9th is actually right at the  
20 area where you're accessing the river...

21 MR. ROBINSON: Right, uh-huh.

22 MR. LABANOWSKI: And so we could also look at  
23 the potential of reorienting the east/west crossing at  
24 that location to a north/south crossing as another  
25 possibility to explore mitigating that. Our only concern

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1 with that one was obviously the property owners that --  
2 that are along that and how -- how we might impact them.  
3 So we'd have to take a -- we'd have to take a closer look  
4 at that particular -- that particular one to see what's  
5 going on.

6 MR. ABERCROMBIE: Would a -- would a north/south  
7 work better for -- for, I mean, because I, you know,  
8 we've turned north/south it works obviously better  
9 north/south, but compared to if you got to go father  
10 east.

11 MR. ROBINSON: Right.

12 MR. ABERCROMBIE: You know, will we -- do we  
13 have the same problem?

14 MR. ROBINSON: No, that would be better because  
15 then you get the direct access for the fire department as  
16 well to be able to come right down Corona Avenue and get  
17 onto 9th Avenue to go north/south.

18 MR. LABANOWSKI: As you're doing today.

19 MR. ROBINSON: Correct.

20 MR. LABANOWSKI: And as they're doing today,  
21 which is from both directions.

22 MR. ROBINSON: Which is the more commonly  
23 traveled road in that area.

24 MR. LABANOWSKI: Okay.

25 MR. ROBINSON: For people getting through that

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1 area, you know. And the other option is something closer  
2 to the river, an undercrossing closer to the river  
3 because there is, you know, some private property, you  
4 know, if the --

5 MR. LABANOWSKI: Right.

6 MR. ROBINSON: -- private property owners were  
7 willing to allow access along the river's edge.

8 MR. LABANOWSKI: Yeah.

9 MR. ROBINSON: Where the flood plane road is  
10 basically.

11 MR. ABERCROMBIE: So if you could, for example,  
12 get an easement.

13 MR. ROBINSON: Right.

14 MR. ABERCROMBIE: Secure it so that you don't  
15 have the problems of it being there one day or not.

16 MR. ROBINSON: Right.

17 MR. ABERCROMBIE: That went up and under.

18 MR. ROBINSON: Exactly, where it's probably a  
19 little bit higher and closer to the river's edge.

20 MR. LABANOWSKI: Yeah, that probably represents  
21 one of the strongest possibilities. Because we already  
22 have a structure that's crossing there. And it will just  
23 be a matter of extending that structure a bit to allow  
24 for access underneath it. The profile is the biggest  
25 issue that has to be evaluated, and the height of the

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1 train at that location, so.

2 MR. ABERCROMBIE: So what would that have been,  
3 8-1/2? No, 9-1/2.

4 MR. ROBINSON: That would be closer to 9-1/2,  
5 9-1/4 area. And there is 9-1/2 Avenue in that area that  
6 runs into some private property as well that might be  
7 something to look at.

8 MR. ABERCROMBIE: Okay.

9 MR. ROBINSON: And then the other one if you're  
10 able to pull up was the 10th Avenue and Guernsey crossing  
11 to see if that was north or south of Kansas. If it's  
12 south of Kansas it's -- it's a non factor.

13 MR. ABERCROMBIE: Yeah, and that's the east  
14 alignment. Right in that area, Tom. A little bit --

15 MR. ROBINSON: Correct.

16 MS. CARLSON: Maybe we can go off the record for  
17 a moment while he locates the map area so everybody can  
18 help get it without her having to...

19 (Off the record.)

20 MR. ABERCROMBIE: Jeff. Are we ready to go back  
21 on?

22 MS. CARLSON: Yes.

23 MR. ABERCROMBIE: Jeff. This is -- this is  
24 where the closure is. Correct, Tom -- James?

25 MR. LABANOWSKI: Correct.

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1 MR. ABERCROMBIE: So for you, you got to Kansas,  
2 you go either way as you would anyway.  
3 MR. ROBINSON: Correct.  
4 MR. ABERCROMBIE: So this is not a...  
5 MR. ROBINSON: Yeah.  
6 MR. ABERCROMBIE: Okay. You were concerned to  
7 make sure it was south of Kansas?  
8 MR. ROBINSON: Right.  
9 MR. LABANOWSKI: Yeah, so you're covered.  
10 MR. ROBINSON: Yeah.  
11 MR. LABANOWSKI: In any of the instances?  
12 MR. ROBINSON: Yeah.  
13 MR. SPIKES: So 10th -- 10th Avenue is going to  
14 be closed there irrespective of which route is chosen if  
15 this proceeds? Just I want to make sure I understand  
16 what I'm looking at.  
17 MR. LABANOWSKI: 10th Avenue to the south.  
18 MR. SPIKES: Right, south of Kansas.  
19 MR. LABANOWSKI: Yes.  
20 MR. SPIKES: Okay, thank you.  
21 MR. ABERCROMBIE: For the west of Hanford.  
22 MR. LABANOWSKI: Right.  
23 MR. ABERCROMBIE: Only.  
24 MR. SPIKES: Oh, it's not true for east?  
25 MR. LABANOWSKI: This -- this line -- this line

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1 here.  
2 MR. TRACY: Both of those are -- both of those  
3 are --  
4 MR. ABERCROMBIE: Both of those are.  
5 MR. TRACY: Both of those are west alternatives.  
6 MR. SPIKES: State your name.  
7 MR. TRACY: Tom Tracy.  
8 MR. SPIKES: Isn't the purple the east -- I  
9 mean, the west alternative?  
10 MR. TRACY: No, the east alternative --  
11 MR. SPIKES: Oh, I'm sorry, those are two west  
12 alternatives. My bad. Thank you.  
13 MR. ABERCROMBIE: Technically speaking there are  
14 two west alternatives because on the south end to connect  
15 to the different Corcorans we had to have two west  
16 alternatives. And the only difference really is is this  
17 little piece right here.  
18 MR. SPIKES: Okay, thank you. Sorry about that,  
19 I was just -- I thought that was where they both went  
20 separate ways.  
21 MR. GATZKA: So can I get clarification on the  
22 west alignments, is Kansas -- is it -- is it closed or  
23 does that go underneath it or what is the -- what is the  
24 design there?  
25 MR. ABERCROMBIE: This is Kansas, right? In

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1 this scenario we're I think -- we're going over.  
2 MR. LABANOWSKI: Uh-huh.  
3 MR. ABERCROMBIE: In this scenario we're aerial.  
4 So it will be underneath us. And then out here again  
5 we're -- at Kansas is going over. This being the east  
6 Hanford.  
7 MR. GATZKA: So just to clarify, the intent is  
8 to have Kansas continue -- continue through. It's just  
9 hard to see because of the footprint on the -- the west  
10 alignment was a little hard to see because of the color  
11 scheme being in black, so.  
12 MR. ABERCROMBIE: Yes.  
13 MR. TRACY: I agree.  
14 MR. GATZKA: I just wanted to clarify that your  
15 intent was to have Kansas continue through.  
16 MR. LABANOWSKI: Kansas, just to clarify, this  
17 is James, Kansas is to be open under all alternatives,  
18 so.  
19 MR. ROBINSON: The other two issues that I have  
20 was, one is -- it's already been discussed, was the fog  
21 is, you know, has the weather service been included in,  
22 you know, making sure that everything has been addressed  
23 because of the traffic and the dense fog that we have.  
24 It just seems to me that in coming through Kings County,  
25 Kings County, my understanding, has some of the densest

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1 fog in California. And it seems that putting a train  
2 through Kings County at 220 miles an hour doesn't make a  
3 lot of practical sense when you can't see 10 feet in  
4 front of your face. I realize that the train, you know,  
5 is in its own corridor, but everything else still has  
6 that can't see 10 feet in front of their face around it,  
7 which I think eventually will impact the train area,  
8 because we'll have some traffic accidents. So I didn't  
9 know if that was considered in the EIR and EIS in any  
10 type of study with the National Weather Service to  
11 determine the densest fog locations and potentially  
12 trying to avoid putting a 220 mile per hour train through  
13 that area. So I'd just point that out that it's going to  
14 have some impacts on -- on Kings County and emergency  
15 services.  
16 MS. GORDON: I don't believe that was  
17 specifically studied, no. I do know the dense fog alerts  
18 are posted when visibility drops to I believe it's a  
19 quarter mile is the cutoff for the weather service to  
20 post those.  
21 But, again, because the train is, you know, all  
22 grades separated and secured in a secured right of way,  
23 that didn't come up as an impact that needed mitigation  
24 in terms of the speed of the train going through fog.  
25 MR. ROBINSON: Right, and I understand the

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1 train, it doesn't have to stop, but everything else does  
2 around it. And so, you know, the majority of the people  
3 are going to be greatly impacted by the train coming  
4 through an area that has dense fog. Not the people on  
5 the train, but everything outside of that.

6 MR. ABERCROMBIE: Is -- whether, you know,  
7 whether, Dave, whether you know, or Kevin, do you use any  
8 particular signage because of the fog? You know, where a  
9 road -- you know, is closed, for example, you know, when  
10 you get down 10th Avenue and it ends at Lansing, you  
11 know, is there anything you -- you know, that because of  
12 that that you guys utilize that we should be looking at  
13 in terms of signage or whatnot?

14 MR. ROBINSON: No. No.

15 MR. ABERCROMBIE: Okay. So typical road  
16 standards where we're going to have a hill or a closure  
17 or something, those would be things that we want to make  
18 sure are in the document that we want -- that are  
19 included as part of any of the road work that we do  
20 should be sufficient in that sense.

21 MR. ROBINSON: Yeah, I would think that, you  
22 know, the overpasses, adding, you know, 15 to 19  
23 overpasses in Kings County with the densest fog  
24 potentially in the state doesn't make a lot of sense to  
25 me. And I guess they can be mitigated by obviously a lot

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1 of signs and awareness, and I suppose 15 or 20 years  
2 after the train is established then people are going to  
3 know where those. But the initial impacts I think are  
4 going to be pretty significant in that dense fog. When  
5 it's new to everyone and new that these overpasses now  
6 exist. I didn't know if that was something that needed  
7 to be studied or addressed. Or if it was studied or  
8 addressed in looking at other alignments besides through  
9 Kings County. Because if that was a major factor, then  
10 that might have been a big factor to say okay, well,  
11 let's not put it through Kings County because it's going  
12 to have some significant impacts because of the dense  
13 fog.

14 I'm not sure if any of the -- and I'll just roll  
15 right into the last comment that I have, obviously High  
16 Speed Rail exists in other countries. And it seems like  
17 that it should be studied to the safety and security  
18 impacts in those other countries, because we're probably  
19 going to see similar things. And in some of those other  
20 countries they may have had dense fog as one of their  
21 problems and they may have tried to avoid that and  
22 mitigate it in some other way. But, you know, for  
23 anything that comes probably with the law enforcement  
24 perspective, these other countries must have statistics,  
25 they must have crime stats. Why aren't those being

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1 addressed, why aren't they being used as examples, good  
2 or bad, to say it's significant or it's not significant?  
3 MR. TRACY: So rather than saying -- this is Tom  
4 -- rather than saying we'll collect information from you,  
5 bring an example of what we've -- what we've discovered?  
6 MR. ROBINSON: Right.  
7 MR. TRACY: By looking -- okay.  
8 MR. ROBINSON: Sure. Because, you know, why  
9 reinvent the wheel. If other countries have had High  
10 Speed Rail for I don't know how long, to be honest with  
11 you I try not to study other countries and their High  
12 Speed Rail but, you know, if other countries are already  
13 doing this, you know, what are the safety and security  
14 impacts that they've seen? Let's learn from them.  
15 MR. TRACY: Well, I think that --  
16 MR. ROBINSON: Instead of just saying, oh, well,  
17 we don't have it in the United States that it was --  
18 MR. TRACY: No, I -- and that -- and that was  
19 probably not written exactly the way it was intended to  
20 be. We are looking at international best practice,  
21 trying to gather whatever we can from the other high  
22 speed train operators. And since we don't -- what that  
23 was saying is we don't have high speed trains here;  
24 however, what we can look at is international best  
25 practice. We can look at and we are looking at what are

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1 the existing transit agencies using throughout the  
2 country. We have, you know, on the east/northeast  
3 corridor there is a higher speed train that we can learn  
4 from. There are the large municipal transit agencies in  
5 L.A. and San Francisco that we can learn from. So  
6 there's a lot of information that we can gather. And if  
7 it wasn't well presented, we can see if we can beef up  
8 our safety and security section. And even the fog issue  
9 you brought up, that seems to me is like it belongs in  
10 the safety section.  
11 MR. ROBINSON: Correct.  
12 MR. TRACY: I know we're going to look at, like  
13 you say, the train won't know that it's foggy out. And  
14 even if the train driver could see 10 feet ahead of him,  
15 it is going quick enough, even on a clear day, if  
16 something got on the track that would be a problem.  
17 But the way that the system is designed is that  
18 the train would know something was on the track well  
19 before the train ever got there. So those are some of  
20 the things that we will have in there. But we can  
21 certainly go back and look at some measures.  
22 What I don't know if we addressed was this  
23 situation where somebody what I would consider is, say,  
24 drives off the road and there's a train track there.  
25 Even if we have some sort of intrusion protection, that

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1 doesn't necessarily mean -- I'm guessing from your  
2 standpoint that doesn't mean somebody is not going to  
3 drive through the intrusion protection.  
4 MR. ROBINSON: Right.  
5 MR. TRACY: So we can look at addressing that  
6 stuff if it doesn't seem right.  
7 Weather, you know, we've looked at -- we have  
8 the train designed or there will be systems designed to  
9 look at wind, you know, you know, we'll alert the train  
10 to wind, we'll alert the train -- well, when I say alert  
11 the train, it's the operations, we'll alert to seismic  
12 activity. In areas like Tehachapi where we might have  
13 some severe cold and -- on an intermittent basis, or even  
14 snow, we'll alert for that. I don't know if we're going  
15 to alert for fog, but that's something that we can go  
16 back to. There's -- how many days -- I guess we should  
17 know this, I don't know; how many days of fog a year do  
18 you get here in Kings County?  
19 MR. ROBINSON: Well, basically the months of  
20 December and January, and sometimes into February you get  
21 dense fog.  
22 MR. TRACY: Yeah. Yeah, kind of like -- yeah,  
23 Sacramento gets similar. But usually in Sacramento it  
24 raises up in the middle of the day and it's just the  
25 valley just gets socked in.

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1 MR. ROBINSON: Yeah.  
2 MR. TRACY: Okay. So we can certainly go back  
3 and see if we can address some of that in the safety  
4 area.  
5 MR. ROBINSON: The only other issue that I had  
6 was just a comment and to one of the responses, and I'll  
7 read it. It says, "This staggered system will solve the  
8 short term problem of road blockages, but in the long run  
9 HST, high speed transportation construction will actually  
10 enhance the flow of traffic in Kings County." And I find  
11 that very interesting. And that's on page 3, the second  
12 paragraph, that, you know, in looking at all the  
13 different roads that are going to be closed and  
14 overpasses and redirects, I'd like to know how it's going  
15 to actually enhance the flow of traffic versus making it  
16 worse.  
17 MR. TRACY: Yeah, that was -- it was intended to  
18 be specific to where we are replacing an at grade  
19 crossing across the freight line and we happen to be  
20 adjacent to them and we're replacing it with an  
21 overcrossing.  
22 MR. ROBINSON: Okay.  
23 MR. TRACY: That was specifically what it was  
24 addressing. I would agree that it wasn't a thorough  
25 answer to the question.

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1 MR. ROBINSON: Yeah, and I see, you know, in  
2 another sentence a couple sentences down it does talk  
3 about that --  
4 MR. TRACY: Yeah.  
5 MR. ROBINSON: -- you know, with other  
6 railroads, and I get that. But it seemed to be almost a  
7 blanket statement, you know, over -- for the entire  
8 project through Kings County and I thought, boy, that's  
9 interesting.  
10 MR. TRACY: That's good.  
11 MR. ROBINSON: Anyway, I just wanted to point  
12 that out.  
13 MR. SPIKES: Actually, Kevin pointed that out  
14 too.  
15 MR. McALISTER: Yeah, thanks a lot, Dave.  
16 MR. ROBINSON: I took your thunder.  
17 MR. SPIKES: Yeah, his comment -- his comment  
18 was --  
19 MR. ROBINSON: Kevin, I just want you to know.  
20 MR. McALISTER: Okay, I trust you.  
21 MR. SPIKES: Kevin's comments -- Kevin's  
22 specific comment on that was please provide the data  
23 analysis that supports this statement of fact.  
24 MR. ROBINSON: Oh, okay, I should have read all  
25 of Kevin's stuff.

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1 MR. SPIKES: That's okay.  
2 MR. McALISTER: If you're going to steal a  
3 little, steal it all.  
4 MR. ROBINSON: Greg took some of mine.  
5 MR. McALISTER: Okay.  
6 MR. SPIKES: I think that's all you've got,  
7 Dave, and then --  
8 MR. ROBINSON: Yes, it is, thank you.  
9 MR. SPIKES: Kevin McAlister, I think we'll go  
10 over his questions, and then we can have responses  
11 accordingly.  
12 MR. McALISTER: Okay, I'll rephrase mine a  
13 little bit. When I was reading this, I must have had a  
14 bad day when I wrote some of this, so I'll try to tone  
15 them down a little bit where appropriate.  
16 My first comment is on page 3, "So in order to  
17 preserve as much of the design as possible, the  
18 Authority's decided that the roads would be closed at the  
19 high speed train alignment during construction of  
20 overcrossings." And then my question was should this be  
21 decided during the public review of the EIR process or  
22 did you have some kind of overriding considerations that  
23 made you jump to this conclusion? Oh, I'm sorry. Made  
24 you jump to this conclusion before you -- so that you  
25 didn't need to put it into the EIR/EIS document?

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1 MR. ABERCROMBIE: Well, I'll start with that,  
2 and maybe Tom and Kinzie can follow up. I mean, you  
3 know, I think what we've heard is is from Kings County,  
4 generally speaking, is is, you know, minimizing ag land  
5 impact probably the very highest priority. You know,  
6 'cause there's a couple ways you can construct the  
7 overcrossings. You can construct them off-center, which  
8 we've done and proposed in some areas. But what it does  
9 is, you know, in moving it off to the side you're going  
10 to impact more ag land. That allows for better traffic,  
11 in other words, 'cause you can keep the existing roadway  
12 open while you construct the new and then you immediately  
13 switch it. So for police and fire and whatnot, that's  
14 really clean. The other is is you close this crossing  
15 and you don't work on the one on either side and you have  
16 a detour, but that minimizes the actual footprint that  
17 has to be, you know, taken into account.

18 And, you know, and the funny thing is that -- I  
19 shouldn't say the funny but that, you know, it often ends  
20 up when you're there off -- there's businesses there too,  
21 it's like, for example, down at Houston Avenue, that's  
22 one that we have offset the overcrossing to some extent  
23 to try and minimize the impact to the -- or had, I should  
24 perhaps say, unless James may have changed it, to  
25 minimize the impact to the fire and helicopter type

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1 facility.

2 MR. McALISTER: Fire station.

3 MR. ABERCROMBIE: So based on that starting  
4 point, that's what we felt was appropriate. Now, you  
5 know, discussions like this, public comment, yeah,  
6 certainly can change that, you know, with regards to  
7 that. And that -- that, you know, your point there about  
8 getting feedback on it and shouldn't that be done? Yeah.  
9 But you have to -- you have to make a decision to choose  
10 somewhere in terms of it's either on or it's off. And  
11 then -- then, you know, through meetings like this,  
12 through, you know, the back and forth with the road  
13 commissioner or whoever, we -- we determine whatever  
14 really is the best fit for any individual situation.

15 So your comment isn't misplaced, and understood  
16 and, you know, if you feel we need to look at that a  
17 little bit differently in terms of priority, you know,  
18 roadway, you know, traffic flow is a higher priority  
19 potentially than, you know, the couple acres that we'll  
20 have for an overcrossing then, you know, that -- now is a  
21 good time to discuss it.

22 I don't know, Tom, did you have anything you  
23 wanted to add to that in terms of process?

24 MR. TRACY: Well, just that --

25 MR. ABERCROMBIE: Knowing the history a little

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1 more perhaps.

2 MR. TRACY: Yes, I mean, not really a whole lot  
3 in process. We -- you know, we -- we've made an educated  
4 guess based on what we've known or what we've seen. And  
5 if there's something we need to be doing differently,  
6 we're open to looking at what you'd like to have there.

7 MR. McALISTER: Okay, well, we can talk with the  
8 Sheriff, the Ag Commissioner, and we can come up with  
9 some recommendations.

10 MR. TRACY: Okay.

11 MR. LABANOWSKI: If I can just add one thing,  
12 too. It's not the case that we would propose road  
13 closures in every crossing. We have a mixture of  
14 crossings in there, some that are on the existing  
15 alignments, and some that are off the existing  
16 alignments. And when we have a crossing where we're --  
17 where the road is being realigned, we leave the existing  
18 crossing open and be able to construct adjacent to it and  
19 wait until that crossing is completed so that the traffic  
20 would then not experience any delay at those locations.  
21 I think from an engineering standpoint as we looked at  
22 particular locations we thought there were adjacent  
23 roadway crossings that would remain open and the staging  
24 of said road crossings could occur in an efficient manner  
25 to really minimize any impact on traffic, if detours are

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1 necessary. But it can be designed completely without  
2 detours. It's just something that needs to be looked at  
3 as we -- as we work through the process of those impacts,  
4 so.

5 MR. McALISTER: Okay, I would think the  
6 overriding consideration would be emergency vehicle  
7 access during construction. So we can get together and  
8 make some recommendations to it.

9 MR. LABANOWSKI: Right. And I know that the TMP  
10 is one of the questions that we're going to talk about as  
11 well. So, you know, part of that traffic management plan  
12 is something that's going to address, Sheriff, your  
13 concerns with regard to access during construction. So I  
14 know we'll cover that question as well.

15 MR. McALISTER: I'm just making notes, bear with  
16 me a moment.

17 Okay, my second question, we already talked  
18 about that.

19 My third question is regarding the traffic  
20 management plan. You state that it will be implemented  
21 and will deal with various traffic issues, including  
22 allowable routes for construction vehicles, which is a  
23 big concern for the public works department. It was my  
24 thought that this information should be part of the  
25 environmental document and not just included in the

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1 environmental document, that before -- before everything  
2 is -- before all is said and done we'll develop a plan  
3 that will take away all of your concerns. We'd like to  
4 see that plan up front and be able to comment on that as  
5 part of the environmental review process.

6 MR. ABERCROMBIE: Well, Tony, do you want to  
7 talk a little bit about what your experience is on how  
8 we've been doing this, the progress to date.

9 MR. VALDEZ: With the County of Fresno, when we  
10 met with them, one of their concerns was the same thing.  
11 So one of the things that we included in the master  
12 agreement, in the Exhibit 5 that we presented, is the  
13 reference to a traffic management plan. In that plan  
14 they would need to include references to haul routes,  
15 what routes closures, detours, everything that they're  
16 concerned about. And we included that in the plan,  
17 master agreement. So those are the things that will  
18 require input from you during the master agreement stage.

19 That -- that document we were putting together,  
20 now that I remember, was done before the environmental  
21 impact report was completed for that section. So those  
22 are discussions that we would like to start having with  
23 you shortly as well.

24 MR. McALISTER: Okay. How do you -- how do you  
25 go about actually designating routes, how do you enforce

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1 that?

2 MR. VALDEZ: What the Fresno County requested is  
3 that the design builder put together a traffic management  
4 plan. That traffic management plan is going to be  
5 reviewed with their staff. And then they're going to  
6 give us the okay or not to proceed with that traffic  
7 management plan. If they have recommendations to take  
8 some alternate routes, they'll provide those as well to  
9 the design builder.

10 MR. McALISTER: So it will be in the  
11 construction contract. Because as far as I know, the  
12 County doesn't have the ability to designate truck routes  
13 the way that cities do. So this will be a -- this will  
14 be a requirement on your contractor that he will force  
15 his crews and his subs to stay -- basically stay off of  
16 all county roads except for certain ones?

17 MR. VALDEZ: Whatever is in the traffic  
18 management plan.

19 MR. McALISTER: Okay.

20 MR. ABERCROMBIE: Would you consider that like  
21 obtaining a permit, is that kind of how it's structured,  
22 Tony?

23 MR. VALDEZ: That's correct.

24 MR. ABERCROMBIE: I mean, that's my  
25 understanding then.

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1 MR. VALDEZ: Yes.

2 MR. ABERCROMBIE: Now it's an interesting  
3 balance between the idea that you've got an EIR doc and  
4 30 percent plans, and then knowing that your contractor  
5 is going to take those plans and design this, you know,  
6 finish the design and how best to build them, that's part  
7 of the advantage of having the design build. And so that  
8 giving -- taking advantage of that, you -- you have to  
9 give him the flexibility to figure out how to build it in  
10 the most economical fashion. But you do still need to  
11 put in the -- the safeguards about the County's input or  
12 the city's input about, well, you can't close every road  
13 east/west, you know, you can only close two at a time or  
14 whatever it is. And that's where this concept of the  
15 traffic management plan approved through the city or  
16 through the county, you know, puts that teeth or puts  
17 that ability to put constraints on the contractor to do  
18 it in a manner that -- that, you know, allows the -- the  
19 county to -- to make sure its needs are considered.

20 MR. McALISTER: Okay. I'm just not familiar  
21 with the team process.

22 Where is the dirt coming from, by the way?

23 MR. ABERCROMBIE: I can give you the name of the  
24 -- the names of our proposers and you can ask them.  
25 Right now it is set up, I mean, we have a few

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1 undergrounds and they have a few things that we will  
2 generate dirt for but, you know, that's insignificant  
3 compared to the amount of dirt we have. We went to  
4 the -- to the bidders, we've talked to them about it. I  
5 managed, through AGC, to have a map put together with  
6 regards to, you know, aggregate availability because I  
7 know from my experience in CalTrans it's not always  
8 available.

9 MR. McALISTER: Right.

10 MR. ABERCROMBIE: At the present time, you know,  
11 with the present work going on, with the present capacity  
12 in terms of aggregates, we expect that they'll all be  
13 commercial. Design builders, you know, in our own  
14 investigation we've -- we seem to have satisfied  
15 ourselves that that is plausible, and that that's what  
16 the design builders have told us. But where exactly, you  
17 know, those are -- those are their bidding secrets that,  
18 you know, we --

19 MR. McALISTER: Well, it seems like how will you  
20 develop a traffic management plan to tell them what roads  
21 they're going to stay on if you don't know where they're  
22 --

23 MR. ABERCROMBIE: That's why the contractor has  
24 to come to you and say this is where my starting point  
25 is. I've got to get from here to there, you know,

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1 county, and this is what I want to do to get there.  
2 MR. McALISTER: And the traffic management plan  
3 will be developed prior to the -- the EIR/EIS document is  
4 approved, is that --  
5 MR. ABERCROMBIE: It may or may not be. But  
6 it's -- what it is is that commitment to have that with  
7 the county is in the EIR doc. And -- and the fact that  
8 it will be -- it has to be done before we start that  
9 contract. Because the contractor's going to need to bid  
10 with it.  
11 MR. McALISTER: And then that -- what's the  
12 document that will be signed by the County and High Speed  
13 Rail that will require you to rebuild our roads that are  
14 destroyed during the construction process?  
15 MR. VALDEZ: That's also the reference in our  
16 master agreement where we do make reference to before the  
17 contractor starts they're going to meet with the county,  
18 go over the existing roads, their existing proposed haul  
19 routes, and verify the condition of the roads. And if  
20 they destroy a road, then they're going to put them back  
21 together. But we do include that reference in the master  
22 agreement. And that's also part of Exhibit 5 where we  
23 make that reference to document the existing roads.  
24 MR. McALISTER: And who are parties to the  
25 master agreement? The county, High Speed Rail, and the

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1 contractor?  
2 MR. VALDEZ: The -- the master agreement is  
3 between the county and the High Speed Rail Authority. We  
4 have task orders that are three party, that would be --  
5 that would be the Authority, the county, and also the  
6 contractor.  
7 MR. McALISTER: Okay.  
8 MR. ABERCROMBIE: Yeah, the discussion you made  
9 in terms of county roads obviously needing to be repaired  
10 is something that the Authority's very interested in  
11 trying to work out because my past experience from  
12 CalTrans is is they don't pay for it.  
13 MR. McALISTER: Right.  
14 MR. ABERCROMBIE: You know. And that's going to  
15 be very sticky, you know. CalTrans has crossed this as a  
16 legal load, it's a legal limit but, you know, what we've  
17 been working on with regards to these master agreement is  
18 we've got to come out -- somehow come out with at least  
19 some sort of standard. But that does also allow you and  
20 potentially it protects us as well with regards to the  
21 ability to limit where they're going so that we're not  
22 affecting every road within the county.  
23 MR. McALISTER: Right.  
24 MR. ABERCROMBIE: You know, there's I think in  
25 some cases might be -- might be a win-win for a few of us

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1 that -- with being able to limit that.  
2 MS. CARLSON: That's kind of interesting from a  
3 lot of perspectives. The damage to the road, depending  
4 on how many trucks will have to come in from where, also  
5 the additional air quality issues created by that. And  
6 then the third one is the, you know, I mean, if they're  
7 going to be digging for it where the, you know, to the  
8 point where you may need a surface mining permit or  
9 something of that nature. And so it's just curious that  
10 you're going to need that volume of dirt, but don't know  
11 where it's going to come from and haven't addressed that  
12 part of it in the environmental document and the  
13 mitigation for all of that. Because if you don't know,  
14 you can't mitigate. And that's not a down the road kind  
15 of thing I think that you can take care of. And so it's  
16 kind of a backwards approach. It seems like -- I don't  
17 know exactly, but it seemed like to me.  
18 MR. ABERCROMBIE: Well, no, the doc -- the EIR  
19 document does have to calculate, you know, and make  
20 estimates and, you know, with regards to what are  
21 applicable sources of it. And while -- when I said we're  
22 commercial, all of the ones that, you know, are  
23 considered with regards to the EIR doc, you know, are  
24 already going to have a mining permit. You know, if  
25 there are things that the contractor proposes that are

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1 outside the EIR doc, he's responsible for -- for doing  
2 whatever additional environmental work is needed to clear  
3 it, you know, in a sense. Hence his incentive is is  
4 conformance, obviously.  
5 But, no, those are -- the extra miles, the miles  
6 for construction, the dust generation is all of the  
7 impacts that are estimated in the EIR document.  
8 MR. VALDEZ: One of the examples, the Fresno  
9 Metropolitan, they've identified certain sources of dirt,  
10 and we've identified those in their master agreement,  
11 they've provided a map of all of their basins that they  
12 would allow the design builder to go in and export  
13 material from their site, and they'll provide a permit as  
14 well to the design builder for that -- for that material  
15 as well. Fresno Irrigation District has also done  
16 something similar, we've included that reference in their  
17 master agreement as well. So they've provided us a  
18 source for dirt.  
19 MS. CARLSON: Do you have that same information  
20 for the Fresno to Bakersfield?  
21 MR. VALDEZ: We haven't had the opportunity yet  
22 to start working for -- for Fresno Irrigation, yes, it's  
23 in 1C. But as we get beyond Fresno County we don't have  
24 that information yet. But once we start working with the  
25 entities in this part of the alignment, then we can start

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1 identifying some of those sources.

2 MS. CARLSON: Well, aren't you about to issue  
3 the EIR/EIS? So how -- how do you do that before you do  
4 that? I mean, is that going to -- is that imminent, is  
5 it going to come soon, are you going to work with those  
6 people soon or.

7 MR. ABERCROMBIE: Well, again, the estimates of  
8 -- with regards to hauling and whatnot, you know, is in  
9 the doc. The specific details of each and every location  
10 when it actually happens, the contractor, even though  
11 we're making that available to the contractor, or FID is  
12 making it to the contractor, there's no requirement that  
13 he has to use it. You know, those ponds are available  
14 and -- but the contractor may choose or may choose not to  
15 use it.

16 I don't remember what meeting, it was in one of  
17 the public -- one of the Board of Supervisors meeting  
18 and, Kevin, you might remember, there was a gentleman,  
19 and I don't remember whether he was from the irrigation  
20 district or whatnot, that talked about having ponds and  
21 whether that would be a win-win where they could get --  
22 locally get ponds that they want dug dug.

23 So I -- Tony, you know, this whole process,  
24 obviously, we focused on construction package one, but  
25 we'll be continuing and we've had that discussion that,

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1 yeah, meeting for construction package 2, Kings County,  
2 South Fresno, and on down the line is -- is we want to  
3 see move forward as in expeditiously as possible, and the  
4 sooner the better.

5 MR. McALISTER: Okay. My fourth question, I'm a  
6 little confused about which -- which roads are actually  
7 going to be closed. The four road closures listed in the  
8 east alternative in the EIR are different than the four  
9 that were listed in your response letter of April 27th.  
10 It seems like Lansing was dropped and Douglas was added.  
11 So which are the correct four road segments that should  
12 be on page -- well, let me ask it this way: On page 3 of  
13 your letter, are those the correct four road segments  
14 that are going to be closed? And if so, what happened to  
15 Lansing?

16 MR. ABERCROMBIE: The -- what's in the letter  
17 was supposed to be --

18 MR. TRACY: The latest.

19 MR. ABERCROMBIE: -- the latest. So tell me  
20 what happened, guys?

21 MR. LABANOWSKI: What was the timing of the  
22 letter? Things are changing constantly as we evaluate  
23 from an engineering standpoint some of the roads closed  
24 and so --

25 MR. ABERCROMBIE: What it is is a letter that we

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1 sent about three weeks ago.  
2 MR. LABANOWSKI: Okay.  
3 MR. McALISTER: April 27.  
4 MR. ABERCROMBIE: Yeah. And your -- Kevin is  
5 making the comparison --  
6 MR. McALISTER: Page 3.2.  
7 MR. ABERCROMBIE: Maybe you didn't get that  
8 e-mail, you made the comparison to what was in the  
9 original Draft EIR.  
10 MR. LABANOWSKI: Okay. So comparing to the  
11 original Draft EIR, yeah, you potentially will see some  
12 changes in the road network. I -- Tom has the KMZ and I  
13 have the KMZ. I just recently got the KMZ here, I could  
14 plug back in if you'd like, and we could look at those  
15 specifics to know definitively. And then obviously the  
16 updated environmental document -- or I'm sorry, I'm  
17 probably not using the correct --  
18 MR. ABERCROMBIE: Revised.  
19 MR. LABANOWSKI: -- revised environmental  
20 document in the project description will include the  
21 tables that will list specifically what's open and what's  
22 not open. And then the appendices will contain the  
23 actual preliminary 15 percent designs. So. I -- I know  
24 for sure, Tom, that I have the updated KMZ.  
25 MR. TRACY: Okay.

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1 MR. LABANOWSKI: So if you would like we can  
2 plug that in now and look at it or.  
3 MR. ABERCROMBIE: I --  
4 MR. LABANOWSKI: We could just defer the  
5 response.  
6 MR. TRACY: Probably need to just get back and  
7 confirm that.  
8 MR. McALISTER: Look, guys, just let me know.  
9 We're -- it's kind of interest to us which are going to  
10 be the final roads to be closed.  
11 MR. ABERCROMBIE: Sure. Yeah, I would suggest  
12 we put it -- take -- find the table in the revised draft.  
13 MR. LABANOWSKI: Right.  
14 MR. ABERCROMBIE: And let's get that sent to  
15 them.  
16 MR. LABANOWSKI: Yeah. And what's interesting,  
17 Kevin, in that particular area is that you have two  
18 alignments coming in and connecting to three alignments  
19 in that area down by Lansing. And so the number of -- of  
20 alternatives of each of those two alignments on the  
21 Hanford west and the Hanford east -- or I should say the  
22 other Hanford alignment connecting to three alignments in  
23 Corcoran, there's all kinds of things going on with each  
24 of those alignments. And so the table will actually get  
25 much bigger in the draft environmental document because

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1 it will have to include all of the various options of  
2 connecting up those alignments.  
3 MR. McALISTER: Okay. Now I was confused a  
4 little bit when I was reading the EIR/EIS because the  
5 Lansing closure was listed in the table, but there wasn't  
6 a plate for it to show, you know, what, you know, what  
7 the geometrics of that closure were going to be.  
8 MR. LABANOWSKI: Right.  
9 MR. McALISTER: So, yeah, if you can just get  
10 back to us on that one, that would be great.  
11 MR. LABANOWSKI: Yeah, right. We'll do our best  
12 to confuse you more.  
13 MR. ABERCROMBIE: Which is Lansing? Which is  
14 Lansing?  
15 MR. McALISTER: You'd have to zoom in a little  
16 bit more for me, I don't recognize a lot of the features.  
17 Lansing is right there in the middle.  
18 MR. ABERCROMBIE: There it is, okay.  
19 MR. McALISTER: Embarrass me again, Larry.  
20 So what -- what does that show right there?  
21 That's the -- that's the east alignment there right in  
22 the center?  
23 MR. TRACY: Right, this is the east alignment.  
24 MR. McALISTER: So that shows a closure then.  
25 Okay.

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1 MR. TRACY: That's what it looks like.  
2 MR. ABERCROMBIE: (Nods head.)  
3 MR. McALISTER: Okay. Okay.  
4 MR. ABERCROMBIE: I do remember receiving some  
5 feedback, and we probably ought to go back to our  
6 comments with regards to whether it should have been  
7 Lansing versus Kansas kept open.  
8 MR. TRACY: We have Kansas open.  
9 MR. LABANOWSKI: Uh-huh.  
10 MR. TRACY: And I remember we met with this --  
11 this dairy here.  
12 MR. ABERCROMBIE: That's DeJong. What our  
13 action is -- let's make sure that we've got the table put  
14 together.  
15 MR. TRACY: Yeah.  
16 MR. McALISTER: Okay. My fifth question goes  
17 towards I guess the -- the fiscal responsibilities in the  
18 CEQA and NEPA document. It just seemed to me, and this  
19 is more of a comment than a question, it just seemed to  
20 me that the environmental document should do more than  
21 just anticipate a change of property values and then the  
22 anticipated mitigation measures, you know, let them file  
23 a claim. It seemed like it should be a little more  
24 studied, perhaps, the impacts more -- if not individually  
25 directed on a per parcel basis, just give an idea of what

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1 the scope of the anticipated property value loss is going  
2 to be for the entire county, and then include that in the  
3 document and let the public read that and comment on  
4 that.

5 MR. ABERCROMBIE: Well, the -- the analysis on  
6 an economic regional basis is in there. And, you know, I  
7 think the comment was intended to be the idea that there  
8 will be people who disagree with it. And they do have  
9 a -- they do have a recourse to it.

10 Now, one interesting -- you know, and maybe we  
11 should talk about it in two different things: There's  
12 the people that we directly impact that go through the  
13 right of way negotiations, and then there's those that  
14 are, you know, whatever, a thousand feet or 500 feet off  
15 the alignment, and what their -- what their property  
16 values are or aren't. And I -- I, Kinzie, I don't recall  
17 if you remember, but what section it is, but there was --  
18 it's probably economics, but they do make a relative term  
19 assessment with regards to rural property versus urban  
20 property and, you know, potential land value issues with  
21 regards to -- and this is probably more in the  
22 economic -- the technical studies in terms of the  
23 economics version, which is just summarizing the EIR doc  
24 about the ag land use, you know, away from the rail  
25 alignment shouldn't see any property values really go up

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1 or down. At least not anticipated. Whereas, you know,  
2 in a more urban environment, you know, you have a house  
3 that maybe somebody doesn't want to live in anymore  
4 because of noise even -- even when mitigated. I think  
5 there's going to be -- the document talks about that,  
6 having a different type of effect depending upon land  
7 use.

8 MR. McALISTER: Uh-huh.

9 MR. ABERCROMBIE: And that's generally captured  
10 in the technical reports and detail.

11 I don't know, Kinzie, if you have anything  
12 specific that would be worthwhile to mention, or did that  
13 summarize it okay?

14 MS. GORDON: No, that's pretty much it. I do  
15 know there were some revisions made to the Merced/Fresno  
16 to improve some of those economic estimates. And  
17 anything for lessons learned by that document will be  
18 incorporated here as well. Whether those numbers have  
19 all been calculated, I'm not -- I'm not sure yet.

20 MR. McALISTER: Okay. Thank you. My sixth  
21 question, I was surprised, as I'm sure Aaron Fukuda would  
22 be too, that the city provides services out to that  
23 subdivision. I don't think that they do.

24 MR. TRACY: Now that was -- I reread that. That  
25 was not written well. I think what the intent was its

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1 proximity to city services. That those properties don't  
2 receive them but, you know, those -- those neighborhoods  
3 are close to, you know, city amenities. I think out in  
4 that neighborhood they do get piped in gas. I know  
5 that's not a city service. But that was the intent of  
6 that -- that little statement there. Not that they --  
7 they have city services, but they're --

8 MR. ABERCROMBIE: Services with a big S.

9 MR. TRACY: That type of community is unique in  
10 its design and its setting, and part of that setting is  
11 that though it's -- it's got a rural feel to it, it's not  
12 that far from city type amenities, that was --

13 MR. McALISTER: I don't think there are any city  
14 amenities that extend past 43.

15 MR. TRACY: No, that's because the city limit  
16 doesn't extend that far.

17 MR. ABERCROMBIE: Amenities or services?

18 MR. McALISTER: Well, city services, let's say.  
19 City services. Now they will be extending a water line  
20 out to the school, but that will not be -- that will be  
21 more or less a private water line.

22 MR. TRACY: Right. Yeah.

23 MR. McALISTER: Okay.

24 MR. TRACY: So that was not written quite right.

25 MR. McALISTER: Okay.

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1 MR. TRACY: Thank you for your observation.

2 MR. McALISTER: Sure. It's always easier to  
3 read these things than to write them. I empathize. I  
4 feel sorry for you.

5 On page 7, or excuse me, my seventh question, on  
6 page 12, response to number 2 says that none of the --  
7 I'm paraphrasing -- none of the proposed alternative  
8 alignments will encroach on designated floodways. I  
9 don't know that that's correct in and of itself. But  
10 then in another paragraph or two later it says  
11 encroachments in the floodway will be designed according  
12 to all applicable laws.

13 MR. TRACY: Right, so there's a --

14 MR. McALISTER: Is this going to be an  
15 encroachment in the flood plane?

16 MR. TRACY: It either is or isn't, right?

17 MR. McALISTER: Yeah, which --

18 MR. TRACY: So we are going to have alignments  
19 that are in the flood plane and that are in the floodway,  
20 and we're going to actually have some structures that  
21 will have their, you know, we're going to have some  
22 viaduct structures that will have columns and floodway  
23 and -- but one of the things we don't anticipate having  
24 is anywhere where we have a major structure where the  
25 column is in the main channel of the -- of the waterway.

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1 So, for instance, in the Kings River complex where we  
2 would tend to be outside the -- outside the levy  
3 boundaries. Except on the west side. Do we have one on  
4 the west side? On the west alternative?

5 MS. GORDON: I think we're within the levy  
6 boundaries there, but we're still not in the channel.

7 MR. TRACY: Right. We're not in the channel,  
8 the main channel. But we may be within a levy boundary.  
9 So we're working on, you know, making sure we're  
10 complying with the, you know, the 408 and 208 10 permit  
11 requirements.

12 But, yeah, that wasn't written well either,  
13 you're right. We will -- we will have alignments in  
14 floodway and in the flood plane.

15 MR. McALISTER: Okay. And then you're dealing  
16 with all three agencies, right?

17 MR. TRACY: Yes. We've got -- we have --

18 MR. ABERCROMBIE: You got the corps, you've --

19 MR. McALISTER: I mean Cross Creek, Kings River,  
20 and Tulle.

21 MR. TRACY: Yes. Yes.

22 MR. McALISTER: I think there are only three.  
23 If there's a fourth one --

24 MR. TRACY: Well, it just seems to me there's  
25 lots of agencies. So that's the --

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1 MS. CARLSON: He's talking about the local  
2 agencies and your talking about the permitting agencies.  
3 The fish and game and the corps and.

4 MR. McALISTER: Yeah, I'm speaking about the  
5 three flood planes.

6 MR. TRACY: Correct. We've got those, but then  
7 we're working with the Corps, with the Kings River  
8 Conservation District and --

9 MR. ABERCROMBIE: The Central Valley flood  
10 Protection Board, and other --

11 THE REPORTER: One at a time.

12 MR. TRACY: Oh, I'm sorry.

13 MR. ABERCROMBIE: No, that was my fault.

14 MR. TRACY: Did you get all that? Corps of  
15 Engineers, Kings River Conservation District, and the  
16 Central Valley Flood Protection Board, those are the ones  
17 that we're primarily working with to get permitting  
18 through the --

19 MS. CARLSON: Fish and Game, 1628 also.

20 MR. TRACY: Oh, yeah, them too. But as far as  
21 the actual water impacts --

22 MR. McALISTER: For the flood plane impacts.

23 MR. TRACY: Flood plane impacts, right.

24 MR. McALISTER: My questions 8, 9, and 10 we've  
25 already covered. I would like to throw in another one,

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1 MR. VALDEZ: That's pretty much.  
2 MR. McALISTER: Well, in the original EIR on  
3 page 3.1-6, I wrote this down I thought it was nice, it  
4 says, "In the highly unlikely event that the county --"  
5 you used "highly unlikely" numerous occasions. And one  
6 phrase was highly unlikely event that the county does not  
7 agree to accept maintenance responsibility. But it  
8 doesn't go on much further than that. I guess the point  
9 I want to stress is that it's not as highly unlikely as  
10 you might think that we will not accept these for  
11 maintenance responsibility. So I think you need to  
12 address in the EIR what happens if the county does -- if  
13 the -- in the public works director for some reason does  
14 not make a recommendation that we'd accept these  
15 structures as our maintenance responsibility, you really  
16 should have a plan B identified in the -- in the  
17 environmental document. Assuming that the Board goes  
18 along with that recommendation.

19 And that's all I have. Thank you.

20 MR. SPIKES: Greg or Dave, do you have anything  
21 else that came up during the conversation?

22 MR. GATZKA: I've got a couple followups.  
23 Mr. Valdez? Valdez, right?

24 MR. VALDEZ: Uh-huh.

25 MR. GATZKA: You'd mentioned a -- working it out

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1 with the Fresno Irrigation District and ponding basins,  
2 so forth, to get fill material. How do those -- in that  
3 case how do those project sites address the SMARA issue,  
4 the State Mining and Reclamation Act permitting process?  
5 MR. VALDEZ: We didn't really get into those  
6 details. The Fresno Metropolitan Flood Control District  
7 has a permit that they use for contractors going into  
8 their facilities and taking the dirt that they need. But  
9 really it's left to the Fresno Metropolitan in that case.

10 MR. GATZKA: And I've heard that FID has a  
11 long-standing agreement with Fresno County to streamline  
12 that permit process with their existing facilities.  
13 However, that also goes by current engineering design and  
14 capacity fills. I'm just curious as to whether FID is  
15 making adjustments to that to accommodate construction  
16 projects? If they are, it may not fall under the  
17 exemptions that Fresno County has been wanting them. So  
18 I'm just asking how they're -- how that is being  
19 facilitated in Fresno County and whether that's the  
20 process that High Speed Rail will be looking to do in  
21 Kings County as well. Because I had looked at the  
22 project level EIR that identified pretty well the  
23 aggregate material, the rock type material for the  
24 project, but had nothing in there whatsoever in terms of  
25 fill, dirt fill material, which is also going to be one

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1 of your biggest critical needs. And I think that's what  
2 our County Counsel was referencing, there is no detailed  
3 information to know where those sites or facilities are  
4 going to be drawing that material from to even know what  
5 the air impacts are, the vehicle miles traveled, there  
6 are a whole host of other impacts related to that.  
7 And, Jeff, hopefully that -- hopefully this  
8 isn't going to rely on a CalTrans' approach, because  
9 we've been having plenty of challenges with dealing with  
10 CalTrans projects on sending contractors down the road  
11 with potential sites, only to find out that they're not  
12 SMARA permitted. And that puts the county, as the lead  
13 agency on SMARA permitting, that puts us in the role of  
14 having to be the bad guy in terms of telling those  
15 contractors they can't pull it out unless they have a  
16 permit. Highway 198 is a perfect example of trying to  
17 work it out with CalTrans and having CalTrans point the  
18 finger back to the contractor saying it's their  
19 responsibility, and the contractor saying we were just  
20 going to do a change order, it's CalTrans'  
21 responsibility. And in the end it had to be the county  
22 working out the issues with Office of Mine Reclamation  
23 and also legislators to resolve those issues. That's not  
24 the role the county wants to be in in terms of those  
25 issues.

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1 So I think more information in terms of where  
2 your dirt fill material is going to come from, your  
3 process of actually getting that, is probably going to be  
4 key for us to know what the impacts may be for Kings  
5 County.  
6 And then the other one that I still have  
7 questions on, and this is a -- I think a favorite topic  
8 for Tom, Tom Tracy, the Amtrak issue. We've been hearing  
9 various examples or explanations as to how Amtrak will be  
10 integrated into High Speed Rail operations between 2018  
11 and 2022. We are currently dealing with the issue of the  
12 proposed Bill AB 1779 right now. And we're hearing  
13 different versions of how this is being worked out. We  
14 are aware of the MOU that's being worked out with High  
15 Speed Rail for some of the benefits or investments in the  
16 San Joaquin service. But we're still not clear on what  
17 is intended for the transfer of the Amtrak service,  
18 whether it's going to be an express service, your Bart  
19 Bond has indicated it's an express service and it's only  
20 going to serve between Bakersfield and Merced. But yet  
21 not -- not impact or adjust the commuter service, the  
22 existing commuter service between intercity travel. But  
23 there's still unanswered questions in terms of what --  
24 what that is, that express service, is it only going to  
25 be service between Bakersfield and Merced with no stops

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1 in between during that time frame? Is there -- is there  
2 subsidized -- High Speed Rail subsidized operation for  
3 the existing San Joaquin services, it's looking now to go  
4 to an joint -- a possible joint powers authority or joint  
5 powers agreement with local agencies? There's still a  
6 whole bunch of unanswered questions. Just even in our  
7 last staff work group we had John Popoff indicate there  
8 might be a potential for temporary stations on the High  
9 Speed Rail alignment for the Amtrak. Later discussions  
10 from Bart Bond indicates that, no, it's only going to be  
11 between Bakersfield and Merced. These are things that  
12 we'd like to hear more details and more clear intent as  
13 to what may happen with Amtrak.

14 MR. ABERCROMBIE: Tom, I don't know if you --  
15 you know the status of that, I mean, I think that's --  
16 you know, out in somewhat because -- because of the, you  
17 know, the local government -- governance and whatnot.  
18 We're going to make -- we're going to plan with whatever  
19 CalTrans is, but I don't know, is that binding if it  
20 turns over to a regional initiative in the future?

21 MR. FELLEENZ: Well, we are working out those  
22 details now so we don't have some of those to share with  
23 you right now because they haven't been developed. But  
24 that's something that we'll share with you as we move  
25 along.

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1 MR. GATZKA: That would be really helpful.  
2 Especially since there's current efforts right now to get  
3 support for AB 1779 including, you know, the regional  
4 rail, San Juan Joaquin Regional Rail Committee asking for  
5 an endorsement by our county and our cities that those  
6 details of what that all means in terms of how it  
7 integrates with High Speed Rail or how those are being  
8 planned or designed to work together, those missing  
9 details are holding back potential support from our  
10 county and our local jurisdictions due to that  
11 relationship and lack of information. And we obviously  
12 recognize there is some -- some possible good -- good  
13 benefits coming from the possible local control of Amtrak  
14 for maintaining or servicing existing communities. But,  
15 again, that may be hampered with a connection with High  
16 Speed Rail and lack of details in terms of what that  
17 really means.

18 MR. SPIKES: Some of these questions obviously  
19 have been followed up specifically with respect to the  
20 three gentlemen putting their -- their issues out there  
21 again in response to that previous letter dated April  
22 27th. And this has sort of been a conversation along the  
23 lines of, you know, on the assumption that it goes west,  
24 east, whatever all these alignments are, what would be  
25 done to mitigate the issues as suggested here.

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1 But having said that, I think there's still some  
2 fundamental concerns that the County has about whether or  
3 not the process is being followed with respect to coming  
4 from the Program EIR down to the levels for the project  
5 level EIR as was discussed earlier. And I know outside  
6 of this discussion I think Colleen Carlson has had some  
7 communication about -- to show us how you went through  
8 that process. And so Colleen may have some follow up  
9 questions about that.

10 MS. CARLSON: Well, I guess that's one of them  
11 Tom and I e-mailed about. We talked about it extensively  
12 at the last technical meeting, and I do not think the  
13 response was adequate in any way. That leads me to the  
14 last three people that were here, you know, there was a  
15 -- there's always a dialogue and exchange of information,  
16 but we'll get back to you. And then the question is,  
17 with the revised Draft EIR set to come out sometime late  
18 this month as we understand all of the -- the rumor mill  
19 out there, how do you intend to get the responses to our  
20 questions that were raised in the prior meeting to us  
21 before that time?

22 And I also think we had a commitment to a  
23 prerelease of the Draft EIR/EIS as revised. When would  
24 you anticipate that so that we can understand and see  
25 that our concerns are being addressed? For example, a

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1 good portion of the last technical meeting was talking  
2 about a lot of the ag issues and the well issues which  
3 again today were kind of just fluffed over and, you know,  
4 basically diverted to a discussion about, you know, the  
5 major utilities. Well, those are not answering our  
6 questions. And so I'm wondering when those answers will  
7 come. Because now we have three different people here,  
8 which is great to answer these questions, but the prior  
9 ones we asked, when will those be addressed and how in  
10 timing?

11 MR. ABERCROMBIE: I'm not -- right now I'm a  
12 little stumped for which questions you're referring to,  
13 Colleen.

14 MS. CARLSON: Well, I guess I've had --

15 MR. ABERCROMBIE: I know with regards to the --  
16 Tom talked to me about the -- the file that he had sent  
17 you that just basically listed the EIR documents. And he  
18 and I talked a little bit about that actually again on  
19 the way down. And one of the documents we talked about  
20 was our -- was a process document with regards to -- and  
21 I think it's in the -- it was in the draft, I think it  
22 was in the Merced/Fresno that talks about the process of  
23 supplemental IA's and whatnot, what we used and how it  
24 was guided might be the -- the appropriate document. So  
25 I haven't -- I haven't looked at it. So that's something

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1 that I'll be having the team pull up so that -- to see if  
2 that -- that answers that question with regards to what  
3 you shared with Tom regarding, you know, how did we get  
4 from point A to point B.

5 But other than that one, I'm trying to remember  
6 what -- offhand I can't think of what other questions  
7 that we walked out of the room with. And I don't happen  
8 to have my notes with me. I know one was the KMZ files,  
9 and we touched on that and didn't get them to you. But  
10 I --

11 Tom, do you -- you know, you were here at that  
12 other meeting too, and I -- right now I don't recall --

13 MS. CARLSON: Well, one of the reasons we --

14 MR. ABERCROMBIE: -- the specifics.

15 MS. CARLSON: -- we do have a reporter is so  
16 that we can go and look back at what the questions were.  
17 And I know, Tom, you specifically made arrangements with  
18 the reporter to get the transcript. My question is is  
19 somebody on your team following up and saying, okay,  
20 these are still outstanding questions and we can tell  
21 from the transcript.

22 The other concern that I have is exactly what  
23 has happened today, not on just one occasion, the answers  
24 that we got, for example, to the 61 questions that were  
25 pending out there for almost a year, many of them are not

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1 detailed answers. They're just sort of, okay, we've  
2 answered your question, now let's move on. And really,  
3 they were misphrased or misguided responses. So it's  
4 hard to trust some of that information. Some of the  
5 maps, and I realize things are changing, as James said,  
6 you know, on a -- on a daily basis. So when -- when that  
7 happens how do we trust the information that we're  
8 getting isn't changing just as soon as you walk out on  
9 the door? I don't know.

10 MR. ABERCROMBIE: Well, in terms of the 61  
11 questions, I -- you know, and what you felt was  
12 outstanding with them, I thought that is what was  
13 addressed in your letter with regards to, you know, that  
14 we just got, we just went through today with regards to  
15 what you felt needed clarification. And so I'm --

16 MR. SPIKES: Well, there's more. I mean, you've  
17 looked at the 61 questions, and we only took out the ones  
18 that Greg, the Sheriff, and Kevin. We have the other  
19 entities that were involved in that coordination process,  
20 we didn't bring the fire chief, we didn't bring the ag  
21 commissioner back. My thinking was that we would get --  
22 have another meeting with those folks.

23 MR. ABERCROMBIE: Okay.

24 MR. SPIKES: And follow up on their views with  
25 respect to those responses. So this wasn't supposed to

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1 be all inclusive.

2 MR. ABERCROMBIE: Okay.

3 MR. SPIKES: And I think that her, you know,  
4 some of the things that we're trying to clarify is those  
5 answers are unsatisfactory in many cases, I think some of  
6 which you recognize they were unsatisfactory. So I think  
7 that's the point that we're trying to make.

8 MS. CARLSON: And we were trying to keep the  
9 technical meetings so they didn't go all day long, so,  
10 you know.

11 MR. ABERCROMBIE: Sure. Okay. Well, no, I --  
12 no problem with the idea of it being a follow up. And  
13 I -- I didn't pick up out of your letter, Larry, that  
14 additional comments were coming on those 61 questions.  
15 And maybe that was just me reading into it.

16 MR. SPIKES: And probably we didn't --

17 MR. ABERCROMBIE: That's not a problem either.  
18 I just, but I think that in terms of, you know, what  
19 Colleen has raised in terms of, you know, what you have  
20 found not satisfying with regards to the 61 questions,  
21 this is exactly the type of thing that does help. There  
22 will be, you know, you're asking for details, though,  
23 that are in some cases beyond the, you know, what would  
24 be typical for an environmental document so, you know, in  
25 some cases I don't think we're going to agree on the

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1 amount of detail that can be provided.

2 MS. CARLSON: I just hope that what you're  
3 saying there then is that, you know, we're raising some  
4 pretty valid issues that should be addressed in the  
5 environmental document, and hopefully they will be. And,  
6 again, unless I'm mistaken, I thought we received a  
7 commitment from Dan Richard that we would get some sort  
8 of prerelease of the revised Draft EIR to show that a lot  
9 of our comments and concerns aren't just going into the  
10 air, that they are actually being addressed.

11 MR. SPIKES: And also maybe we didn't specify it  
12 in the letter, but that's what we -- as I recall, that's  
13 where we left it at the last staff to staff meeting we  
14 had, said look, we'll get you these comments from Kevin,  
15 the Sheriff, and Greg and keep it focused on those. But  
16 that did not, again, mean to be all inclusive with --  
17 because there are, you know, we specifically have not,  
18 you know, invited Leonard Diaz or Don Mills back to this  
19 discussion yet, still focusing on the county issues. And  
20 so my thought we could then work with them and get their  
21 comments back on those -- those responses, and then we  
22 could have another one of these meetings. You know, we  
23 don't have to wait a month if it would be preferable that  
24 you not. I mean, I recognize that, you know, that --  
25 that is a concern we have is that we still have all these

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1 issues and we wanted to go through this in a process that  
2 is, you know, fair to you, fair to us with respect to  
3 getting responses, but we do, you know, as has been  
4 suggested, we do hear things like, well, that EIR is  
5 coming out, you know, very soon. And I think Chairman  
6 Richard at the last meeting with the Board of Supervisors  
7 expressed sometime during the summer was probably going  
8 to be the time frame.

9 So we can work on getting a response to you from  
10 these other entities and other departments that's  
11 involved in this as soon as possible so that we can  
12 schedule the next meeting coming out of here today in  
13 some fashion that would be hopefully mutually agreeable.

14 MR. FELLEENZ: Did you want to try to schedule  
15 the next meeting now or?

16 MR. SPIKES: Sure, we can do that.

17 MR. FELLEENZ: Okay.

18 MR. SPIKES: What we have sort of been following  
19 is the idea that we would have at least one of these  
20 types of meetings before the next scheduled meeting,  
21 which has been agreed to be on the second Tuesday of  
22 every month until we get through this process with  
23 Chairman Richard before the Board of Supervisors in those  
24 open meetings. So having said that, that would put  
25 the -- the next meeting which we talked about earlier

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1 would be June 12th. And theoretically the next meeting  
2 would be July 10th. And so we could have another meeting  
3 like this the week of the 18th or the week of the 25th.  
4 Which would you prefer? And does Monday -- do Mondays  
5 work better?

6 MR. FELLEENZ: Those work -- what's your  
7 preference?

8 MR. TRACY: Not a Sunday.

9 MR. FELLEENZ: Not a Monday. Some of us are  
10 traveling, spend Sunday night in a hotel, so it might be  
11 better to come down another day.

12 MR. SPIKES: Okay. From my perspective we could  
13 do Tuesday afternoons. We have board meetings on Tuesday  
14 mornings.

15 MR. FELLEENZ: Sure, that would be great.

16 MR. SPIKES: I don't know if you all agree with  
17 that. That typically works.

18 MS. WEST: The only thing is the room may not be  
19 available. So I'll have to check on the availability for  
20 Tuesday afternoon meetings.

21 MR. SPIKES: Yes, occasionally there are some  
22 Housing Authority, IHSS Public Authority meetings on  
23 Tuesday afternoons in the board meeting -- board  
24 chambers, but we can work around that.

25 And for the record, that was Deb West, in case

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1 you needed to know that.

2 MS. CARLSON: So are we saying then tentatively  
3 Tuesday, the 19th, in the afternoon and we can confirm  
4 that or.

5 MR. FELLEENZ: Yeah, Tuesday, the 19th, I think  
6 would be a good day.

7 MR. SPIKES: Okay.

8 MR. FELLEENZ: The 19th?

9 MR. ABERCROMBIE: I'm supposed to be off that  
10 week, but I'd prefer that we continue with this.

11 MR. SPIKES: I think the 19th will work.

12 MR. ABERCROMBIE: I said I'm supposed to be off  
13 that week, but I would prefer that this continues to move  
14 forward. Yeah. Okay. Tom can take care of it.

15 MR. FELLEENZ: Okay, so the 19th. What --

16 MS. CARLSON: We have somebody checking right  
17 now to make sure that that will work.

18 MR. SPIKES: Yeah, I'm pretty sure that that  
19 will be okay, I think that the meetings of the IHSS and  
20 other entities is like -- is on the 26th. So tentatively  
21 let's call it the 19th for now.

22 MR. VALDEZ: And with regards to talking about  
23 reimbursement agreements or talking about master  
24 agreements down the road, is that something too early to  
25 talk about or is that something we can start initiating

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1 some contacts?

2 MR. McALISTER: Sure, if you want to start  
3 sending us drafts of similar agreements, we can start  
4 reviewing those.

5 MR. VALDEZ: Okay. Should I send them to you  
6 or?

7 MR. McALISTER: Colleen, do you want to receive  
8 all the legal documents or do you want me to receive it  
9 and send it to you as --

10 MS. CARLSON: Well, this is part of my concern  
11 that there -- it's a foregone conclusion that it's coming  
12 through Kings County and that, you know, we don't -- we  
13 start, you know, slowly entering into agreements and so  
14 forth. I mean, certainly you can send us anything to  
15 review. But I want to just make note on the record that  
16 we're not agreeing to anything at this point and that we  
17 don't agree to either alignment for Kings County because  
18 we're opposed to it on the record, so.

19 MR. SPIKES: Okay, we're going to go with the  
20 19th at two o'clock.

21 MR. ABERCROMBIE: Does that have a calendar  
22 that's other than the 19th?

23 MR. SPIKES: What would you prefer?

24 MR. ABERCROMBIE: I was not available the 19th  
25 and I wasn't -- I was trying not to, but I just found out

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1 that Tom is not, but I could do the 20th. That week  
2 is -- is -- the 20th is the only day I can do it.  
3 MS. WEST: The 20th is completely open.  
4 MR. SPIKES: Yeah, I'm not sure that's going to  
5 work for Colleen and me.  
6 MS. CARLSON: Or Greg either.  
7 MR. SPIKES: Yeah, or even Greg potentially.  
8 I'm not remembering who's involved with the Southern  
9 California Edison project. How about -- well, shoot.  
10 MS. CARLSON: Let me ask you, would Monday  
11 afternoon work better than first thing Monday morning?  
12 Give you travel time?  
13 MR. FELLEENZ: Yes.  
14 MS. CARLSON: The 18th? So if we did it at like  
15 1:30 or something, would that work better or?  
16 MR. FELLEENZ: Was that following week open?  
17 MR. SPIKES: Monday, the 25th, afternoon.  
18 MR. GATZKA: In terms of the schedule.  
19 MR. SPIKES: Tuesday, the 26th we'll have IHSS,  
20 it would have to be later in the afternoon, which still  
21 could be done.  
22 MR. FELLEENZ: Okay, I think we can do the 19th.  
23 MR. SPIKES: Okay.  
24 MR. FELLEENZ: Okay, thanks.  
25 MR. SPIKES: Thank you.

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1 MR. FELLEENZ: Now, what start time?  
2 MR. SPIKES: Two o'clock?  
3 MR. FELLEENZ: Okay.  
4 MR. ABERCROMBIE: I got a question I think for  
5 Greg. Back in June or so, I don't remember, I came down  
6 with I think it was Tom and Tom Bailey and whatnot, and  
7 we shared -- we brought down an excerpt of the Draft EIR  
8 document. Would that be the type of discussion and  
9 meeting you'd like to have with regards to previewing the  
10 draft -- the revised Draft EIR/EIS?  
11 MR. GATZKA: Well, hopefully it would be a  
12 little bit more productive than that one because we only  
13 were provided a table from the air quality analysis which  
14 just said basically it was addressing all our air quality  
15 impacts by reducing our vehicle miles traveled air  
16 impacts by 15 percent. That was the only component that  
17 we really --  
18 MR. ABERCROMBIE: Well, we had -- we had --  
19 well, I don't remember the whole thing. But we had  
20 intersection improvements and, you know, I thought we had  
21 a fairly long list of different things that were  
22 incorporated. But it was, yeah, it was -- it was a  
23 summary and whatnot.  
24 What would -- what would be -- what other  
25 issue -- what other -- I'm just trying to figure out what

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1 to bring down and how much of it, you know, in terms  
2 of -- in terms of the document. You know, we're not  
3 going to be able to share an admin drop a copy. But  
4 we -- i do want to try and provide as much detail as  
5 possible.

6 MR. FELLEENZ: Maybe we can think about that and  
7 send you a suggestion on some of the sections that we  
8 could provide, would that be helpful?

9 MR. GATZKA: That would be good, that would be a  
10 start.

11 MR. FELLEENZ: Okay.

12 MR. GATZKA: I think a lot of the interest from  
13 my part and my department really has been on those  
14 background justification studies and analyses. So a lot  
15 of my questions that I've been posing, those are some of  
16 the key.

17 MR. ABERCROMBIE: More to the technical report  
18 side.

19 MR. GATZKA: Yeah. Because what we find in the  
20 program -- or I'm sorry, in the project level EIR is a  
21 lot of generalized statements, but not the information to  
22 back it up.

23 MR. SPIKES: I had some questions just generally  
24 speaking. I know we focused on EIR/EIS, and the CEQA and  
25 NEPA issues have been basically the process with respect

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1 to coordination our concerns from day one, but as has  
2 been mentioned, you know, subsequent to our taking this  
3 concerns to various parties, the -- there's been two  
4 versions of the business plan released, and I know that  
5 some of the Board members will likely be asking questions  
6 along the lines of some of those issues that have been  
7 raised previously. But I think it relates to the CEQA  
8 and NEPA from the standpoint -- well, whether it does or  
9 doesn't I'm just curious, has there been any changes made  
10 to your ridership estimates based on population numbers  
11 being reduced over the long term? And also I'm just  
12 curious if there's been any reaction to some of the  
13 polling data that suggests that not that many people are  
14 going to ride this train. That was in the Fresno Bee I  
15 think over the weekend. Has anybody looked at those  
16 issues to make a determination as to whether or not your  
17 ridership numbers are in the ball park?

18 MR. FELLEENZ: In the revised business plan the  
19 ridership numbers were revalidated.

20 MR. SPIKES: Revalidated, what does that mean?

21 MR. FELLEENZ: Well, the team looked -- looked at  
22 the ridership numbers again and confirmed that they --  
23 that they were accurate.

24 MR. SPIKES: Okay. So that -- that does suggest  
25 that you've taken into account reduced population

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1 estimates?  
2 MR. FELLEENZ: You know, I'm not -- I don't  
3 remember the details of that.  
4 MR. SPIKES: I think those were released here  
5 not that long ago, Greg, the Department of Finance  
6 released the -- the -- the county -- the Census Bureau  
7 information.  
8 MR. ABERCROMBIE: The San Joaquin Valley did --  
9 the San Joaquin Valley Regional Partnership did the  
10 study. And I don't think the state's number's out, the  
11 Department of Finance's numbers are out.  
12 The one discussion I heard about it was is, you  
13 know, and I can't confirm, you know, and Tom mentioned  
14 that they were revalidated but, you know, specific  
15 numbers I don't know either, was is that because that  
16 was -- I think it was Dan Tom -- Dan Richard that had  
17 then posed this question was that the projections that  
18 were made being used on the -- that were very  
19 conservative with regards to the population numbers. In  
20 other words, we didn't use -- we used lower numbers than  
21 the Department of Finance's lowest numbers anyway.  
22 So I -- my -- my general feeling is is that that  
23 was accounted for. Even with the newest study. But Tom  
24 would have to go back and verify.  
25 MR. SPIKES: Okay. Then I also, and I know we

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1 keep posing this question, but I know it's been  
2 referenced that you have a legal opinion with respect to  
3 the use of cap and trade revenues as a backstop funding  
4 source. But is the AG going to issue an opinion or have  
5 you asked the AG or is that not going to be relied upon?  
6 MR. FELLEENZ: There's no pending AG opinion  
7 request on that matter.  
8 MR. SPIKES: Has the legislature asked for that?  
9 MR. FELLEENZ: I don't know.  
10 MR. SPIKES: Okay. Also, Tom, I was at the CSAC  
11 meeting when you spoke at the Housing Land Use  
12 Transportation Committee meeting and you characterized  
13 that the peer review supports the latest plan. Is -- I  
14 just haven't read anything that they've released lately.  
15 But I thought I read where they still raised concerns  
16 regarding the inadequacy of identified future funding.  
17 Is that true or not?  
18 MR. FELLEENZ: I think they did make a statement  
19 about concern about future funding, yes.  
20 MR. SPIKES: Okay. So given all that, I mean,  
21 is it still the position of the Authority that Prop. 1A  
22 requirements can be met with respect to no subsidy,  
23 meeting the time requirements between San Francisco and  
24 L.A., and identified funding? That's still the position  
25 of the High Speed Rail Authority that Prop. 1A

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1 requirements will be met?

2 MR. FELLEENZ: The Prop. 1A requirements will be  
3 met, yes.

4 MR. SPIKES: Okay. All right, I think that's  
5 all I have.

6 Do you have anything else?

7 MR. ROBINSON: I would -- just one comment on  
8 the ridership studies. Do you guys know if any of those  
9 same studies were done for High Speed Rail in other  
10 countries and if their studies were accurate now that  
11 they have some ridership to go by?

12 MR. ABERCROMBIE: You know, no, I do -- I can't  
13 pull the comparisons offhand. But, yes, they were done,  
14 in some cases they exceed, some cases they don't. I  
15 think my recollection is is the ones in Spain, yeah,  
16 they've shown out, at least for their initial lines that  
17 they were all positive analysis, you know, that they've  
18 obviously continued to build other lines as well, some of  
19 them being feeders and whatnot, I don't know if that's  
20 true for all of them. And my -- my recollection is is,  
21 you know, there are Bee articles saying that they  
22 weren't. But, again, I -- I don't know that that's, you  
23 know, how true that statement is or what they were  
24 particularly looking at.

25 MR. SPIKES: Well, I guess that is about it for

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1 today. Colleen has been asking me why two o'clock on  
2 June 19th, why not earlier in the afternoon. Does 1:30,  
3 1 o'clock work?

4 MR. FELLEENZ: Sure, we could be here earlier,  
5 sure.

6 MR. ABERCROMBIE: One o'clock is fine.

7 MR. SPIKES: One o'clock.

8 MR. FELLEENZ: Sure.

9 MR. SPIKES: On the 19th. And we will try to  
10 get you some information with respect to the rest of the  
11 questions and the other individuals and entities involved  
12 in those well prior to that, which doesn't give us a lot  
13 of time, but we'll try to get that turned around quicker  
14 than we did this last time. And I'm anticipating then  
15 that we'll put this back on the agenda, hopefully we'll  
16 have a record of certainly the last staff to staff  
17 meeting as well as the Board of Supervisors meeting  
18 transcripts available, and we'll have those to the Board  
19 prior to next Tuesday so that they can have any questions  
20 that have come out of these discussions. I'm not sure,  
21 what would be the turn around time on transcripts for  
22 this particular meeting? Okay, so that means that this  
23 meeting could possibly be available on Monday, which  
24 wouldn't give the Board a lot of time to read that, but  
25 we'll work towards that, but at least have the

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1 transcripts from previous meetings so that we can follow  
2 up on that.

3 MR. ABERCROMBIE: Can we take a minute and maybe  
4 everybody look through the -- what -- the notes that they  
5 have to see if there are -- just what the pending action  
6 items are so that we won't necessarily even have to wait  
7 for the transcripts. I mean, obviously that's the  
8 official record.

9 MR. SPIKES: Sure.

10 MR. ABERCROMBIE: I know I've got a couple. One  
11 is to try and follow up with regards to the technical  
12 details and whatnot we were going to send with regards  
13 to, you know, a review of the -- a prereview of the  
14 revised EIR draft.

15 And I have to make sure we got a -- have an  
16 updated road closure table to -- whether we do it with  
17 pictures or whatever as well, so that everybody knows and  
18 table, you know, east alignment, west alignment.

19 I have a -- I have a -- a table, an inventory of  
20 the road crossings that we do have, James, and the width,  
21 whether we're 32, 40, or something bigger. Those were  
22 the couple I have.

23 MR. TRACY: I've got to get the GIS.

24 MR. ABERCROMBIE: The GIS data.

25 MR. TRACY: In fact, if you've got an e-mail

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1 address I've got it so I can forward it.

2 MR. GATZKA: As long as it's not 11 megs or more  
3 though.

4 MR. TRACY: No, it's only one.

5 MR. GATZKA: Oh, perfect. You can e-mail it to  
6 me.

7 MR. FELLEENZ: And, Greg, you were interested in  
8 dairy permitting and streamlining that process. I'll get  
9 information on that.

10 MR. VALDEZ: And then we're going to look into  
11 also can High Speed Rail stop water flow during post  
12 construction as well. So that's on my list. And verify  
13 it with CalTrans procedures as well.

14 MS. CARLSON: And also you were going to follow  
15 up on Kevin's issue about the County not being willing to  
16 take on responsibility for the reconstructed roads to  
17 accommodate High Speed Rail, what's your plan B.

18 MR. TRACY: Then we were going to look at  
19 rearranging the Cairo and 9th crossing, right, James?

20 MR. LABANOWSKI: Correct.

21 MS. WEST: This is Deb West. Just as an  
22 observer, there was also a question as to whether or not  
23 you had an inventory of personal wells in the residential  
24 and agricultural wells, you had the systems, but not -- I  
25 believe you said you did not have an inventory, so isn't

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1 that something that you should follow up on as well?

2 MR. ABERCROMBIE: To confirm what we have.

3 MS. CARLSON: And that was one of the questions  
4 from the last technical meeting that I think Craig, I  
5 can't remember his last name.

6 MR. SPIKES: Craig Schmidt.

7 MS. CARLSON: There were going to be several  
8 follow up things he was going to do, and we haven't heard  
9 anything back on that. That's one of them.

10 MR. TRACY: Are we going to get more information  
11 on the Amtrak service or do we not know?

12 MR. ABERCROMBIE: It will come when it comes.  
13 But there's nothing we can bring back until there's  
14 something to bring back. I mean, you know, it's not  
15 data -- not -- not something we have, have access to, et  
16 cetera, et cetera.

17 MS. CARLSON: So the environmental document then  
18 will address, you know, if we lose Amtrak how -- what  
19 environmental impacts that will have?

20 MS. GORDON: I don't think it was entertained  
21 that we were going to lose it, so.

22 MR. ABERCROMBIE: Well, again, that's one of  
23 those things that from the Authority we don't have direct  
24 control over. And so it's one of those things that  
25 was -- we can talk about ridership, we can talk about

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1 those issues, but whether Amtrak goes away or doesn't go  
2 away, and what form it's going to be in, you know, we're  
3 only speculating because there's -- there's nothing to  
4 say it will or won't. You know, if -- if the state  
5 chooses, you know, and perhaps the transit census the  
6 state continues to want us to, you know, keep both  
7 systems going, one that's subsidized and one that's not,  
8 you know, and, you know, in the long-run, you know,  
9 you've got the ridership will still need to be looked at  
10 and, you know, there may be regional governments involved  
11 and how they want to see it happen as well. So there's  
12 nothing -- there's nothing, you know, nothing that --  
13 that can be known for sure other than speculative.

14 MS. CARLSON: You did remind me, though, that  
15 was one of the things we talked about at the last  
16 technical meeting, and your project would have an impact  
17 one way or another. If both of them continued to operate  
18 then through Kings County, we have two operating rail  
19 systems, and basically doubling the Sheriff's issues of  
20 response time, the fire issues of response time, and the  
21 problems there. And if you remove one of those or your  
22 project has the tendency to remove one of those for your  
23 independent utility or whatever the technical phrase was,  
24 then either way you have some impacts that your project  
25 has created that need to be studied. And we talked about

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1 that at length at the last technical meeting.  
2 MR. ABERCROMBIE: Right, the idea that both  
3 stations are running, and that the added service calls, I  
4 think we've addressed with regards to the idea of coming  
5 up with, you know, was talked about, and I don't know,  
6 Tony, if you brought -- if you try and remember whether  
7 we addressed it or not, but the service calls and the  
8 plan, the layout for how that's compensated for. You  
9 know maybe we did skip, maybe we didn't talk about that.  
10 Did we talk about that today?

11 MS. CARLSON: Uhn-uhn.

12 MR. VALDEZ: The only thing I kind of something  
13 similar to that was we were going to look at some safety  
14 statistics from maybe other parts of the world. But and  
15 maybe we're going to make some best practices as well  
16 that we were working on.

17 MR. ABERCROMBIE: Because wasn't that one of the  
18 questions that were in there?

19 MR. TRACY: We were going to do a little more  
20 work on the VOD thing. I'll follow up with the safety  
21 guys on that one.

22 MR. ABERCROMBIE: Because in the 61 questions  
23 we, you know, we talked about payment based on service  
24 calls to the station or service calls to the, you know,  
25 that's High Speed Rail related, and pulling those out of

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1 the crime reporting that, you know, I imagine the County  
2 has already tracked, so the Sheriff's already keeps track  
3 of, so it's a matter of which ones already we're involved  
4 with.

5 MS. CARLSON: I think you're talking about a  
6 little bit different issue than what we're talking about.  
7 And I don't know if I'm going to say this exactly right,  
8 but whatever alignment that High Speed Rail chooses  
9 during a certain four year period that has been suggested  
10 that it may be used as for Amtrak as an independent  
11 utility. And that's for you to say that to get your  
12 federal funding. If in fact that is the case, that would  
13 certainly probably impact the current use of Amtrak and  
14 how our citizens commute between the cities and in the  
15 county. So all of that certainly is foreseeable and  
16 would need to be addressed as a part of the impact of  
17 your project, not just AB 1779 independently, they're --  
18 they're intertwined.

19 MR. SPIKES: Yes, my recollection is that this  
20 came up with Chairman Richard here and he suggested that,  
21 well, in their -- in their initial response to, hey, look  
22 at the independent utilities that this can have if it  
23 never goes any further than this, Amtrak can use it. And  
24 he suggested that in their haste to suggest that perhaps  
25 they didn't really think through what the impacts would

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1 be with respect to the Hanfords, Corcorans, and Wascos of  
2 the world. And I think he sat here and suggested that he  
3 was committed to making sure that Amtrak would continue  
4 to operate through Hanford and Corcoran. That's my  
5 recollection, I could be wrong. But that's what I seem  
6 to recall that was suggested.

7 Now, if in fact that's not going to happen, I  
8 think that's the issue, is if there is a proposal to move  
9 it completely off, which I guess part one is suggesting  
10 maybe express trains and there would be existing commuter  
11 type trains running the way that they are today,  
12 obviously those are the types of impacts in our  
13 estimation that need to be looked at as part of the  
14 EIR/EIS.

15 And I realize that perhaps, you know, you  
16 suggesting, Jeff, that, you know, that remains to be seen  
17 how it's going to be worked out, but whatever the  
18 proposal is I think has to be addressed. And that  
19 includes the economic impact. I know that we've  
20 expressed Hanford and Corcoran, for instance, will feel,  
21 and I think that's required under NEPA. You know, I'm  
22 not the expert here, but that's my recollection. I think  
23 those are the types of issues that we're talking about  
24 that can't just be left out there in our estimation to  
25 have a truly satisfactory environmental document.

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1 And if that covers everything, I think we're  
2 ready to wrap it up.  
3 MR. ABERCROMBIE: No other additions?  
4 MR. SPIKES: Anything else?  
5 MR. VALDEZ: The only thing, maybe if I can get  
6 your information, Colleen, after the meeting. That way I  
7 can just share with you the sample agreements that we  
8 have as well.

9 MR. FELLEENZ: Okay. Well, thank you.  
10 MR. SPIKES: Thank you. And we'll look forward  
11 to June 19th at one o'clock.

12 MR. FELLEENZ: Yes.

13 MR. ABERCROMBIE: Tony, just give them to Tom,  
14 and I think that's the protocol that we're supposed to  
15 have, is it not?

16 MS. CARLSON: I'm sorry, I didn't hear.

17 MR. ABERCROMBIE: Instead of Tony sending them  
18 straight to you, he should send them to Tom to send to  
19 you.

20 MS. CARLSON: That's fine.

21 MR. FELLEENZ: Okay, thanks.

22 MR. ABERCROMBIE: Okay.

23 MR. SPIKES: Yeah, we're just looking for all  
24 this information to actually at least copy Colleen on  
25 anything that comes like to Greg.

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MR. ABERCROMBIE: Okay.  
MR. SPIKES: Thank you.  
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I, JULIE A. GREEN, a Certified Shorthand  
Reporter, DO HEREBY CERTIFY:  
That the foregoing and annexed pages  
constitute a full, true, and correct transcript of the  
proceedings had and testimony given in the hearing of the  
matter entitled as upon the first page hereof.  
Dated: June 11, 2012.

Official Reporter C.S.R #4636

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1	<u>E X H I B I T S</u>		1
2	Exhibit 1 - Hypothetical Mitigation	15	2
3	Approaches for HST Impacts on		3
4	Dedicated, Property-Specific		4
5	Irrigation Systems		5
6	Exhibit 2 - Standard Reimbursement	16	6
7	Agreement for Madera		7
8	Irrigation District.		8
9	Exhibit 3 - Draft Agreement, the Master	16	9
10	Agreement between California		10
11	High Speed Rail Authority and		11
12	Madera Irrigation District		12
13	Exhibit 4 - Draft Task Order Number 1 for	17	13
14	Fresno Irrigation District		14
15	Exhibit 5 - Appendix D from Fresno County	17	15
16	Exhibit 6 - Table of Contents from the	17	16
17	Fresno County agreement		17
18	Exhibit 7 - Meeting Notes from Madera	17	18
19	Irrigation District discussing		19
20	their conflicts		20
21	Exhibit 8 - Potential Impacts From Induced	40	21
22	Winds, Appendix 3.3-A		22
23			23
24			24
25			25

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KINGS COUNTY BOARD OF SUPERVISORS

SPECIAL MEETING

TUESDAY, JUNE 12, 2012, 1:30 P.M.

COORDINATION WITH HIGH SPEED RAIL AUTHORITY/  
PUBLIC COMMENTS

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1 **SUPERVISORS:**  
2 Richard Fagundes, Board Chairman  
3 Doug Verboon, Board Vice Chairman  
4 Joe Neves, Board Member  
5 Richard Valle, Board Member  
6 Tony Barba, Board Member  
7  
8 **KINGS COUNTY STAFF**  
9 Larry Spikes, Kings County Administrative Officer  
10 Colleen Carlson, Kings County County Counsel  
11 Greg Gatzka, Kings County Community Development Agency Director  
12 Catherine Venturella, Clerk of the Board  
13 Kevin McAlister, Kings County Public Works  
14  
15 **HIGH SPEED RAIL AUTHORITY**  
16 Dan Richard  
17 Tom Richards  
18 Jeff Abercrombie  
19  
20  
21  
22  
23  
24  
25

1 WHEREUPON, the following proceedings were had,  
2 to wit:  
3 ---o0o---  
4 SUPERVISOR FAGUNDES: Good afternoon. Today is  
5 Tuesday June 12th, 2012, time for the coordination  
6 meeting of the High Speed Rail Authority.  
7 Roll call, Catherine, please.  
8 BOARD CLERK: Joe Neves?  
9 SUPERVISOR NEVES: Here.  
10 BOARD CLERK: Richard Valle?  
11 SUPERVISOR VALLE: Present.  
12 BOARD CLERK: Doug Verboon?  
13 SUPERVISOR VERBOON: Here.  
14 BOARD CLERK: Tony Barba?  
15 SUPERVISOR BARBA: Here.  
16 BOARD CLERK: Richard Fagundes?  
17 SUPERVISOR FAGUNDES: Here.  
18 Okay, Larry, would you like to take over,  
19 please.  
20 MR. SPIKES: Sure thing. Thank you,  
21 Mr. Chairman, members of the Board. This is I believe  
22 the fifth -- fifth attempt at coordination that Kings  
23 County Board of Supervisors has conducted or attempted to  
24 conduct with the High Speed Rail Authority. So that,  
25 again, this is the fifth attempt of the Kings County

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1 Board of Supervisors in coordination with the National  
 2 Environmental Policy Act, which is NEPA, and related  
 3 federal regulations on behalf of the High Speed Rail  
 4 Authority regarding the High Speed Rail project.  
 5 And before I get started I guess I would ask,  
 6 Mr. Richards, is Mr. Richard and Mr. Abercrombie on their  
 7 way?  
 8 MR. RICHARDS: I know that Mr. Richard is on his  
 9 way, and I believe that Mr. Abercrombie is also.  
 10 MR. SPIKES: Okay. Well, I guess your Board  
 11 could decide to proceed or we could hold off a few  
 12 minutes. I think it may be wise to just hold off a few  
 13 minutes until Mr. Richard and Mr. Abercrombie get here.  
 14 SUPERVISOR VERBOON: I think it's wise to wait  
 15 for them.  
 16 MR. RICHARDS: Mr. Chairman, Mr. Richard has  
 17 been down in Corcoran this morning and is having some  
 18 meetings. And I talked to him about -- just before 11  
 19 o'clock and he was going into a meeting and he -- he  
 20 planned on being here by about 1:30.  
 21 BOARD CHAIR FAGUNDES: Okay. We'll hold off for  
 22 five minutes, then.  
 23 MR. RICHARDS: All right.  
 24 (Pause in proceedings.)  
 25 BOARD CHAIR FAGUNDES: Okay, we'll continue now

1 the meeting.  
 2 MR. SPIKES: Yes, sir. Thank you, Mr. Chair,  
 3 Members of the Board. Again, this is our fifth attempt  
 4 at coordination with High Speed Rail Authority. And I  
 5 just wanted to make a few brief comments before we go  
 6 through the process whereby we're going to have some  
 7 other folks that are going to make some comments,  
 8 particularly from the county staff standpoint.  
 9 One of the primary functions of these meetings,  
 10 at least in our estimation, is to do it in coordination  
 11 with the so-called staff to staff meetings, and with the  
 12 idea being that we report back to your Board about what's  
 13 being accomplished in that process. We have met here, I  
 14 think this is the third time Mr. Richard has been here,  
 15 April 3rd, May 8th, and now June -- June 12th. And we've  
 16 also had the so-called technical meetings or staff to  
 17 staff meetings on May 4th and June 4th.  
 18 And so just so I don't miss anything I just want  
 19 to suggest that we appreciate the fact that we've been  
 20 having these meetings, but we continue to raise concerns.  
 21 And I just want to put in the record of what our concerns  
 22 are with respect to getting adequate responses to the  
 23 issues that we raise. So bear with me while I read this  
 24 into the record.  
 25 The technical meetings of May 4th and June 4th



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1 of 2012 have allowed Kings County staff to review with  
2 Authority staff and consultants groupings of unanswered  
3 questions or generalized answers, but to date has not  
4 resulted in the resolution of even one of the project's  
5 conflict with Kings County's 2035 General Plan. While we  
6 appreciate the time and dialogue, we do not want to lose  
7 sight of the purpose of coordination.

8 We have repeatedly notified you of your duty  
9 under NEPA in writing and in these meetings that it is  
10 the duty to identify, analyze, and resolve  
11 inconsistencies of your project with our planning  
12 policies and the harm the project will cause to our  
13 governmental operations and our communities.

14 Your joint DEIR/EIS document requires not only a  
15 review of potential impacts relative to change from  
16 existing conditions under CEQA, it requires that the  
17 baseline conditions be compared relative to forecasted  
18 future conditions under NEPA. We've attempted to assist  
19 you in identifying issues in existing conditions and  
20 expect you to not only hear them, but to work with your  
21 staff and consultants to resolve their differences with  
22 your project's desired/forecasted conditions.

23 Among others, a major outstanding issue which  
24 the County still awaits a response is what specific  
25 analysis and comparison of alignments outside Kings

1 County, i.e., Highway 99 and I-5 to those proposed within  
2 resulted in the conclusion to eliminate Highway 99 and  
3 I-5 alternatives. This specific analysis is required by  
4 NEPA Section 4332(E) and NEPA regulation 1501.2(c).  
5 While we have heard opinion from Mr. Richard, we have not  
6 received a specific analysis. Eliminating an alternative  
7 because needed ridership cannot be achieved is not a  
8 legitimate effort and is in conflict with NEPA's  
9 requirement to protect against the irreversible and  
10 irretrievable commitment of resources. In the case of  
11 Kings County that resource is farm land that is  
12 specifically protected by the planning policies adopted  
13 by the County to ensure farm land preservation and  
14 prevention of urban sprawl. Elimination of routes which  
15 follow existing transportation corridors in favor of  
16 those which do not also violates the express provisions  
17 of the State High Speed Rail Act, Prop. 1A. We have not  
18 received a sufficient explanation of the analysis that  
19 occurred that concluded it would be better to plow  
20 through protected farm land and agriculture -- and an  
21 agriculture dependent economy than to follow the will of  
22 the people as expressed in Proposition 1A. The soon to  
23 be rereleased environmental document must evaluate why a  
24 route through Kings County is the least harmful  
25 alternative rather than justifying decisions already made

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1 for purposes unrelated for the protection of the  
 2 environment. NEPA reg Section 1502(g). Senator Jackson,  
 3 I believe that was Senator Scoop Jackson warned against  
 4 leaning to address other values to the detriment of the  
 5 environment back in 1969.

6 As explained then, and remains equally important  
 7 today, NEPA is the most important and far reaching  
 8 environmental and conservation measure ever enacted by  
 9 Congress. It provides the statutory foundation to which  
 10 administrators may refer for guidance in making decisions  
 11 which find environmental values in conflict with other  
 12 values. Senator Jackson recognized that too much of our  
 13 past history of dealing with environmental problems has  
 14 been focused on efforts to deal with crises and to  
 15 reclaim our resources from abuses. NEPA's intended to  
 16 address environmental concerns on a preventative and  
 17 anticipatory basis by forcing the government to evaluate  
 18 potential consequences before it undertakes  
 19 environmentally damaging activity. The early opinions of  
 20 judges such as J. Skelly Wright worked to ensure that  
 21 NEPA did not become just a paper Tiger, lost or  
 22 misdirected in the halls of Congress, but that it be a  
 23 strict standard of compliance and mandate of every  
 24 federal agency and department.

25 Important outstanding issues that must be

1 resolved include other others AB 32. The County's 2035  
 2 General Plan is specifically designed to provide its  
 3 share of greenhouse gas emission reduction. The  
 4 Authority's project puts the ability of the county to  
 5 perform under AB 32 in jeopardy. The project includes a  
 6 regional station that would induce traffic from nearby  
 7 surrounding cities and cause urban sprawl. This has not  
 8 been resolved. The project also anticipates bringing in  
 9 a yet to be quantified but admittedly huge amount of dirt  
 10 for the project from yet to be identified locations. If  
 11 the digging occurs in Kings County, it will cause an AB  
 12 32 compliance problem that must be studied and resolved.  
 13 If trucks are coming in from locations outside the county  
 14 they will generate a level of unanticipated greenhouse  
 15 gasses that conflict with the 2035 general plan and must  
 16 be resolved.

17 Dairy permitting. The 2035 general plan has a  
 18 dairy element that outlines the conditions leading to  
 19 permitting. This can be a three to five year process.  
 20 This would not only harm the land owner, but would burden  
 21 the County with the permitting process and impact its ag  
 22 dependent economy. Mr. Richard mentioned the possible  
 23 streamlined approach through specific legislation, but no  
 24 additional information has been provided and must be  
 25 resolved.

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1 Existing conditions. As -- in the June 4th,  
2 2012 technical meeting the County was advised that water  
3 wells owned by as many of the public agencies that would  
4 gather -- that we could gather information from, that's a  
5 quote, have been surveyed and will be listed in the  
6 DEIR/EIS, but the farm wells will not. Kings County has  
7 large and small scale dairy and farm operations that  
8 produce commercial products that feed the nation. NEPA  
9 requires you to survey and list these existing conditions  
10 and evaluate the significance of the impact on the  
11 environment to abandon existing wells and drill  
12 replacement wells and relocate their appurtenant  
13 infrastructure in furtherance of the project. It is not  
14 something that should sit outside the EIR/EIS process and  
15 be addressed at the right of way acquisition stage as  
16 suggested but, rather, must be identified as an existing  
17 condition that, if changed, could have a significant  
18 effect on the environment.

19 Pesticide drift. Nonspecific information was  
20 provided during the June technical meeting that drift  
21 would probably not occur outside the right of way line,  
22 but there was no assurance that it would be nonexistent,  
23 and only considered the condition generated in the right  
24 of way by one train. It did not consider the train after  
25 train every six minute impacts nor influences outside of

1 the train generated winds, such as a wind storm that  
2 makes its way into the right of way and foreseeably is  
3 carried by the train to other location. This could have  
4 devastating economic effects on regular and specialty  
5 crops and must be adequately studied, analyzed, and  
6 resolved.

7 AB 1779 independent utility. The implications  
8 of AB 1779 on Amtrak, the potential loss of Amtrak to  
9 independent utility loss for the four to five year period  
10 before the alignment becomes electrified and high speed,  
11 and the potential for two train systems, i.e., Amtrak and  
12 High Speed Rail operating simultaneously through the  
13 county have not been adequately studied, analyzed or  
14 resolved.

15 Mitigation measures. Many required mitigation  
16 measures have been delayed to a date uncertain after the  
17 project has commenced. This is unacceptable. A complete  
18 analysis of the impacts and the mitigation measures is  
19 mandatory under NEPA.

20 Outstanding ag related issues. Mr. Schmidt, who  
21 came up and talked -- we talked about this a little bit  
22 ahead of time, indicated an ag working group has studied  
23 a lot of the ag related issues, has consulted all kinds  
24 of specialty organizations and people, but when asked how  
25 that would translate into a plan of action to resolve

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1 impacts, as expressed by Mr. Gatzka -- but as expressed  
2 by Mr. Gatzka, the part that still eludes me, though, is  
3 how does that fit in terms of -- into the timing and  
4 development of the EIR process. He went on to explain  
5 that if you leave that to the developer there is no way  
6 to guarantee the developer is going to have to do those  
7 things down the road. It must be addressed in the  
8 environmental document and a reasonable resolution  
9 reached before commencing the project.

10 So that's the information in general terms that  
11 we talked about. We have some specifications in there of  
12 the issues that we brought up now in at least two  
13 separate meetings on the staff to staff level. And so  
14 our -- again, our approach here is to make sure we  
15 address the Board on our perspective of how that's been  
16 going on, and obviously you get the benefit of hearing  
17 that conversation, perhaps you can respond.

18 But before you do that I think I'd like to go  
19 ahead and have Mr. Greg Gatzka go ahead and give his  
20 perspective on maybe some more specific information that  
21 will express our continuing frustrations of getting  
22 answers, certainly before any EIR/EIS is released. So  
23 with that I turn it over to Mr. Gatzka.

24 MR. GATZKA: Board Chairman, fellow Members of  
25 the Board, as one of your department directors involved

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1 in the staff to staff discussions, I proceeded to go into  
2 these meetings with really what I would call some of the  
3 basic questions in relation to some of the environmental  
4 impacts primarily related to agricultural operations,  
5 surface water delivery, pesticide drift, equipment  
6 access, dairy permitting. And throughout most of my  
7 questions to the Authority's staff and consultants  
8 there's in essence a lot of note taking, a lot of  
9 generalized discussions and examples, but not very  
10 many -- not very many concrete descriptions of how that  
11 is going to be addressed in the environmental document.

12 As your planning director for the county, we  
13 know full well to -- in order to comply with CEQA, you  
14 have to address and disclose and present to your decision  
15 makers all the potential information of that project,  
16 potential impacts, and what that would mean to make sure  
17 that as a decision maker you are going to have full  
18 disclosure for your -- your deliberations on whether that  
19 project meets and complies with CEQA. In this case, in  
20 the High Speed Rail, that's also NEPA, or the National  
21 Environmental Policy Act.

22 The explanations that we get from the Authority  
23 staff and consultants still do not answer the basic  
24 questions when is this information going to be delivered  
25 and provided to the county, during -- during that

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1 environmental review process in relation to when the EIR  
2 and EIS is released. They still have not answered that  
3 one basic question.  
4 We asked more details in terms of water  
5 availability. We know that Kings County agriculture  
6 relies on surface water deliveries from outside of the  
7 county coming through the Kings River and other  
8 infrastructure channels. The Authority staff and  
9 consultants have indicated that they have an inventory of  
10 district facilities, but they have no information on  
11 existing wells which relate to our agricultural  
12 operations and also our residents that are out in the  
13 county. That's where we see the note taking. This isn't  
14 information that we, as the county staff, should be  
15 providing to them. We have continually brought these  
16 issues to their attention, more than a year ago. This  
17 is, in my opinion, a repeat of what we experienced last  
18 April and last June. They're the very same issues, we're  
19 receiving the very same type of responses, which are  
20 generalized and not -- not specific and do not tell us  
21 whether this information is going to be released and  
22 disclosed to the county prior to the release of the EIR  
23 and EIS document.

24 In relation to dairy permitting we've heard  
25 discussions that there may be work with the Governor on

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1 streamlining some of that. To this date we still have  
2 not received anything whatsoever in terms of what that  
3 impact of the High Speed Rail project is going to mean to  
4 our dairy industry, what it's going to mean in terms of  
5 the processing, the possible delays in them becoming  
6 operational again if they have to get moved and  
7 repermitted. The same basic questions that we've been  
8 asking.

9 The pesticide drift, this was a specific  
10 question that I asked at the last staff to staff. There  
11 was information that was shared by the Authority staff  
12 and consultants, and that was on an appendix related to  
13 some of the disbursement of the air movement. But when  
14 asked in relation to use of pesticides and how that would  
15 be impacted, there was no analysis and no discussions.  
16 Again, this is another issue that we brought up more than  
17 a year ago.

18 So from my perspective the -- at the very basic  
19 level of impacts there still has not been any change from  
20 the Authority staff or consultants in providing or doing  
21 anything more than they did a year ago in -- in -- other  
22 than providing generalized information that it's going to  
23 be worked on, it's going -- it's in the works, we --  
24 we're working with the districts, we're working with the  
25 property owners, but we can't provide anything to you

15

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1 because it's not a formalized and approved project yet.  
2 I disagree with that wholeheartedly in that I think that  
3 there are mitigation approaches that can be disclosed to  
4 the County which are not contractual obligations to any  
5 specific property owner for compensation. These -- these  
6 are the things that are not fully being disclosed and the  
7 timing of which that would be given to the county.

8 MR. SPIKES: Thank you, Mr. Gatzka.

9 Next Kevin McAlister. I should probably give  
10 you the information regarding who was at that last  
11 meeting, just so your Board is aware. And Jeff, you can  
12 jump in, Mr. Abercrombie, if I miss anybody on this. But  
13 basically we had Mr. Tom Fellenz, who is the Chief  
14 Counsel and Interim CEO I believe until the end of this  
15 month, if I'm not mistaken.

16 MR. RICHARD: June 18th.

17 MR. SPIKES: Okay. We had Mr. Tony Valdez, who  
18 is with Parsons Brinckerhoff, which is a contract  
19 specialist. We had Mr. James Labanowski from URS  
20 Corporation, and Kinzie Gordon, who I believe is with  
21 Parsons Brinckerhoff too?

22 MS. CARLSON: URS.

23 MR. ABERCROMBIE: URS.

24 MR. SPIKES: I'm sorry, URS. We had Tom Tracy  
25 from Parsons Brinckerhoff also, and Mr. Abercrombie.

16

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1 And I want to say I appreciate the fact that  
2 there's been an attempt made by High Speed Rail Authority  
3 staff to bring the appropriate parties to try to answer  
4 these questions. But I think that what we're expressing  
5 is our frustration with the ability to get those  
6 questions answered concisely and on point with respect to  
7 the concerns that we've raised.

8 So from the County's standpoint I was there,  
9 Colleen Carlson was there, Greg was also there, Kevin  
10 McAlister, the Public Works Director, and Sheriff Dave  
11 Robinson.

12 So the next one I asked to speak on their  
13 concerns about what has transpired would be Kevin  
14 McAlister, our Public Works Director.

15 MR. McALISTER: Thank you, Larry.

16 Mr. Chairman.

17 The comments or questions from public works  
18 covered a wide range of topics. But the most important  
19 comments that I don't feel have been adequately addressed  
20 cover four major areas:

21 First, fill dirt. Where is it coming from and  
22 how is it getting to the end point? A specific analysis  
23 of this impact needs to be -- it is important for three  
24 reasons. The environmental document should address  
25 surface mining permit related issues related to the

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1 source of the imported borrow material. This has not  
2 been addressed. And on at least one recent occasion with  
3 a state project this issue was not addressed and was  
4 literally dumped into our laps for us to take over and  
5 provide a solution for.

6 Second, we need to know which county roads will  
7 be destroyed during the construction of the rail, and  
8 this impact must be mitigated. Rail staff has stated  
9 they have the ability to specify routes that must be used  
10 by the contractor and their subs, but since they do not  
11 know nor will they specify the source of material, the  
12 routes cannot be determined beforehand. Simply stating  
13 that this will be addressed at sometime in the future at  
14 the time of construction, most likely through a traffic  
15 management plan, is simply not sufficient.

16 Lastly, since the routes are not known, the  
17 number of miles of travel cannot be determined and the  
18 air emissions impact cannot be determined accurately nor  
19 mitigated.

20 Second, fog. The impact of fog on overpasses.  
21 Both myself and the Sheriff are concerned about the use  
22 of proposed overcrossings, especially in the fog. As  
23 your Board is aware, oversized ag vehicles frequently  
24 travel on our road system, sometimes in the fog, and move  
25 slowly and oftentimes operate with widths that require

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1 the operator to drive favoring the shoulder. Even under  
2 optimum conditions oncoming traffic has to slow down and  
3 move to the right since the drivers see the oncoming  
4 traffic. With the addition of overpasses, the sight  
5 distance is reduced as well as the ability to travel the  
6 shoulder for oncoming as well as traffic traveling in the  
7 same direction. Myself and the Sheriff are not convinced  
8 that simply adding additional signage is enough to  
9 mitigate this impact.

10 Third, maintenance of facilities. In the event  
11 that your Board will not agree to be responsible to  
12 maintain facilities constructed as part of this project  
13 such as new roads, the overcrossing themselves, fences,  
14 culverts, things like that, who will be responsible? The  
15 Draft EIR/EIS states that the Authority does not intend  
16 and legally may not be able to take ownership of such  
17 facilities to provide mitigation, but has a, quote,  
18 strong expectation that the Authority will work with  
19 local agencies to implement improvements. It doesn't  
20 seem like the Authority wants to be responsible for the  
21 maintenance of these facilities.

22 And lastly, road closures. I was disappointed  
23 in the response to one of my more simple questions. I  
24 pointed out that the EIR/EIS listed four roads to be  
25 closed as part of the Hanford east alignment, but the

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1 response to our questions dated April 27th did not have  
2 the same four segments listed. The response given at our  
3 meeting was that they would get back to us. It gave me  
4 the impression that staff had not even read the question  
5 in advance of our meeting. It is understandably  
6 important to us that we know what roads are proposed to  
7 be closed so that impacts can be determined and  
8 mitigation measures developed.

9 The April 27th letter from the Authority stated  
10 that in the long term high speed train construction will  
11 actually enhance the flow of traffic in Kings County  
12 resulting in faster emergency response times. I and the  
13 Sheriff had asked for a copy of the data and analysis  
14 that supports this purported statement of fact.

15 And lastly, the Authority seems to be relying  
16 heavily on a traffic management plan that when  
17 implemented will deal with numerous traffic safety  
18 issues. This TMP will not be in place prior to the  
19 EIR/EIS, so we have no way of knowing if this traffic  
20 management plan will indeed mitigate traffic issues  
21 during construction as well as post construction  
22 operations. And our concerns have been pointed out to  
23 the Authority.

24 Thank you.

25 MR. SPIKES: Thank you, Kevin.

20

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1 And lastly, again, the other persons at the  
2 meeting from the County was Sheriff Dave Robinson. I'd  
3 ask the Sheriff to go ahead and make some comments too,  
4 thank you.

5 MR. ROBINSON: Good afternoon, Mr. Chairman,  
6 Members of the Board. I put just together a short two  
7 page document that has some of the highlights of things.  
8 I also have many concerns. Some of the concerns have  
9 been addressed, others have not. There's still a lot of  
10 pending questions out there. So I'll read from the  
11 document just to give you an example of some things that  
12 I'm looking at from the law enforcement perspective.

13 Due to the projected route of High Speed Rail  
14 outside of a transportation corridor through farm land,  
15 vehicle travel will be limited to roadways and overpasses  
16 surrounding the High Speed Rail. High Speed Rail will  
17 eliminate the canal banks, dirt roads, and roadway edges  
18 currently used by vehicle and farm equipment alike. This  
19 especially causes concern to public safety in inclement  
20 weather like dense fog and flooding, forcing these  
21 vehicles onto a paved roadway and overpasses around High  
22 Speed Rail. Kings County is projected to get 12 to 16  
23 new overpasses because of High Speed Rail. That's on the  
24 latest map that was provided to us about a week ago,  
25 depending on which alignment is chosen.

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1 We are a rural area with dense fog in the  
2 winter. There was a news article that was put out last  
3 December by our local newspaper and they had some quotes  
4 from a local meteorologist, and I want just wanted to  
5 read a couple of the quotes that he had. It was Jeff  
6 Barlow, Meteorologist from the National Weather Service  
7 said Kings County towns often experience the thickest,  
8 longest lasting Tule fog in the valley. Kings County  
9 airport has an elevation of 243 feet, the rest of the  
10 valley can clear out and it's still foggy here.

11 And then there's also a quote from CHP officer.  
12 A lot of people don't heed warnings to slow down. I  
13 point that out because in the environmental impact  
14 report, the portions that I reviewed, obviously it's a  
15 very voluminous document, I didn't see where they  
16 addressed that.

17 Kings County has some of the lowest sea levels  
18 in the valley where the fog tends to accumulate. And so  
19 my -- my question to the Board would be is -- is we need  
20 to ask High Speed Rail did High Speed Rail take into  
21 account this information when they decided to abandon the  
22 99 corridor route or the I-5 corridor route, for that  
23 matter. And did High Speed Rail consider the fact that  
24 fog could, should, and is a major concern. And what  
25 other factors did High Speed Rail not consider when they

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1 chose to abandon the 99 route and decided to come through  
2 Kings County, which has some of the densest fog in the  
3 valley.

4 Number two, the environmental impact report  
5 provides statistical data from high speed train service  
6 in other countries, which to my understanding, and I  
7 haven't done a lot of research on it 'cause it really  
8 hasn't pertained to me prior to this coming to Kings  
9 County, but has been around for decades. However, in  
10 their response to questions from Kings County a couple of  
11 months ago after the environmental impact was released  
12 High Speed Rail responded there was no model to follow in  
13 the United States for providing safety and security,  
14 therefore, they were relying on other US projects, but  
15 what about the safety and security statistics from the  
16 other countries that have High Speed Rail? Obviously  
17 they've been established for decades, there obviously  
18 must have some type of safety and security and  
19 statistical information. It appears that High Speed Rail  
20 is using high speed rail statistics in other countries,  
21 but not in all areas, only certain specific areas. And I  
22 think that needs to be addressed by your Board. What  
23 impacts did high speed train have on other vehicular  
24 accidents, crimes, calls for service, and emergency  
25 response times along the corridor of the railway in other

23

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1 countries? It seems to me if those have been established  
2 in other countries, we should be able to rely on those --  
3 that information here. And why are they leaving out  
4 safety and security statistics from other countries?

5 And number three, the Environmental Impact  
6 Report states that high speed train derailment in Germany  
7 resulted in substantial death and injury, could have been  
8 prevented or mitigated by proper maintenance of train and  
9 installation of containment elements. High Speed Rail in  
10 California is projected to be substantially underfunded.  
11 So the questions are, how will what happened in Germany  
12 be avoided, given the lack of funding for this project?  
13 Cuts have already been made. And how will the safety be  
14 maintained through these cuts?

15 And in closing I'd like to just make a statement  
16 to your Board. It appears that High Speed Rail is  
17 working in the gray area under CEQA and NEPA. I imagine  
18 they will also try to circumvent your Board's authority  
19 and local county ordinances enacted by your Board and  
20 previous boards to protect Kings County and our way of  
21 life. I encourage your Board to take actions necessary  
22 to uphold the law equally in Kings County. I am here to  
23 work with and support your Board, and if there is any  
24 criminal violations committed now or in the future by  
25 High Speed Rail personnel or their representatives, we

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1 will enforce those laws -- laws aggressively. High Speed  
2 Rail needs to understand that they must be in full  
3 compliance with all laws if they intend to do business  
4 here. Thank you.

5 BOARD CHAIR FAGUNDES: Thank you, Dave.

6 MR. SPIKES: Thank you, Sheriff. Okay, with  
7 that, that's -- that's a synopsis of some of the concerns  
8 that we have in response to the last couple of meetings  
9 on a staff to staff basis.

10 And so with that I think it would be appropriate  
11 to go ahead now and ask your board if they have any  
12 questions before we turn it over to Mr. Richard and his  
13 folks.

14 BOARD CHAIR FAGUNDES: Anybody have any  
15 questions?

16 SUPERVISOR VERBOON: Yeah, I have a question.  
17 Mr. Richard, we authorized our staff to meet with your  
18 staff at staff to staff meetings, oh, two, three months  
19 ago. We wanted to start 13 months ago. And nothing is  
20 getting resolved. It seems to be that -- it seems to me  
21 that your staff is not prepared when they come down. You  
22 know, we're working on a reduced staff, budget cuts, and  
23 we're wasting time here. We need to get some of these  
24 matters resolved. There's no sense just to meet to meet.  
25 Your staff needs to come down here and come prepared, not

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1 be incompetent. This is your project, you want to make  
2 it work in our county. We're here to protect our county.  
3 And your staff is coming down here not prepared and not  
4 willing to work. They're just generalized answers and  
5 not answering any of the questions. So we need to create  
6 a timeline and we need to have a deadline on these  
7 answers to get them done as fast as we can. You've had  
8 13 months to prepare. We have a general plan in place,  
9 you need to conform to it, and you need to make this  
10 work. This is your project, your baby, and we're doing  
11 all we can to comply with you to make this work, and you  
12 have done nothing to make it work.

13 Your staff, Mr. Abercrombie has been here for  
14 two years now, and he comes to meetings unprepared. So  
15 we need -- we need to stop this. I hear you on TV and on  
16 radio talking about how great this project is, how you're  
17 working with other communities; you're not working with  
18 Kings County. And that's what I don't understand, why  
19 you're not working with us at all. We're -- I mean, did  
20 we do something wrong in the past? You know, we --  
21 we're -- we weren't opposed to the project in the  
22 beginning. We only opposed it because of the process.  
23 And you have done nothing to change the process besides  
24 tell the -- tell the people and the public how great the  
25 project is going to be and how you're working with us.

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1 From what I hear today I don't see you working with us.  
2 I see people just meeting to meet and taking up our time.  
3 We have a reduction in staff, we've had budget cuts,  
4 we're making the best use of our time. You need to  
5 appreciate that when your staff comes down here, they  
6 need to be prepared and work with our staff. That's it.  
7 Thanks.

8 BOARD CHAIR FAGUNDES: Thank you, Doug.  
9 Any other questions? Okay. Mr. Richard?  
10 MR. RICHARD: Mr. Chairman, Members of the  
11 County of Kings Board of Supervisors. For the record,  
12 Dan Richard, Chair of the High Speed Rail Authority.  
13 With me is my colleague Tom Richards who is the Vice  
14 Chairman of the High Speed Rail Authority, and Jeff  
15 Abercrombie, who is our principal staff person who is  
16 handling these issues.

17 I want to address as many of the questions as I  
18 can, but I have to start with the response to -- to  
19 Supervisor Verboon's comment. I understand, and I  
20 understand from Mr. Spikes' comments, that there may be a  
21 level of dissatisfaction. But I'm going to categorically  
22 reject the notion that we've sent staff down here who is  
23 either unprepared and, frankly, sir, I think the term  
24 "incompetent" is -- is both unfair and unwarranted.

25 The fact of the matter is this is a very

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1 complicated project. We have legal strictures on certain  
2 things we can do. I've we've already pushed on our  
3 lawyers quite a bit, and I was about to discuss I'm going  
4 to push on them a little bit more. But I think that the  
5 people who have come here -- and let me start by saying  
6 that I do recognize that your staff has lots of other  
7 things to do and I'm sure are quite busy. And I will say  
8 that it's been our impression that your staff is highly  
9 competent and very engaged in this, and we appreciate the  
10 time that they have taken. But I can tell you that we  
11 have taken quite a bit of time as well.

12           The -- the issues before us are complicated.  
13 Let me just step back and try to address a couple of  
14 them. My understanding, and this is from our staff, and  
15 I think one of the good things about my colleague Tom  
16 Richards and I being here is that, you know, we hear from  
17 our staff, but now we have an opportunity to hear from  
18 your staff and from you and it puts us in a position I  
19 think where we can -- we can take actions where there are  
20 gaps or things that need to be filled in. That's the  
21 reason that -- that's the reason that we've been here.

22           Here's my understanding of the situation from  
23 our staff, and I want to talk about that, and then talk  
24 about what I think some of the appropriate next steps  
25 would be. First of all, my understanding is that we did

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1 provide information with respect to the decisional  
2 process on the I-5 and the I-99 [sic] alignments. It's  
3 also my understanding that county staff felt that that  
4 material was not sufficient. And they've asked us to  
5 assemble more specific data that ties together a variety  
6 of different documents that led -- that we chose the path  
7 that how that was there. That's fine. And our staff is  
8 looking at that information. But I don't want it to be  
9 said that no information was provided.

10           Also I want to make sure, since we are on the  
11 record here, that with respect to the statement that  
12 we -- that the decision was made not to do the I-5  
13 alignment or the 99 alignment for ridership or other  
14 reasons, I think I understand the genesis of that  
15 statement because I think that there was a comment made  
16 that under CEQA certain alignments have to be evaluated  
17 to make sure that they achieve the purposes of the -- of  
18 the project, and I don't think it's a question of trying  
19 to get more ridership, I think it's that the bond  
20 measure, the purposes of the project was to connect  
21 cities in California, including the cities in the valley.  
22 And so a lot of them are culled out specifically in the  
23 bond measure itself. And there's a feeling that I have  
24 that the I-5 alignment was inconsistent with that. I  
25 also believe that there are other environmental reasons

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1 why that is not the best alignment for the future of  
2 California.  
3 I've mentioned before about the 99, that my  
4 understanding is that the Highway 99 alignment actually  
5 results in a greater taking of farm land throughout the  
6 valley than we're talking about here. I understand we're  
7 not talking about Kings County farm land there, and so if  
8 I were a Supervisor of Kings County or a farmer or a  
9 grower or dairyman in Kings County, that wouldn't mean a  
10 whole lot to me. But I do want to make sure it's  
11 understood that it's not like we avoided 99 because we  
12 thought that, oh, gee, it would be better to just come  
13 through all this farm land here in Kings County. My  
14 sense is is that that alignment has a number of problems  
15 with it, including the fact that the total impact on  
16 agriculture in California is much greater.  
17 Having said that, it's clear that the staff  
18 still desires additional information behind those  
19 decisions and we will provide that.  
20 Going to one of the points that was raised by  
21 Mr. Gatzka and also by Mr. Spikes, this is one of the  
22 things that I think is a little bit of a difficulty,  
23 Supervisors, and I want to express what I believe to be  
24 the case and then suggest a way that we can try to deal  
25 with it. My understanding is that county staff has

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1 requested basically an administrative draft of the  
2 EIR/EIS before it is released. Our lawyers have some  
3 heartburn with that for reasons that, since I don't  
4 practice law in this area, I can't tell you. But I think  
5 that a number of the things that were pointed out by your  
6 staff members as information that was not being provided  
7 at this time really goes back to that desire to have that  
8 sort of administrative level draft.  
9 The suggestion I'm going to make is that when  
10 Tom Richards and I get back up to Sacramento that we'll  
11 sit down with our lawyers, who are basically from the  
12 State Attorney General's office, they are the people who  
13 basically advise us on CEQA compliance, and with our  
14 staff, and try to see what we can do to address that  
15 issue. And we'll communicate directly with County  
16 Counsel and the County Administrator, see if we can get  
17 to a place that is more satisfying.  
18 But I do want to say this: My sense of this is  
19 that one of the things that's happening here and, again,  
20 it may not be fully satisfactory for you, is that this  
21 information now, I mean, there's really no excuse now for  
22 us not to be addressing these issues in the EIR/EIS  
23 documents as opposed to waiting to see what comes out and  
24 having people say, well, wait a minute, you never thought  
25 about this or that. You have put us on notice that these

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1 are issues that need to be addressed. So while it's true  
2 that Mr. Gatzka and Mr. Spikes would like to see certain  
3 answers now, certainly I think this process has been  
4 important in terms of making sure that we're very focused  
5 in the environmental documents that are going to be  
6 issuing on the issues that have been expressed as being  
7 most important to Kings County. It may not go far  
8 enough, but I don't want to imply that, you know, nothing  
9 has happened here.

10 I also want to just report on two other things  
11 since we last met that are of great concern to this  
12 county. The issue of the dairy repermitting, which  
13 Mr. Gatzka mentioned, which I've acknowledged in the past  
14 I think is a very important issue that needs to be  
15 addressed, and also the issue of the ongoing vitality of  
16 the Amtrak service. In the intervening time I've met  
17 with, had conversations with our State Secretary of Food  
18 and Agriculture, Karen Ross, I've talked with Ken Alex,  
19 who heads the State Office of Planning and Research about  
20 the dairy repermitting issue and related regulatory  
21 issues that may affect farmers, growers, and dairymen  
22 that -- relating to regulatory impacts that they would  
23 suffer as a result of High Speed Rail coming through.  
24 It's my hope that within the next couple of weeks I can  
25 come back with a more specific process, but I actually

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1 have had those conversations about organizing a sort of a  
2 task force, for want of a better word, that could work  
3 with the County to -- to really start to get into those  
4 issues and detail.

5 Similarly, I've met with, spoken with the Acting  
6 Secretary of Business, Transportation and Housing, that's  
7 the organization that is over top of CalTrans. I didn't  
8 have a chance to talk to Malcolm Dougherty himself, but I  
9 spoke with Brian Kelly about the issue of the Amtrak  
10 service.

11 I mentioned in a previous appearance here that  
12 your neighbors to the south in Kern County through their  
13 council of governments are already thinking about ways to  
14 essentially take over and bring local control to the  
15 Amtrak service. Now that's a subsidized service, so  
16 obviously somebody is going to talk about money in order  
17 to keep the thing running. What I'm going to propose  
18 here is that perhaps through whatever organization you as  
19 a County think is right, either through your county  
20 association of governments or through your county staff  
21 or whatever, that we convene a meeting with Kern, with  
22 Kings County, with CalTrans, with High Speed Rail, to  
23 specifically start to lay out what some options would be  
24 for the future preservation of that service if we do end  
25 up putting a High Speed Rail into -- into operation here.

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1 So I want to be very specific and very focused on that,  
2 including the issue of ongoing financial support for it  
3 to make sure that we're dealing with those implications  
4 right up front and not pushing them away.

5 So, again, those two things I would hope are  
6 going to happen within the next couple of weeks, that we  
7 kick off some type of regulatory task force and that we  
8 convene some meeting on the future of the Amtrak service  
9 with -- with the respective agencies that care about  
10 them.

11 I also do want to say that on some of the issues  
12 that were raised by Mr. Gatzka and Sheriff Robinson that  
13 it was my understanding coming here, and we'll go back  
14 and have conversations with staff, that on some of the  
15 issues there were answers that were satisfactory on  
16 selection of roads to be closed, on agreement to widen  
17 the overpasses to deal with the vehicle speeds, and in  
18 the fog, that these were areas where Mr. Abercrombie and  
19 the staff had made some progress. That's a small subset  
20 of the list of things that you have to deal with us on,  
21 but my understanding was that there, you know, there have  
22 been some good interactions there.

23 So I'm sorry to hear about the level of  
24 frustration, but I will say this: We have pushed back  
25 the issuance of the Draft EIR/EIS specifically to try to

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1 continue to address some of these issues, at the very  
2 least to make sure that we're clearly hearing the things  
3 that are of importance to this county. And those that we  
4 can resolve beforehand we will; those that we have to  
5 wait to issue the draft environmental documents, we'll at  
6 least have that conversation with you about how much we  
7 can do there.

8 And I don't -- I certainly don't fault either  
9 Mr. Gatzka or Mr. Spikes or any of your officials for  
10 pushing for all that information now. My understanding  
11 is that the lawyers that we have are reluctant to give an  
12 administrative draft. But Tom and I are going to work  
13 with them and see what level of information we can  
14 provide before that -- before that draft comes out.

15 So with that, Mr. Chairman, I'm happy to do my  
16 best to answer any other questions that I can.

17 SUPERVISOR VERBOON: I have two responses, just  
18 two. You said that your staff has taken out time to work  
19 with us. It's your project.

20 MR. RICHARD: Yes, sir.

21 SUPERVISOR VERBOON: We've had to make up time  
22 in our county to work with your staff, so don't forget  
23 that.

24 Also, we were at a meeting in Sacramento several  
25 weeks ago. You were there. And Senator Joe Simitian

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1 said that he would make sure that you answered all our  
2 questions and they got resolved before he continued to  
3 give you anymore funding. So I would emphasize to you on  
4 that part to answer our questions so that you get more  
5 funding. And if you don't answer it, you know, I'm going  
6 to be in contact with him and say, hey, you know, they're  
7 coming down here, they're not prepared, and they're not  
8 answering any of our questions, and nothing is resolved.  
9 We're back where we were a year and half ago. So it's up  
10 to you to get this -- get this done and get this  
11 resolved. You know, we're doing our part.

12 MR. RICHARD: Okay.

13 SUPERVISOR FAGUNDES: Supervisor Valle?

14 SUPERVISOR VALLE: I have a question.  
15 Mr. Chair, the joint meeting that you suggested between  
16 our parties and Kings County regarding Amtrak service and  
17 local control?

18 MR. RICHARD: Uh-huh.

19 SUPERVISOR VALLE: Do you envision that will be  
20 a staff level or a joint public meeting in a setting like  
21 this?

22 MR. RICHARD: I hadn't thought that far,  
23 Supervisor Valle. I understand the sensitivity and this  
24 -- between you and your colleagues about meetings that  
25 are outside the public view. I don't have any reason to

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1 not want to have it in a public setting. I think we're  
2 just trying to get to what the issues.

3 SUPERVISOR VALLE: All right, thank you,  
4 Mr. Chair.

5 SUPERVISOR FAGUNDES: That's all?

6 Larry, you have any? Joe?

7 MR. SPIKES: Well, if I could follow up. I  
8 appreciate your comments, Mr. Richard, but I just want to  
9 clarify one thing. I'm not -- I have not questioned the  
10 competency of the staff, Mr. Abercrombie or anybody else  
11 involved in this process. I think that what we're  
12 expressing our frustration over, though, is we're well  
13 over a year removed from when we first asked these  
14 questions. We're trying to compress a lot of information  
15 in a very short period of time. While we've also had  
16 staff cuts, I recognize you don't have nearly adequate --  
17 enough staff. And I think that's really going to be a  
18 problem because I think that the concern that I think we  
19 all have is that whether it's the staffing or whatever it  
20 is, we don't believe that the requirements under CEQA and  
21 NEPA are being met. And if it's inadequate staff, that's  
22 not -- that's not an excuse at the end of the day, we all  
23 recognize that.

24 MR. RICHARD: Correct.

25 MR. SPIKES: And so we're just trying to express

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1 to you that we've raised multiple questions multiple  
2 times. And I know to the frustration of even some of the  
3 folks sitting there on the High Speed Rail Authority side  
4 of the table are frustrated because I think they're --  
5 they're dealing with a moving target as they deal with  
6 this process. And I recognize that that's difficult for  
7 Mr. Abercrombie and his short amount of staff that he has  
8 working with him to get our questions answered. But what  
9 we're trying to make sure is understood is it appears to  
10 us that there's -- there's inadequate time to get our  
11 questions taken care of. We are concerned you're going  
12 to go forward with this project no matter what. And so  
13 we're trying to make sure you understand where we're  
14 coming from with our frustrations. Because it seems to  
15 us also that one of the questions that was posed, it  
16 seemed to me, in the response that it was sort of like,  
17 well, we're familiar with CEQA, we're responding to all  
18 the CEQA requirements, and NEPA hopefully will take care  
19 -- that's not what they said, but that was the impression  
20 I got, NEPA will take care of itself with respect to the  
21 Federal Railroad Administration approving that. Well,  
22 under NEPA there's some specific requirements that are  
23 different. And so we're concerned that those are going  
24 to be addressed. And I -- I just wanted to, you know,  
25 make sure --

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1 Another thing that, for instance, that came to  
2 my attention, I was reading this -- this article in the  
3 *Los Angeles Times* about the lawsuits that were filed by  
4 Merced and Madera County farm bureaus. And you were  
5 quoted in here, and I recognize maybe it was taken out of  
6 context, that High Speed Rail continues to move forward.  
7 As we do, our opponents become more desperate. And that  
8 was attributed to you. And I just want to make sure that  
9 you understand I don't believe that we're in desperation  
10 mode here in Kings County, I think instead we're just  
11 trying to make sure you understand what our concerns are.  
12 And what we're really trying to accomplishing is what's  
13 required under the law. Even if you don't have enough  
14 staff to get it done, we still need to have our questions  
15 answered.

16 So I guess that's the only thing I would add to  
17 what was discussed earlier, response to some of your  
18 concerns that you raised.

19 MR. RICHARD: Mr. Chairman, could I just address  
20 a couple of Mr. Spikes' points, or I'll wait if you'd  
21 like me to wait.

22 SUPERVISOR FAGUNDES: No, you can go ahead now.  
23 Go ahead.

24 MR. RICHARD: Mr. Spikes, I -- I understand and  
25 appreciate what you're saying. Let me just touch on a

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1 couple of things. The statement that you attributed to  
2 me was made by me. For better or for worse, and I say  
3 this at my peril since there's members of the press here,  
4 the opponents I was referring to was -- was the *L.A.*  
5 *Times*, not the Madera County or the Merced County Farm  
6 Bureaus, or Kings County. Our friends at the *L.A. Times*  
7 seem to take the daily sport in trying to through, you  
8 know, something at us every day. And so they actually --  
9 that day they asked for comments on seven different story  
10 ideas that they were working on. And so that was my  
11 cryptic response to them. And I probably should have  
12 thought about the fact that other people might think it  
13 was aimed at them, but it was not.

14 The -- your comment about staffing issues not  
15 being an excuse is absolutely right. We do have a large  
16 contract staff, of course, but we now have a new CEO who  
17 will be starting next week. He tells me that he believes  
18 he'll have a chief program officer on board very soon.  
19 We should have a CFO on board very soon. The Authority  
20 has been understaffed, that's the Authority's fault,  
21 nobody else's. But we're moving very quickly to rectify  
22 that.

23 Just one quick point on NEPA. I certainly  
24 recognize that what you say is correct. I think that at  
25 these meetings, while we've been there and our staff has

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1 been there, I do want to make sure that people understand  
2 that the Federal Railroad Administration, which among  
3 other things, Supervisor Verboon, also is the one writing  
4 checks to us. And so they're not going to write checks  
5 unless they're satisfied. They have been very, very  
6 active in the NEPA process. They've got one person who  
7 leads their NEPA efforts who meets with us regularly and  
8 so forth. And so while we have not had them engaged in  
9 these discussions, and that's an interesting question  
10 whether we should have, but I think that's on the federal  
11 side, they've been fully engaged with us, they have to  
12 certify the document as meeting NEPA. We don't do that.  
13 So they have to be satisfied that they are complying with  
14 the law.

15 And certainly we can -- I know one thing we'd be  
16 happy to do is put you in touch with Mr. Valenstein, who  
17 is the FRA representative who handles the NEPA issues.  
18 And but you're right, it's not just CEQA. It's a project  
19 with federal dollars and it has to meet the Federal  
20 National Environmental Policy Act criteria as well.

21 Thank you, Mr. Chairman.

22 SUPERVISOR FAGUNDES: Miss Carlson?

23 MS. CARLSON: I have a few comments and follow  
24 up questions as well. I'm not sure if I heard from you  
25 when you would have a response to us on the permit

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1 streamlining. So that's one question that we need a  
2 solid answer to.

3 Another I guess I would say theme is that I'm  
4 going to quote from a prior meeting where I am talking  
5 with Mr. Abercrombie about where we're going to get  
6 answers. And I say to him, "Mr. Abercrombie, are you  
7 indicating then that each and every one of the questions  
8 that was raised in this forum, that is, attempted  
9 coordination before Kings County Board of Supervisors and  
10 others, is going to be identified in the document and the  
11 answer or comment or response given, is that what you are  
12 saying?" And I'm quoting. Mr. Abercrombie responded,  
13 "All those questions are to be answered in the  
14 environmental draft document. And I'll take a gander  
15 that this is our mission to accomplish."

16 And so I will tell you that that did not occur.  
17 Okay. And that's the same thing that we're hearing  
18 really from you today. Our lawyers say we can't talk to  
19 you. Your answers will come in the environmental  
20 document. And we'll see what we can do before then.  
21 That's fine. I mean, you can answer some of them before  
22 then. Such as the permit streamlining question.

23 The other thing is, you know, we're busy kind of  
24 -- we have a lot to do, you know, we have a lot of  
25 problems on this project, and I understand that. But we

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1 did recently hear you speak to a group I believe called  
2 US High Speed Rail, and there you indicated a pretty big  
3 problem in Kern County/Bakersfield, and that you had  
4 issues with ten African-American churches and the high  
5 school that everybody adored and went to and other issues  
6 that I can't recall right off the top of my head. But  
7 that you sent your engineers back to the table, and with  
8 a minute's worth of change in rail speed you were able to  
9 resolve a lot of their issues. That's the kind of action  
10 we want here that we're not getting. So I'm just giving  
11 you those specifics.

12 Another thing that you talked about was dumping  
13 I think one billion dollars into the L.A. Union Station  
14 area bookend is how you refer to it. And I'm just  
15 curious what the source of that money is. And what does  
16 that MOU contemplate that you said you entered into down  
17 there? And what environmental study was done for that  
18 project? Those are my questions.

19 And I'm done, thank you.

20 MR. RICHARD: Okay, yeah.

21 SUPERVISOR FAGUNDES: Comment?

22 MR. RICHARD: Yes, sir, I was just waiting to  
23 make sure that Miss Carlson had finished her questions.

24 Let me start with the last one, Counsel, the --  
25 we have entered into two memoranda of understanding, one

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1 in Northern California and one in Southern California.  
2 And the one in Northern California involves the  
3 electrification of the Cal Train alignment because we're  
4 going to be using that alignment. In Southern California  
5 it's a little more diverse because they have a number of  
6 different potential projects. But one that is of  
7 greatest interest to us is the upgrading of the Metro  
8 link line between Los Angeles Union Station and Palmdale.  
9 And that is because that's generally along the alignment,  
10 not specifically entirely, but generally along the  
11 alignment that we will take south of Palmdale going into  
12 L.A.

13 So the memorandum of understanding basically  
14 said that we would ask the legislature for up to a  
15 billion dollars of -- the source of the money is the  
16 Prop. 1A High Speed Rail bonds, to support those projects  
17 there.

18 I think the important thing here is is that in  
19 both of these situations what we're talking about is  
20 making early investments in systems that will ultimately  
21 grow up to be part of the High Speed Rail system. So as  
22 you probably know, there's been quite a bit of commentary  
23 in Sacramento and quite a bit of dialogue about -- from  
24 some of the legislators who represent the urban areas why  
25 are we spending this money in the valley, why are we

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1 doing this here, it's low ridership, you should take the  
2 money and you should put it into the urban areas where  
3 there's lots of riders. What we have done is said that  
4 we think if California is going to build an intercity  
5 High Speed Rail system, it's got to connect our cities.  
6 But given the fact that we'll be using some of these  
7 facilities in the future, we can make commitments now to  
8 try to start projects at the end of the system even while  
9 we're looking at the middle. So it's basically all  
10 intended to be part and parcel of the ultimate High Speed  
11 Rail system.

12 As far as their specific projects down there,  
13 they will have to undergo full environmental review for  
14 that work to continue. So at this point it's a  
15 memorandum of understanding that says that when they come  
16 forward and they have all that, we would go to the  
17 legislature and say release some of the bond money to  
18 build this piece of it, it will be a foundation for where  
19 High Speed Rail will be in the future, and then we'll  
20 move up to that -- to this point.

21 MS. CARLSON: Before you move on can I just  
22 respond to that?

23 MR. RICHARD: Yes.

24 MS. CARLSON: That is part of your business plan  
25 --

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1 MR. RICHARD: Yes.  
2 MS. CARLSON: -- is using money from the High  
3 Speed Rail Act, and it is basically part of the project.  
4 So we should be studying that. As you know, the High  
5 Speed Rail Authority should be studying that piece of the  
6 project and its environmental impacts. And it seems to  
7 me like it's a predetermination of an ultimate conclusion  
8 that you've already made that is occurring, and so it  
9 seems like you're slipping through the environmental  
10 you're supposed to do there as well.  
11 MR. RICHARD: I -- I -- I don't think that's the  
12 case because I think what -- it's a memorandum of  
13 understanding, which as you know is different than an  
14 actual full contractual obligation, it has all kinds of  
15 conditions precedent in it. And of course the  
16 environmental work would have to be done.  
17 When I say that they're going to look at it, I'm  
18 not sure at this point, obviously we're familiar with all  
19 the issues around CEQA, piecemealing and so forth, that  
20 would have to be looked at. But without my getting into  
21 an area that I -- I'm not all that competent to say, let  
22 me just say that it's my understanding that this is  
23 basically a document that talks about our intention to  
24 support projects in these local communities that are  
25 building blocks for future High Speed Rail. I think they

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1 have been looked at as part of the programmatic EIR's  
2 that's my belief, they'll be looked at as specific  
3 projects as they come ready. But you're more of a CEQA  
4 expert than I am, but that's the best I can do.  
5 MS. CARLSON: Well, when you say one billion,  
6 that just tells me it's a lot more than just preplanning,  
7 that's a lot of money. And so --  
8 MR. RICHARD: It's -- it's not planning,  
9 Counsel, it's actually to build those projects.  
10 MS. CARLSON: Uh-huh.  
11 MR. RICHARD: So it's -- I mean, the way I look  
12 at it is right now people are looking at High Speed Rail  
13 as a starting in the middle and ultimately building out  
14 from here to the cities. And what these two agreements  
15 do is basically say we're going to start in the middle  
16 but we'll also be starting at the ends. And so we'll be  
17 building in three different places simultaneously. And  
18 I -- I think that's really all there is to it. It's  
19 not -- there's not that much more. It's just we're  
20 building the project in a couple of different -- we're  
21 accelerating the time when we're going to be doing  
22 construction for other pieces of the project, not holding  
23 those until the end, that's really what it was.  
24 MS. CARLSON: And what I'm saying is that's a  
25 project level project and it requires environmental

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1 review.

2 MR. RICHARD: And we'll have environmental  
3 review.

4 Let me talk about Bakersfield for a moment. I  
5 can't quite remember, but I think in that same speech I  
6 also talked about Kings County and I talked about the  
7 difficulties and the challenges that we have here. I  
8 think I did so respectfully because I actually believe  
9 this is a very difficult challenge that we face here.

10 What I mentioned about Bakersfield was as you  
11 described it, which was that there were two alignments,  
12 and then there was a hybrid alignment that our engineers  
13 were able to come up and we made some compromises. We  
14 compromised on speed in order to look like we'd be able  
15 to avoid some African-American churches and a mercado  
16 that has been there for many, many years, and -- and more  
17 of an impact on the high school.

18 I don't think you should assume that that's not  
19 the kind of thinking that we've brought here. I mean, I  
20 can tell you that my colleague Tom and I have sat with  
21 our engineers and we have looked at map after map after  
22 map. And we have looked at the questions of -- and we --  
23 we not only have looked at these, but I can tell you that  
24 we have gone back to them again and again and said, look,  
25 we need to go back through it one more time. We want to

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1 understand why not an alignment through -- through  
2 Hanford to save some of the farmers. What are the  
3 implications there? What are the cost implications  
4 there?

5 As I was driving here today coming up from  
6 Corcoran, stopping for a sandwich in downtown Hanford,  
7 right across from the city park, and driving through town  
8 and looking at the various buildings, I thought going to  
9 go back and sit down with the engineers again, talk with  
10 them again about that. Tom and I have asked them about  
11 different types of alignments. We have questioned them  
12 about why we have to do this and they say, well, we're  
13 coming out of Fresno here, there's a -- there's a -- a  
14 wetlands preserve over there and so we have to move this.

15 We have been very engaged in trying to  
16 understand to the greatest extent that we can what are  
17 the possibilities. And believe me, if we could find ways  
18 to try to limit the kind of impacts that you folks are  
19 talking about today and in our prior meetings we want to  
20 do that.

21 MS. CARLSON: And that's what we want to know.

22 MR. RICHARD: Right. And so we --

23 MS. CARLSON: We want to know, just like  
24 Bakersfield knows.

25 MR. RICHARD: So what you're saying is we need

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1 to share that thinking with you, and that's fair, that's  
2 fine. But I want you to know at the outset that that is  
3 something that we've been engaged in very, very  
4 diligently because we -- I think there's a sense, and I  
5 hear this a lot, I had dinner last night in Fresno with  
6 some growers south of here from Wasco, I think there's a  
7 sense that people think that we sit there and think, oh,  
8 well, it's just farm country. It's cheap dirt. Let's do  
9 this, it's easier. Maybe somebody at the High Speed Rail  
10 Authority has had that view. I don't hold it. Tom  
11 Richards does not hold it. I don't think our colleagues  
12 do.

13 I've spent a lot of time in this community  
14 getting to know this area of the world better. And I  
15 want to do everything we can do to try to avoid these  
16 kinds of impacts. At the end of the day there's going to  
17 be some impacts, but the -- if you're asking me are we  
18 doing the same thing here that we did in Bakersfield to  
19 try to see where we can make adjustments that limit  
20 impacts and are we willing to suffer some compromises as  
21 a result? The answer is yes. Now, if we need to sit  
22 down and walk you through how we've had those  
23 conversations and what those have been, I think we're  
24 happy to do that.

25 MS. CARLSON: And we do want that. And we, as

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1 part of that, we want resolutions, you know, that --  
2 MR. RICHARD: Of course.  
3 MS. CARLSON: -- combine with the High Speed  
4 Rail Act and with our planning policies. And what you  
5 just said would seem to do that more than some of the  
6 other alternatives. Because it's going down an existing  
7 transportation corridor.

8 MR. RICHARD: Right.

9 MS. CARLSON: But we just -- we don't want to be  
10 brushed off. And I want to just say with that statement  
11 that I appreciate sincerely all that you have had to do  
12 to come up to speed in the eight months or so that you've  
13 been here, and I think that you have given probably more  
14 information than anybody has to date. And we appreciate  
15 you coming here and talking with us and taking a barrage  
16 of questions. And we just want you to know that we want  
17 answers. And -- and it seems like it's not hard to give  
18 them to other folks. It may be hard, we don't know. But  
19 we want them here.

20 MR. RICHARD: And -- and I want to do that too.  
21 I mean, I would prefer not to be here and hear the  
22 frustration from -- from the county staff. And  
23 certainly, you know, we'll go back and redouble our  
24 efforts on it. There are going to be some limitations on  
25 what we can do.

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1 I guess the only point I wanted to make,  
2 Counsel, is just in terms of where our hearts and minds  
3 are, it's in trying to get to a solution.  
4 SUPERVISOR VERBOON: With that can we get a copy  
5 of the MOU that you're using down in Bakersfield and  
6 Southern California?  
7 MR. RICHARD: We certainly can give you a copy  
8 of the MOU in Southern California. In Bakersfield I  
9 think we have given a proposal to the city administrator  
10 there, it's not an MOU, it's a proposal. We will  
11 certainly get you that as well.  
12 SUPERVISOR VERBOON: Okay, then the Board wanted  
13 to have that same work for us too.  
14 MS. CARLSON: Mr. Chairman, I think we probably  
15 need to give the Court Reporter her break.  
16 MR. RICHARD: We don't have anything written.  
17 Before the Court Reporter takes a break -- well,  
18 we don't --  
19 MR. ABERCROMBIE: We don't have an MOU in  
20 Bakersfield.  
21 MR. RICHARD: No, but we have something that can  
22 be had.  
23 MR. ABERCROMBIE: Again, the map, it's just the  
24 published map.  
25 MR. RICHARD: We'll give you what we've given --

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1 we'll give you what we've given the city.  
2 SUPERVISOR FAGUNDES: Thank you. Do you have  
3 anything further? Do you have anything?  
4 MS. CARLSON: I think we need to give the Court  
5 Reporter a break.  
6 SUPERVISOR FAGUNDES: Okay. Well, are we almost  
7 done with the questions here or --  
8 MR. SPIKES: Well, I had more questions,  
9 Mr. Chair.  
10 SUPERVISOR FAGUNDES: You want to take a break  
11 then, ten minute break.  
12 MR. SPIKES: Sure.  
13 SUPERVISOR FAGUNDES: Okay. Thank you.  
14 (Recess taken.)  
15 SUPERVISOR FAGUNDES: Okay, we'll resume our  
16 discussion here. Okay, do we have any questions or  
17 comments from you, Mr. Richard, on anything?  
18 MR. RICHARD: I think your County Administrator  
19 had more questions, so I'm just waiting for that.  
20 MR. SPIKES: Actually before I do that I think  
21 County Counsel has something to follow up I guess where  
22 we left off.  
23 MS. CARLSON: Yeah, I forgot one thing on my  
24 list. You provided a response that -- and to put it in  
25 context, we were talking about the trickle down from the

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1 programmatic to the project. And in between there were  
2 some alternative analyses. And we've been trying to get  
3 a response to this question and you indicated you thought  
4 staff had provided that. What we got from Tom Fellenz  
5 was an e-mail that hyperlinks that pointed to the  
6 documents. I can read documents and I can find documents  
7 myself. What we can't find is how the environmental  
8 process was followed, how public comments were received  
9 on the supplemental, and how the conclusions were  
10 ultimately made that comply with CEQA.

11 The other thing I wanted to follow up on was  
12 when you talked about why the 99 alternative was taken  
13 out of the mix, you indicated that it took more farm  
14 land. But if I recall correctly there were three  
15 different 99 alternatives, and that you may have  
16 described the worst case scenario, not the best case. So  
17 I just wanted to point that out.

18 MR. RICHARD: That's possible, Miss Carlson. I  
19 -- I did go back and review a lot of stuff on the -- on  
20 the 99 analysis. But I can't sit here and tell you that  
21 I'm an expert on all the potential alignments. I  
22 remember that that was one of the conclusions.

23 Your first comment is one that is consistent  
24 with my understanding of the interaction that took place,  
25 which was that I think that we came out of the last

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1 meeting understanding your request to be where are the  
2 documents that talk about these alternatives. And then  
3 Mr. Abercrombie told me that -- and Mr. Fellenz that  
4 after the last meeting you said no, no, what we're  
5 looking for is kind of that pathway that went through the  
6 process. So I was trying to say that at the beginning,  
7 but I didn't understand that that was the disconnect  
8 between the information that we provided you so far and  
9 the additional information that you're looking for.

10 MR. SPIKES: Mr. Chairman?

11 SUPERVISOR FAGUNDES: Mr. Spikes?

12 MR. SPIKES: Yes, thank you. Just if I could  
13 follow up on that, Mr. Richard, the question that  
14 Miss Carlson posed a few minutes ago, your response with  
15 respect to the Bakersfield situation was actually part of  
16 a response for a question that was raised to you about  
17 the adequacy of mitigation funds in your business plan.  
18 The questioner asked you given what was experienced with  
19 the so-called "Big Dig" in Boston, whereby that project  
20 was budgeted two billion dollars and ended up costing 20  
21 billion dollars, that -- and he indicated in the question  
22 that he felt like the vast majority of that cost overrun  
23 was related to paying off people or somehow paying for  
24 other things associated with mitigation costs. As a  
25 result of that project, they had no ability to do any

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1 other projects for the foreseeable future and beyond  
2 potentially. And so his question to you was do you feel  
3 comfortable that you have adequate funds in your business  
4 plan to pay for all the mitigation that is required to  
5 make this project happen. And I think your response was,  
6 well, it would certainly be foolish to suggest that you  
7 were satisfied with that, because as we've gone from --  
8 we being -- you being the High Speed Rail Authority, gone  
9 from, what, five, 10, 15 percent planning process for  
10 this, that you're identifying more and more, but the  
11 suggestion you made was that this is going to cost a lot  
12 of money. And we're not satisfied necessarily that we  
13 have identified all the mitigation, we're more  
14 comfortable as we go. But the sense was that you also  
15 made the comment about not only about Bakersfield but  
16 also about extending underground sections even further to  
17 save people's homes, and was this a societal cost that  
18 we're just going to have to recognize that's going to  
19 have to be paid in order to get this built, almost to the  
20 extend where you could come away thinking no matter what  
21 the cost, no matter what it costs to mitigate everything,  
22 this is what we're going to do.

23 And so I -- I think it just calls into question,  
24 at least in my mind, the estimated reduction from 98 to  
25 68 with the suggestion that you're not satisfied you have

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1 enough money in there for mitigation. I mean, it just  
2 really, really causes a lot of concern back to the  
3 business plan standpoint, even outside of the EIR things  
4 we've been talking about.

5 So I was just curious, was that -- did I  
6 interpret that correctly or did I -- did I misunderstand  
7 your suggestion that you're not satisfied with enough  
8 money being there for mitigation?

9 MR. RICHARD: Up until you got to the very end I  
10 was a hundred percent with you, and I thought you were  
11 going to say something nice about my candor. And --

12 MR. SPIKES: I appreciate the candor.

13 MR. RICHARD: No, that -- but I think that,  
14 well, first of all, everything you said I said of course  
15 I said. And the -- but what I had in mind was going in a  
16 slightly different direction. And let me -- let me just  
17 say it this way: The more time I spend in communities  
18 like this or in Bakersfield or in Santa Clarita where  
19 people would like us to extend the tunnel or in Mountain  
20 View or Palo Alto where people have issues, the more I  
21 realize that there are societal choices that have to be  
22 made. There are, as we learned in economics class in  
23 college, externalities that if we bring them into the  
24 project are going to increase the project's cost. And I  
25 think we've seen that, in fact when people complain about

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1 the fact that the cost went from the 43 to, you know,  
2 pick a number for apples to apples comparative purposes,  
3 it really went from about 43 to about 54. But when  
4 people look at that and they say, oh, well, you know, you  
5 guys look at this, the costs just keep going up. Most of  
6 what has driven that cost increase is the recognition  
7 that certain things had to be done because the cheaper  
8 thing was unacceptable to those communities. Or it was  
9 just -- it needed to be done in a different and better  
10 way.

11 But this is not the "Big Dig" in the sense that,  
12 you know, paying people off has a certain connotation in  
13 Boston which is not one that I'm going to accept here,  
14 but I think --

15 MR. SPIKES: I think those were his words.

16 MR. RICHARD: Yeah, they were not my words.

17 MR. SPIKES: He said mitigation, but I call it  
18 paying people off.

19 MR. RICHARD: Yeah. No, I mean, I think the  
20 "Big Dig" was a project that really went out of control,  
21 and went out of control for a whole lot of political  
22 reasons and other reasons. One of -- and, you know,  
23 people can question is the High Speed Rail project going  
24 to follow in that same path? When I worked on the Bart  
25 to San Francisco Airport project it was one of the first

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1 times we used a design build approach where the  
2 contractor ends up finishing the design and building to  
3 that design, and it worked very, very well in keeping  
4 costs under control and keeping us on schedule. That's  
5 the approach that we were providing here. That's not  
6 what they did with the "Big Dig".

7 So Mr. Spikes, what I had in mind when I said  
8 that was that I did think that we were going to have to  
9 end up doing more mitigation than perhaps is in the plans  
10 right now. But we're also at a time when right now, in  
11 this environment, if we can start this project next year,  
12 I really believe that we could get, in this environment,  
13 seven billion dollars worth of work out of a six billion  
14 dollar contract. Because I think contractors are hungry  
15 and they really want this -- this project. And we're  
16 looking at a very, very strong level of competition.

17 I'd like to use some of that peace dividend, if  
18 you will, if we need to make some of these kind of  
19 choices that I was talking with -- Tom and I were talking  
20 about. So I was looking at it that way, not that  
21 suddenly the project is going to be 80, a hundred, 150  
22 percent overrun, but just that, yeah, we're going to go  
23 through communities and, you know, we are going to have  
24 to make some choices, some things will cost us more  
25 money, it may be well worth it to do that to preserve

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1 other societal values. And I -- but then it behoves us  
2 to manage the project to try to find offsetting savings  
3 so that we can do those things. I wasn't trying to say  
4 or suggest that, gee, we see this as an open checkbook  
5 that we'll just spend whatever we spend to build the  
6 thing. That is not the case. We would be fools to even  
7 try to go down that path. Not to say that people don't  
8 question whether or not our -- our cost estimating and so  
9 forth is accurate, but I think that I think we're -- we  
10 have a good handle on the cost for the design that we've  
11 got.

12 The issue that you're raising that you were  
13 reflecting on my comments on is is that design going to  
14 be adequate or are we going to have to make some  
15 additional moves along the way because we have community  
16 impacts that have to be addressed? And I believe that  
17 that will be the case. But I don't think it's going to  
18 drive the project in the direction of, you know, wild  
19 overruns. I think it just means that we have to manage  
20 this project very well and try to look for those savings  
21 that we can claw out and then reinvest them in things  
22 that are going to improve the project.

23 MR. SPIKES: Well, all I can suggest is that  
24 I'm -- I'm curious if there's ever been a project of this  
25 magnitude that didn't overrun its budget by a lot of

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1 money. And I don't even expect a response from that, I'm  
2 just curious if that's the case.

3 If I could, Mr. Chair, just shift gears real  
4 quickly. One of the things that we had on the agenda was  
5 to talk about other issues and new developments since the  
6 last time we met. And I think one of them is the  
7 governor's proposal to change the Environmental  
8 Protection Act in such a way, I believe you characterized  
9 them as more technical changes.

10 MR. RICHARD: I did. That was not widely agreed  
11 to by a number of people, but that is how I characterized  
12 it.

13 MR. SPIKES: Okay. And so I think the question  
14 that we wanted to raise is what is the status of that and  
15 how did you envision that that, whether it's a technical  
16 change or not, how did you envision that would be done?  
17 My understanding is you're attempting or it's being  
18 attempted, proposed by the Governor, whatever the course  
19 of action is, is to get it changed with respect to not  
20 allowing a court to issue a temporary injunction to stop  
21 construction unless it's -- it rises to the level of  
22 somebody can -- can illustrate the complete extinction of  
23 a species or something along those lines.

24 MR. RICHARD: Well, I heard that comment from  
25 the back and I --

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1 MR. SPIKES: I missed it, so.  
2 MR. RICHARD: Somebody said a farmer is an  
3 endangered species. I understand that. First of all,  
4 I'm not sure what the status is, what is a technical  
5 small correction in one person's view obviously can be  
6 something more major in others. And it had been my hope  
7 that we could find a common ground with the environmental  
8 community to have them accept this, and I can't represent  
9 that that's the case. The Sierra Club opposed it and  
10 other environmental groups did. And that will have a  
11 significant weight with the legislature, I'm sure. So I  
12 wouldn't -- I wouldn't think that this is necessarily  
13 something that's going to come to pass at this point.  
14 Because it just turned out to be more controversial than  
15 I had hoped it was.  
16 Our intention was pretty simple. There were  
17 three aspects of CEQA application that we were trying to  
18 address: One was specific to the peninsula where we've  
19 proposed to use just two tracks instead of four, and that  
20 really required some look at the program level EIR.  
21 Another goes to the issue that Counsel raised about  
22 looking at the entire project. CEQA is intended to stop  
23 so-called piecemealing. So if you had a whole  
24 development and somebody came before this body sitting as  
25 -- in its responsibilities for CEQA and said we'll just

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1 look at this building, but don't look at the entire  
2 redevelopment area, whatever, that would be piecemealing  
3 it. It's really kind of an unwieldy thing to try to look  
4 at. When you're building a 520 mile system, you're going  
5 to have piecemealing, if you will, because it's almost  
6 impossible to look at building the entire thing at one  
7 time, so we're trying to clarify that.  
8 And on the injunction point, I think all we were  
9 trying to say was that if -- the comment I made about the  
10 endangered species was simply that people were  
11 mischaracterizing what we had proposed as preventing any  
12 judge from issuing an injunction. And we never proposed  
13 that. What we had said was, gee, if there's a situation  
14 where we can mitigate something, we want to give the  
15 judge the ability to balance the potential loss of  
16 billions of dollars of federal funds versus our ability  
17 to mitigate as opposed to being forced, which we thought  
18 was the case under CEQA, to perhaps stop the project,  
19 even if there was a relatively minor area that could be  
20 mitigated. And that's what we were trying to do with  
21 that. I suspect it's going to be a moot point, but.  
22 MR. SPIKES: Well, that was going to be my  
23 question, you're talking about this in the past tense and  
24 so is it -- is it your suggestion that that's not going  
25 to be attempted by the Governor?

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1 MR. RICHARD: The -- you know, people reported  
2 this as being something that the Governor himself was  
3 doing. I think that probably was somewhat of a surprise  
4 to the Governor. But as the -- I was working with the  
5 Office of Planning Research on the Governor's staff to  
6 try to put some language together that we could provide  
7 to the environmental community to see if we could find  
8 common ground to then present to the legislature. So  
9 obviously it was released, we never asked people not to,  
10 but it got into the press, it got into the dialogue. So  
11 it never rose to the level of a formal proposal. Not to  
12 say that somebody in the future couldn't come back and  
13 try to address this, but at this point I would have to  
14 say that we weren't trying to jamb anything through, we  
15 didn't do anything in the dark of night, we were very  
16 open with what we were trying to do. We met with the  
17 environmental groups, shared that with them, in the hopes  
18 that it was in fact going to be viewed as technical and  
19 that they would say that it was fine. Some I think were  
20 comfortable with it, but not everybody was. And I just  
21 think that that lack of consensus would have -- would  
22 weigh on the legislature if I had to make a guess.  
23 MR. SPIKES: Okay. Thank you. One -- one last  
24 thing with respect to finishing up everything we had on  
25 the agenda was just we put on here the discussion that

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1 was held at the California State Association of Counties.  
2 And given the potential that they would now oppose the  
3 project as opposed to their original position back in  
4 2007 to come out in favor of the project, and in fact  
5 adopted a resolution back that year, Supervisor Verboon  
6 asked CSAC staff to put something on the agenda, it was  
7 covered at the CSAC legislative conference two weeks ago,  
8 Mr. Fellenz was there, and there was, in addition to  
9 Supervisor Verboon there was a supervisor from Madera  
10 County and there was another supervisor from I don't  
11 remember where, but spoke in support of Kings County's  
12 opposition to High Speed Rail. So there's going to be  
13 another meeting in August. And I think subsequent to  
14 that there may be a discussion about going back to the  
15 CSAC Board of Directors and changing its position.

16 I just wanted to bring that up just simply  
17 because Supervisor Verboon and I had conversation, he  
18 specifically was involved in that. So that was another  
19 issue that had come up. So I wanted to make sure we  
20 covered that. And I don't know that if that covers it to  
21 your satisfaction.

22 SUPERVISOR VERBOON: That works.

23 MR. SPIKES: Okay. And that's really all I have  
24 at this point, Mr. Chairman. Although I'll see if  
25 Colleen has anything.

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1 I also wanted to have the opportunity to have  
2 Margaret Byfield make a few comments, as she has been  
3 monitoring this and certainly working on behalf of Kings  
4 County Farm Bureau. We've invited her to come and enter  
5 this process, now this is the second time in a row. And  
6 she's had some concerns, and I think she voiced those  
7 last time, and I don't want to speak for her, obviously,  
8 but the consistency review I think is one of the things  
9 that she raised.

10 And so with that I'll just turn it over to her  
11 if she has any comments she'd like to make to follow up  
12 on that.

13 MS. BYFIELD: Well, first and thank you,  
14 Mr. Spikes. And Mr. Richard, the -- I think one of the  
15 confusions is the decision that the point of which it was  
16 decided that Kings County was going to be impacted.  
17 That's why the county keeps going back to the I-5/99  
18 analysis. And in looking at the website documents, it's  
19 still connecting those dots as to why Kings County ended  
20 up being impacted. Part of the reason is because Kings  
21 County wasn't involved in that. In other words, the --  
22 we kind of went through that last time, the decision to  
23 impact Kings County was made without coordination with  
24 Kings County. So they found out about it later without  
25 having that input.

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1 In going back through the alternatives analysis  
2 on page 2-3 of the working draft it says that in your  
3 comparison of project alternatives that one of your  
4 measures was land use, which includes supports transit  
5 use, is consistent with existing adopted local regional  
6 and state plans, and is supported by existing and future  
7 growth areas. Well, none of that complies here. So the  
8 route coming through Kings County, Kings County is not a  
9 rural development county so it does not support the  
10 transit use. It's obvious we've had this discussion  
11 several times, the rail is not consistent with the county  
12 plan. And also where you're looking at placing the  
13 station in the route coming through the ag lands I think  
14 is not supported by existing and future growth areas.

15 And to get to, you know, the question of what  
16 kind of information are we really looking for here, the  
17 measurement in your document for consistency with other  
18 planning efforts and adoptive plans, your source document  
19 -- and let me back up first. To measure the transit  
20 oriented development of the area, in your -- in your  
21 evaluation, your source document to doing that would be  
22 regional and local planning documents and land use  
23 analyses from local planning agencies, which makes a lot  
24 of sense, that's -- that's what you would look to. But  
25 your measurement for consistency with other planning

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1 efforts and adoptive plans, it says your source document  
2 is, quote, land use analysis baselines conditions study.  
3 So that's not a planning document that anybody in Kings  
4 County is familiar with. It's not a Kings County  
5 document. And, you know, we've had the conversation  
6 what's this document. We don't even know what this  
7 document is. But it's evidently your source document in  
8 order to determine whether or not you're consistent with  
9 the county plans here.

10 So that would be a specific request is we'd like  
11 to see that -- that particular study and that analysis  
12 that came out of that alternatives analysis.

13 MR. ABERCROMBIE: I don't find that document,  
14 so.

15 MR. RICHARD: Yeah, I'm not familiar with that,  
16 Miss Byfield. Let us try to see what we can find there.

17 MS. BYFIELD: Well, what would be helpful is if  
18 in the next staff to staff meeting is if you could bring  
19 a copy of that document to that. And, again, that's on  
20 your alternatives analysis page 2-3 is where it's  
21 referred.

22 MR. RICHARD: I'm sorry, page 2-3?

23 MS. BYFIELD: 2-3, yeah.

24 MR. RICHARD: Do you have a date for that  
25 document?

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1 MS. BYFIELD: That is going to be -- I have to  
2 scroll, sorry. June 2010.  
3 MR. RICHARD: June 2010. Thank you.  
4 MS. BYFIELD: And then last time when you were  
5 here we had the discussion of the -- in your draft  
6 environmental impact statement in the land use appendix  
7 there was a list of consistencies with the county plan.  
8 It was pointed out that there were 17 statements of  
9 consistency with County's plan. And the comments back  
10 from the county was that all 17 of those statements are  
11 actually inconsistent. And that's a chart in that draft  
12 document. And that actually is a document that should be  
13 pretty easy to correct. And so we had that discussion,  
14 you committed to correct the flaws, which we appreciate,  
15 and also committed to do a consistency review prior to  
16 the draft coming out. That would be a document that  
17 would be very good to start with in the next staff to  
18 staff meeting, to bring a copy of that particular part of  
19 the draft and let the staff -- staff to staff go through  
20 and start correcting all those inconsistency statements.  
21 So if you could do that as well.

22 MR. RICHARD: That shouldn't be a problem.

23 MR. ABERCROMBIE: I've advocated for that,  
24 that -- I'm -- it's not produced yet.

25 MR. RICHARD: All right. Apparently

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1 Mr. Abercrombie is going to need a little support to make  
2 sure that that happens. So I appreciate you raising  
3 that.

4 MS. BYFIELD: Okay. That's all I have.

5 SUPERVISOR FAGUNDES: Anybody have? All right,  
6 a couple of comments from board members, and then  
7 we're -- oh, Greg?

8 MR. GATZKA: Just real quick, Chairman. In  
9 following up from Mr. Richard, you did make a statement  
10 in terms of making a choice between the 99 alignment and  
11 alignments here, that there was land use differences,  
12 number of acreage that was going to be impacted 99,  
13 number of acres here, and that that was a lot greater in  
14 the 99. What Miss Byfield is alluding to, and I think  
15 what you were referencing, are the exact same thing.  
16 There is some study, there is some background analysis  
17 that the High Speed Rail Authority staff and consultants  
18 has prepared when those decisions were being made on the  
19 alternatives analysis. And in relation to that  
20 alternatives analysis, can you clarify, was that a  
21 discretionary decision by the Authority Board when you  
22 were first presented that? I know you weren't on the  
23 board, but Jeff Abercrombie was on staff, the Authority  
24 Board did make a decision on that, and whether that  
25 complied with -- with CEQA as that was a discretionary

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1 act by the Authority Board in selecting refined  
2 alignments that did bring it into Kings County.

3 MR. ABERCROMBIE: I beg to differ that I was  
4 here, but.

5 MR. RICHARD: Mr. Gatzka, I -- I wasn't here  
6 when that decision was made. Jeff I don't think was.  
7 The lawyer part of my brain immediately kicks in when you  
8 ask if it was a discretionary decision. Before I start  
9 popping off on what that decision was or wasn't, I'm  
10 going to want to have some conversations with folks. I  
11 understand your question, though, sir.

12 MR. GATZKA: And the original alternatives  
13 analysis, obviously that was in 2010, so I believe you're  
14 correct, Mr. Abercrombie wasn't. May of 2011 I believe,  
15 though, was another supplemental or other revised  
16 alternative analysis that did go to the Authority Board  
17 and Mr. Abercrombie was as staff in that role during that  
18 time.

19 MR. ABERCROMBIE: Yes.

20 SUPERVISOR VERBOON: May I?

21 SUPERVISOR FAGUNDES: Do you have any comment on  
22 that or do you --

23 MR. RICHARD: I didn't -- was -- were you asking  
24 me to comment on that? We'll -- I think this all goes  
25 back to the question that Miss Carlson asked, which is

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1 give us the road map of how you got from there to here.  
2 And so my sense is it should be subsumed in that answer  
3 as we -- as we do that, lay that out for you.

4 MS. CARLSON: And you should be able to produce  
5 the document that you referred to in your environmental  
6 document.

7 MR. RICHARD: We certainly should be able to  
8 produce documents that were referred to in the  
9 environmental document if we -- if we correctly  
10 understand it. Do you have an issue with this.

11 MR. ABERCROMBIE: Point of clarification: She  
12 said environmental -- Colleen, you said "environmental  
13 document"; Margaret, I believe you called it an  
14 "alternative analysis."

15 MS. BYFIELD: Same thing. It's part of your --

16 MR. ABERCROMBIE: I just want to be able to find  
17 it for you. I'm just -- that's all I'm trying to do.

18 MS. BYFIELD: It's the working draft of  
19 alternative analysis in -- let me pull it up again.  
20 Alternative analysis report volume 1, June 2010.

21 MR. ABERCROMBIE: Okay.

22 SUPERVISOR FAGUNDES: We have comments from two  
23 board members. Richard, do you have something?

24 SUPERVISOR VALLE: Yes, Mr. Chair. During the  
25 break, Mr. Chair, I had a discussion with Corcoran Mayor

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1 Ray Lerma, who is here with us today. Going back to your  
2 proposal of the joint meeting with Kings County and Kern  
3 County, and I like that idea. Again, the one topic being  
4 Amtrak and Amtrak service. What we -- what we would like  
5 to suggest is before getting to that point, what about a  
6 joint meeting with our parties and also here include the  
7 two host -- the two Amtrak host communities in Kings  
8 County, being the City of Corcoran, the City of Hanford.  
9 So prior to a Kings/Kern meeting, a joint meeting on the  
10 topic of Amtrak, we need one time here in Kings County  
11 where it's us two parties along with the City of Corcoran  
12 and City of Hanford on that one topic of -- of Amtrak.  
13 And then from there we feel we'll be in a better position  
14 to get more out of the joint meeting with Kings County  
15 and Kern County. Would you be open to our staff's  
16 looking into that, building on -- building upon your  
17 suggestion of the joint Kern?

18 MR. RICHARD: I certainly would, Supervisor. I  
19 guess the only point I would make is that in our business  
20 plan we talked about the ability to move the Amtrak  
21 service onto the High Speed Rail tracks as they're being  
22 built. And we certainly tried to lay out that -- that  
23 that would have certain values. But we also recognize  
24 that it might orphan the stations here in Hanford and  
25 Corcoran and Wasco. But we don't -- we don't operate the

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1 Amtrak service, it's operated by CalTrans. Amtrak is a  
2 contractor to them. So while we lay this out in our  
3 business plan, we -- we're not really able to make a lot  
4 of decisions about that.

5 What I have tried to say is that as a member of  
6 the administration I would use that position to reach out  
7 to sister agencies to say this is an issue everybody  
8 needs to get at the table. Some of the folks who  
9 actually fund this service need to be there, and that's  
10 the CalTrans folks. That's why I spoke with -- with the  
11 agency secretary.

12 So with that understanding, Supervisor, you  
13 know, we're happy to participate, but -- but there is a  
14 limited amount that we can really answer there. And so I  
15 just -- I didn't want to create another area of concern  
16 or frustration with that. What I want to do is use our  
17 good offices to try to help resolve that situation. But  
18 we not -- we may not be the people who have the tools to  
19 do it.

20 SUPERVISOR VALLE: When you suggested the  
21 Kings/Kern joint meeting, I believe, you correct me if  
22 I'm wrong, you also suggested CalTrans.

23 MR. RICHARD: CalTrans, that's right.

24 SUPERVISOR VALLE: In that joint as well -- or  
25 that meeting as well.

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1 MR. RICHARD: Right.

2 SUPERVISOR VALLE: And that's what I'm picturing  
3 is --

4 MR. RICHARD: Oh, you were, okay.

5 SUPERVISOR VALLE: -- is the agencies that you  
6 suggested for the Kings/Kern joint meeting, but prior to  
7 that having one in Kings County, but along with your  
8 suggested agencies I was including the City of Corcoran  
9 and the City of Hanford as being host communities of  
10 Amtrak in Kings. Then we can go to Kern and connect the  
11 dots. Because once we get to Kern, even though we're on  
12 one topic of Amtrak, then they have their -- Kern County  
13 has their host communities that they're going to want to  
14 be speaking about. And I think we'd like to make sure  
15 that our communities in Kings County have a seat at that  
16 table.

17 MR. RICHARD: Oh, absolutely. And, look, I'm  
18 happy to, you know, pursue anything that helps resolve  
19 this issue because I know it's an issue of concern. So  
20 we're happy to do that, we'll work with our friends at  
21 CalTrans.

22 And just to -- just to clarify one thing, the  
23 only reason I mentioned the Kern County cog in this was  
24 that there's a couple different ways to deal with this  
25 issue. They seem to have an idea of having some type of

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1 local control. I mean, one way is just CalTrans agrees  
2 to keep running service that they've got now for that  
3 part of it and keep paying for it. Your friends down in  
4 Kern County had an idea that, hey, maybe this is  
5 something we take from CalTrans and we run here in this  
6 community. Just like the Capital Quarter Service used to  
7 be run by CalTrans, now run by a joint powers board. And  
8 people who run the San Joaquin trains in general, even  
9 without High Speed Rail, have been trying to talk about  
10 whether or not they should come together to form a joint  
11 powers board to take it from CalTrans and try to run it.

12 So I just thought it was an interesting point to  
13 raise to you that the folks at Kern cog have been  
14 thinking about this. But I understand your point that  
15 you would like to have your communities kind of get their  
16 ducks in a row before you reach out. So we'll -- we'll  
17 work with you to --

18 SUPERVISOR VALLE: Ever since you mentioned it  
19 it just -- it sparked my interest and I -- I think it's  
20 interesting and -- and necessary.

21 So Mr. Spikes, how would we get to that point?  
22 Would that be something that you could note as follow up  
23 from this meeting to follow up with HSRA staff?

24 MR. SPIKES: Sure.

25 SUPERVISOR VALLE: The City of Corcoran and the

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1 City of Hanford?

2 MR. SPIKES: Sure. Yeah, we actually, as you  
3 may recall, at the city/county coordinating committee  
4 meeting last week we reached out to make sure Corcoran  
5 and Hanford could be involved, mainly because of the  
6 Amtrak conversations. So I think that they're -- they're  
7 -- obviously the mayor and city manager are here from  
8 Corcoran. And so we can -- we can continue along that  
9 path and we'd be happy to make that arrangement.

10 SUPERVISOR VALLE: Thank you, Mr. Spikes.

11 MR. RICHARD: We'll support that, Supervisor.

12 SUPERVISOR FAGUNDES: Okay, we have one more  
13 comment from a board member before we open it to public  
14 comment.

15 SUPERVISOR VERBOON: Yes, I have a couple  
16 requests and a comment. You brought up FRA earlier, and  
17 was as that Michael Valen -- Valentine, Valentin?

18 MR. RICHARD: No, sir, it's -- and I want to  
19 make sure I get this right, Supervisor, it's David --

20 MR. ABERCROMBIE: Valenstein.

21 MR. RICHARD: -- Valenstein. So it's  
22 V-a-l-e-n-s-t-e-i-n.

23 SUPERVISOR VERBOON: Can you bring him back to  
24 the next meeting, would he accompany you to the next  
25 board meeting?

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1 MR. RICHARD: We could ask. Our -- you know,  
2 they're the feds, we're the state. So we can ask,  
3 certainly, we can try to make sure that they come. I  
4 can't -- I can't direct them to come, but we'll make that  
5 request to them.

6 SUPERVISOR VERBOON: I appreciate it. Also, you  
7 talked about streamlining our dairy permitting --

8 MR. RICHARD: Yes, sir.

9 SUPERVISOR VERBOON: -- at the legislative  
10 level, and you said you might have that done within two  
11 weeks?

12 MR. RICHARD: Not the streamlining, but the  
13 committee.

14 SUPERVISOR VERBOON: The committee. Well, you  
15 think you'll have it done within two weeks, the  
16 committee?

17 MR. RICHARD: Well, here's what I'll do: Within  
18 two weeks we will have a meeting in the administration  
19 and talk about this issue, we'll be ready to report to  
20 you on that.

21 SUPERVISOR VERBOON: If you do have something to  
22 report I'd like to get it direct to our staff to resolve  
23 this matter so we can at least have something done in the  
24 future.

25 MR. RICHARD: Right.

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1 SUPERVISOR VERBOON: And a comment on the end of  
2 that is, you know, if your staff is not prepared to  
3 resolve it when they come down here, you know, maybe put  
4 the meetings off a week or two so we don't waste any of  
5 our time.

6 MR. RICHARD: Supervisor, I -- I had a  
7 conversation with Mr. Spikes during the break and it was  
8 really along those lines. You know, Mr. Abercrombie was  
9 just expressing that there's some issues where internally  
10 he's having some challenges getting agreement, you can  
11 understand how that works. What I said to Mr. Spikes was  
12 that I was going to try to intervene in that process with  
13 my colleague so that we could make sure that -- that the  
14 staff who does come down here is not left in that  
15 position where they're not able to answer those  
16 questions.

17 So we started this saying let's have a staff to  
18 staff interaction and then have board members come and  
19 check in to get a progress report. I think what we're  
20 hearing today is we don't want to wait for the progress  
21 report, we need to kind of work with the staff in between  
22 these meetings. And I understand your frustration with  
23 us, Supervisor, I, believe me, I'd like to be sitting  
24 here with people going down a checklist and saying we had  
25 40 things and we actually made progress on, you know, 27

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1 of them. But we're not at that point.  
2 SUPERVISOR VERBOON: It is difficult because,  
3 you know, we have other things in our community besides  
4 High Speed Rail. We have limited staff, so we want to  
5 make sure we have the best use of our time. That's it.  
6 And it's very frustrating to waste a whole day if nothing  
7 gets resolve. So we want to make sure we make the best  
8 use of our time and move forward.  
9 MR. RICHARD: Fair enough.  
10 MR. SPIKES: Along those lines, what Mr. Richard  
11 and I were talking about is, first of all, we have a  
12 staff to staff meeting scheduled again for a week from  
13 today, which actually was a little bit accelerated than  
14 we had before. And along those same lines we talked  
15 about the fact that July is not going to be able to be  
16 fit into Mr. Richard's schedule, so we were talking about  
17 another meeting like this two weeks from today. So in  
18 talking with Mr. Richard, he felt like they could maybe  
19 gather their forces and make maybe make some progress on  
20 a lot of these issues. So I would submit, I guess before  
21 we go into open comments, I just want to make sure the  
22 Board's aware that what we're proposing to do is rather  
23 than the second Tuesday in July, we'd be talking about  
24 two weeks from today as another one of these meetings.  
25 That is the fourth Tuesday, so that's going to be a

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1 problem with respect to IHSS and the Housing Authority.  
2 But maybe we can see what we can do with respect to those  
3 other agencies and see if we can figure that out. But is  
4 it okay with your Board if we try to do this again in two  
5 weeks?  
6 MR. RICHARD: Mr. Chairman, before you answer  
7 that could I offer just one other thought?  
8 MR. SPIKES: Yes.  
9 MR. RICHARD: Just to be clear, I have a  
10 personal invitation, I didn't want you to think that I'm  
11 off in some other county that I like better than Kings or  
12 something like that, but the -- you know, we do have a  
13 new CEO at the Authority, and so one other possibility is  
14 if -- if that schedule doesn't work, you know, I can --  
15 we can make sure that somebody who is in a position to  
16 make these decisions and answer your questions is sitting  
17 here.  
18 The fact of the matter is is that I don't think  
19 that people who put the High Speed Rail Authority statute  
20 together really contemplated that the board chair was  
21 going to be serving in kind of the role that I've served  
22 in or that Mr. Richards has served in. But we're trying  
23 to move to a more normal structure, and so as our CEO  
24 comes up to speed I think he'll be in a position also to  
25 be able to respond to those.

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1 MR. SPIKES: Well, if that -- if that's a  
2 suggestion, I would say perhaps we should just go ahead  
3 and stick with the schedule and have him come on the  
4 second Tuesday in July. If that's okay with the Board.  
5 MS. CARLSON: That's not necessarily a  
6 coordination, though, because it's not board to board.  
7 MR. SPIKES: Oh, that's a good point.  
8 MR. RICHARD: Why don't we take that under  
9 advisement and see what we come up with.  
10 MR. SPIKES: Okay.  
11 SUPERVISOR FAGUNDES: I'd just like to see some  
12 answers next time, that's all. I could play the tape  
13 from the first one, and this is the same thing. Just a  
14 cat and mouse game. You know, we need to get some  
15 answers here. I would appreciate very much if you find  
16 your answers, let us know so we can set a meeting and go  
17 forth.  
18 MR. RICHARD: I'd like the same thing,  
19 Mr. Chairman.  
20 MS. CARLSON: Mr. Chairman, along that line I'm  
21 going to try to help them out and give them a document,  
22 so I'm going to walk over to them.  
23 MR. SPIKES: And while she's doing that I just  
24 want to make sure that for the public comment period  
25 Colton Ivans has numbers to pass out, if you've like to

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1 speak, I think he's already passed out about eight of  
2 those. So if you haven't already gotten a card to speak  
3 under the public comment section, he's the gentleman to  
4 see.  
5 And please -- please remember when you make  
6 these comments they should be addressed to the Board of  
7 Supervisors, not to Mr. Richard and his staff.  
8 SUPERVISOR VALLE: Mr. Chair, if you aren't done  
9 yet, can -- comments are still open regarding the meeting  
10 for -- possible meeting two weeks from today, and I'd  
11 like to just piggyback Chairman Fagundes' comments just  
12 from the aspect that I don't think a meeting -- it's my  
13 opinion is I don't think a meeting two weeks from today  
14 would be productive, just based on the feel of today's  
15 meeting. I think it would be more productive that if two  
16 weeks from now if we had the Chair's availability, maybe  
17 we can pursue the joint meeting that we spoke about  
18 regarding the Amtrak issue. But to come back here under  
19 this agenda two weeks from now just doesn't feel like it  
20 would be productive. And I'll leave it at that.  
21 SUPERVISOR FAGUNDES: I think we were going to  
22 discuss anyway after the meeting what would be the best  
23 --  
24 MR. RICHARD: Yes.  
25 MR. SPIKES: I think our thought was we're going

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1 to have a staff to staff meeting next Tuesday, that's  
2 already agreed on the calendars. And so from there we  
3 can have conversations perhaps afterwards and coming out  
4 of that as to what would be the next and most appropriate  
5 way to handle the next such meeting as this.

6 But, again, our concern seems to be that we want  
7 to make sure that we get all of this information, to the  
8 best of your ability have these -- have these questions  
9 answered before the EIR is released, the EIR/EIS, which I  
10 think is probably I think you're targeting obviously it  
11 sometime this summer. And perhaps before July is out.

12 MR. RICHARD: Right. Well, and I guess I would  
13 also like to reserve this opportunity as well, which is,  
14 if it looks like for whatever reason we're not going to  
15 have sufficient number of answers for next week's staff  
16 to staff meeting, then I think we might want to talk  
17 about an adjustment to that, just because I'd rather not  
18 keep going back through the same thing, so.

19 MR. SPIKES: That's fair. I appreciate that.

20 MR. RICHARD: Yeah. So, again, we'll have  
21 opportunities to talk about this inside the High Speed  
22 Rail with Mr. Abercrombie and --

23 MR. SPIKES: Okay.

24 MR. RICHARD: -- the other people that he's been  
25 working with and, you know, and just I'd just like to see

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1 how far we can go.

2 MR. SPIKES: All right, thank you.

3 SUPERVISOR FAGUNDES: Okay. Before we start  
4 public comments would you gentlemen like to sit out there  
5 so these people are speaking not at your back or you can  
6 turn your chairs around or whatever you...

7 MR. RICHARD: No, I think we, if it's all right  
8 we'll take the front row.

9 SUPERVISOR FAGUNDES: Okay, we're going to start  
10 our public comment here in a minute. And I'd like to ask  
11 if your comment has been expressed already, so we can  
12 move forward, just bypass it and go to the next person.  
13 Unless you've got something different to bring up.

14 How many do we have Catherine?

15 FROM AUDIENCE: 11.

16 SUPERVISOR FAGUNDES: Okay. Number 1?

17 Mr. Lerma?

18 MR. LERMA: Good afternoon, my name is Raymond  
19 Lerma, I'm the Mayor of City of Corcoran. And basically  
20 I just want to cover a couple of things for the City of  
21 Corcoran.

22 As you guys well know, Corcoran is a  
23 City of about 13 thousand residents. We're not talking  
24 about people that are incarcerated, that's another half.  
25 But we're talking about the residents in town. As you

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1 guys know, Corcoran is basically 80 percent Latino, a  
2 farm worker community. And either one of these three  
3 routes would have a devastating effect in Corcoran. It  
4 would have a severe impact on the local economy, it would  
5 displace local business in the downtown and other  
6 businesses along the business corridors. It would also  
7 be a loss of business and it will increase the high  
8 unemployment rate. It will dramatically decrease the  
9 local sales tax revenues. It will also have an impact on  
10 social justice. It will have a negative impact on the  
11 minority low income workers. And I'm not sure that the  
12 non English speaking property owners have been provided  
13 information in either language. Also, just as  
14 importantly, it will have a severe impact on our Amtrak  
15 station that is relied upon for employment opportunities,  
16 educational serv -- educational endeavors, medical  
17 services, civic and government services, as well as  
18 travel outside the city.

19 Again, we want to resolve some of these issues.  
20 There is a ray of hope as to what I'm hearing was done in  
21 Bakersfield. And we'd be receptive to meet to see if  
22 there's any possible resolution. Thank you.

23 SUPERVISOR FAGUNDES: Thank you, Mr. Lerma.

24 Number 2?

25 By the way, we're going three minute clock

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1 again, everybody.

2 MR. SCOTT: I don't think I'm going to take  
3 three. Good afternoon, Mr. Chairman, Supervisors. My  
4 name is Alan Scott, I'm a resident of Kings County. I  
5 have some written stuff down here, but Mr. Spikes,  
6 Miss Carlson, members over there, you said it all for us.  
7 You speak well for our county. We're proud of you.  
8 Absolutely proud of you.

9 I was telling someone on the way in, I said if  
10 there was an investment company, and we had two companies  
11 to invest in, one would be the High Speed Rail, one would  
12 be Kings County, which one would you invest in for a  
13 return on the investment. And I sincerely mean this  
14 coming from the business community, the return on  
15 investment is here in this room. It's not in Sacramento.  
16 Congratulations.

17 The things I want to bring up are very simple.  
18 The environmental issues, and I was -- I observed them  
19 firsthand about two weeks ago. And it starts with dust,  
20 goes to valley fever, goes to airborne spores, especially  
21 with the train transiting the valley every six minutes  
22 either way. And currently it was mentioned, I believe  
23 last night and a couple of other times, and I think I  
24 have the number right, but we're under a fine of so many  
25 dollars, how many do we pay, 18 bucks on our DMV now; is

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1 that correct?

2 SUPERVISOR BARBA: 12.

3 MR. SCOTT: 12? We're on a fine. And now when  
4 I watched the freight train go by down on Houston going  
5 from the south to the north on a not a fairly windy day  
6 but I saw this train coming about 55 to 65 miles an hour,  
7 somewhere in that range, I saw the vortices out there and  
8 I saw the dust. And at 200 miles an hour, being a  
9 military air traffic controller I can tell you what  
10 happens when you go faster. And I don't think I need to  
11 talk about that.

12 The bottom line is this is a major issue. And  
13 with the coming in of all of this construction, if it's  
14 going happen, which I think is in violation of  
15 Proposition 1A, the problem very simply is this: You  
16 cannot and you have not proven, they have not proved  
17 mitigation. And I think that goes to your answers,  
18 Mr. Chair, where is my answer to this question? I don't  
19 think it's been investigated properly, I don't think it's  
20 been covered properly.

21 The other thing is they issued an EIR/EIS and  
22 they pulled it because it was flawed. Now they're going  
23 to bring it back out again, and it's my understanding and  
24 I -- well, I stand corrected if I'm wrong, that we're not  
25 going to have the amount of time we thought we were going

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1 to have to review that document when it comes back out  
2 again. I'm asking the Board to make sure that we get the  
3 maximum amount of review time 'cause I have a feeling  
4 we're going to get something slammed down our throat.

5 And lastly, something has been bothering me with  
6 how this High Speed Rail has been going, and watching our  
7 Face Book page and some other documents, I see the  
8 negativity coming up against the High Speed Rail. And  
9 it's coming out very fast and very furious right now.  
10 The State of California is upset. The bottom line is I  
11 think we need to get back to good government, honest  
12 government, and loyal government. Thank you.

13 SUPERVISOR FAGUNDES: Thank you very much.

14 Next, number 3? Hello, Aaron.

15 MR. FAKUDA: Good afternoon, Supervisors. I  
16 thank you for allowing me to speak. People are beginning  
17 to think I'm sick because I keep using all my vacation  
18 time to do these things.

19 MR. SPIKES: Please identify yourself for the  
20 record.

21 MR. FAKUDA: Aaron Fukuda, 7415 Mountain View  
22 Street, Hanford, California.

23 I'd like to ask the Supervisors if there's a  
24 possibility that these questions could be submitted to  
25 the Authority for addressing them at the next

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1 coordination meeting, which would be two to four weeks.  
2 One of the items is is if they could address what the  
3 liability is for any type of damage that occurs to the  
4 High Speed Rail alignment, the fencing, the rail, the  
5 embankments, or any of that sort of thing. Does that  
6 fall upon the land owner who accidentally does something  
7 in part of their farming practice? Does that impact  
8 their liability insurance? Is it on their liability? If  
9 a train is stopped, can you imagine how much the value  
10 they're carrying in ticket prices on that train, and who  
11 reimburses those people. Because I don't think the  
12 farmer has the liability insurance to cover that.

13           They covered wells a little bit and I -- I  
14 looked back at that. About a year and a half ago we --  
15 we informed Mr. Abercrombie about wells and the  
16 importance in addressing those, and his comment to us is  
17 we didn't need to know that information and we'll get to  
18 it at a certain point. Well, I hope it's in the EIR.  
19 But some of those things are what are the number of  
20 wells? What are the number of wells that are not part of  
21 the exact alignment, but because they're impacting in  
22 cutting off if that number should grow? What is the crop  
23 damage in case a well gets taken out and not put back  
24 into production in time. Adjacent well impacts, if you  
25 put wells too close together they will impact each other.

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1 And then what are the social and economic impacts of all  
2 of that work? Also what are the well abandonment  
3 procedures that will be followed?

4           Another item I was wondering if they could  
5 address was I heard faintly and I've heard it in other  
6 venues where they're talking about tunneling in the Santa  
7 Clarita area. It's funny how I hear these items that  
8 they're talking about, that item actually came up from  
9 John Tos several months ago asking the Authority if  
10 they've investigated tunneling underneath Hanford. And  
11 then I also heard in Bakersfield they're talking about  
12 slowing down. We've talked -- we've asked the Authority  
13 about those issues months ago. And they indicated they  
14 couldn't slow down, but now they're going to slow down in  
15 Bakersfield, but not in Hanford? If they slow down, they  
16 can handle the curves better.

17           In reality we look at -- we want to look at  
18 their documentation. They created their own business  
19 plan. The revised business plan has significant changes  
20 by their own acknowledgment, but they didn't allow the  
21 public the opportunity to review and comment on that for  
22 an appropriate amount of time. Now they're ready to  
23 throw an EIR out there. And we can appreciate the fact  
24 that we get a discussion time period here, but what I  
25 worry about is whether or not they're doing things behind

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1 the scenes, like coordinating with the Office of Planning  
2 and Research for CEQA exemptions, when in front of a  
3 senate hearing Chairman Richard indicated to those  
4 senators that he was not seeking any type of CEQA  
5 exemption, not playing around with any of the project  
6 level CEQA, yet we hear information coming out that  
7 they're seeking to negate any type of litigation process  
8 or injunction process.

9 So we would like, you know, an answer at the  
10 next meeting what does the Authority plan to do to allow  
11 the public to have the appropriate amount of time to  
12 respond, comment, and participate in that process.  
13 Because if we only have 45 days to review it, an immense  
14 document, that's just simply not enough time. Thank you.

15 SUPERVISOR FAGUNDES: Thank you, Aaron.

16 Next, Number 4?

17 MR. DE CAREY I'm Bill De Carey, a long time  
18 resident of Bakersfield.

19 Mr. Chairman and Board Members, it's  
20 interesting, Mr. Spikes, you mentioned the "Big Dig." I  
21 was in a taxi last week in Boston and I said to the  
22 driver, so I guess we're in the "Big Dig"? And he said,  
23 yeah, and we may not be here for long. As soon as they  
24 can find the money, they're going to have to dig up the  
25 pavement and replace it, so.

1 Anyway, I'm here today to support the Kings  
2 County Board of Supervisors and county staff in their  
3 relentless effort to have the Authority answer their many  
4 questions concerning alignment, mitigation, and a host of  
5 other issues.

6 As I said, my wife and I were back east last  
7 week, we attended a class reunion and visited friends.  
8 And when the conversation got dull I would ask if they  
9 heard about California's bullet train project. Most had  
10 heard of it and responded by asking how are you going to  
11 pay for it? You're broke. The federal government can't  
12 afford to buy it for you.

13 If you bear with me a minute, I'm retired  
14 Bakersfield city treasurer and I tend to focus on the  
15 financial issues.

16 Yet the Authority's revised business plan  
17 indicates the initial operating segment, Madera to San  
18 Fernando, is fully funded. We just have to wait for the  
19 federal money to be available. In reality, no one knows  
20 the answer to the funding question. This only confirms  
21 what I've said all along, even if the feds had the money,  
22 with all the states in need of federal funding, are we so  
23 naive to think that the other 49 states are going to  
24 stand by while the feds sink down a bullet train rat hole  
25 in California?

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1 In order to get this boondoggle started we now  
2 hear that CEQA exemptions are being requested. There is  
3 no end to the schemes the Governor and the Authority will  
4 create to coerce the legislature in approving this  
5 project. Those in charge in Sacramento don't hear that  
6 statewide poles indicate two-thirds of the voters no  
7 longer support this project. In a few months they will  
8 probably hear it through the election process.

9 In conclusion, on March 15th in Bakersfield and  
10 the last month in this room I heard Chairman Richard say  
11 that when this project no longer pencils out he would  
12 make an appointment to tell the Governor that the current  
13 project isn't feasible. Chairman Richard, it's time to  
14 make that appointment. Thank you.

15 SUPERVISOR FAGUNDES: Thank you very much.

16 Next, Number 5? Good morning, Frank. Or good  
17 afternoon, I might say.

18 MR. OLIVEIRA: Good afternoon. Frank Oliveira,  
19 Citizens for California High Speed Rail Accountability.

20 I'd like to lead in and get right to the point  
21 about credibility and working in good faith. We try to  
22 work in good faith in our day-to-day dealings. And  
23 that's the way government should work.

24 MS. CARLSON: Excuse me, if there's talking in  
25 the background her ear trains to it. So I just wanted

1 you to stop so she can catch up.

2 Go ahead.

3 THE WITNESS: Roger that. Recently, a few weeks  
4 ago at the US High Speed Rail conference I was watching a  
5 speech on video that the Chairman of the California High  
6 Speed Rail Authority Board gave. And one of the things  
7 he said when he was asked why are we starting in the  
8 Central Valley versus the Peninsula or versus a more  
9 urban area he explained that the decision to move to a  
10 blended system was because rich smart people in the area  
11 have lawyers to file lawsuits, something to that effect.  
12 So the question is are we building in the Central Valley  
13 because they believe we are poorer and not as smart and  
14 will not find lawyers to file lawsuits? That's an  
15 interesting thought process to focus on as far as the  
16 people we're dealing with who are not providing you  
17 information in a timely fashion that you've been  
18 requesting for over a year.

19 Since -- since July -- okay, getting back to  
20 information requested that you're not getting, July 14th,  
21 2011, over 20 Kings County residents submitted written  
22 requests to ask for the same information that you're  
23 requesting about what happened on Highway 99 and what  
24 happened on I-5? To date we have not received any of  
25 that information. It's been over a year. They were --



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1 highlighted all the counties that are opposed to it,  
2 Kings County in red, Tulare County, all in red, the  
3 cities, and I put the route on it. And I looked at it  
4 and I said this thing effectively divides California  
5 east/west.  
6       Okay, we have many indigenous species of  
7 animals: Raccoons, possums; how are they going to get to  
8 their supply of food and water? Are these animals also  
9 going to become endangered? Because effectively they  
10 have produced a reproductive barrier, food, fauna  
11 barrier. And as I'm told there will be underpasses for  
12 the animals to go through. But I hope these people know  
13 how to in-service these animals so that they know to look  
14 for these passes. And then I hope that they've also  
15 in-serviced the Red Tail Hawk and the coyotes that are  
16 waiting at the other end of this tunnel. Are they taking  
17 things like this into consideration? There's so many  
18 little things.  
19       And I encourage this Board to ask these maybe  
20 insignificant questions, but to a little raccoon, a  
21 little kangaroo rat it's very -- to their survival it is  
22 very important. And I encourage you to continue to ask  
23 these questions, significant or not. 'Cause I stand up  
24 for everything big and small. Thank you.  
25       SUPERVISOR FAGUNDES: Thank you, Mrs. Fukuda.

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1           MR. SPIKES: Thank you. I'm glad you didn't  
2 mention my brother-in-law's horse this time.  
3           SUPERVISOR FAGUNDES: Number 7?  
4           FROM THE AUDIENCE: No 7.  
5           SUPERVISOR FAGUNDES: Number 8.  
6           MS. FAGUNDES: Hello, I'm Mary Jane Fagundes,  
7 9785 Ponderosa in Hanford.  
8           Recently at a US High Speed Rail conference in  
9 San Francisco Mr. Richard stated that as air quality in  
10 the central valley is so bad, High Speed Rail has the  
11 solution to save our children. I ask you, Kings County  
12 Board of Supervisors, to ask Mr. Richard to explain how  
13 he is going to save our children with High Speed Rail.  
14 As it's projected that with High Speed Rail air will be  
15 worse here in the valley until the mid 2040's. That's 30  
16 years from now. So we need to give -- you need to ask  
17 them for an answer. Thank you.  
18           SUPERVISOR FAGUNDES: Thank you, Mary Jane.  
19           Next, number 9?  
20           MS. WALTERS: Carol Walters, 13343 Grangeville  
21 Boulevard, just east of the First Baptist Church.  
22           Back in February we talked with -- we had a  
23 phone call from someone on the High Speed Rail committee  
24 trying to tell us what they were going to do to our  
25 property. And it was all supposition, but I was

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1 reassured that they would be sending me a map and that I  
2 would understand it. We got the map. I looked at it.  
3 And I would like to ask the Board, as a private land  
4 owner, what are we as private persons supposed to do  
5 about our wells and the permitting that will be on this?  
6 Who is going to assume the liability if we have to wait  
7 for umpteen months of permitting while they take the  
8 property and the only ingress and egress to our -- our  
9 property? No issue has been addressed on this map  
10 whatsoever. It says preliminary draft. We as a private  
11 citizen have no clue as to what is going to go on. We've  
12 been told it's either an overpass, an underpass, it must  
13 to be the Disability Act, while they completely devalue  
14 our seven and a half acres. And yet we're supposed to be  
15 tax paying citizens to this county and to this state.  
16 And we have done on your part on a beautiful developed  
17 land of property we're glad to call a little bit of  
18 heaven.

19 I also want to know what about the vibration  
20 that's going to come by every six minutes? We've been  
21 addressed as to the noise factor, but never to the  
22 vibration factors that are going to have to be handled.  
23 And what's going on?

24 So while in Portland a couple of weeks ago I  
25 talked to people as their rail system continues to come

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1 out to Portland. And some engineers. And this is what I  
2 was told: Mr. Richards reassured us that this rail  
3 system was going to enhance it. And I found out it will  
4 enhance it. For a two mile radius, wherever that rail  
5 system goes through, there is an enhanced increase crime  
6 rate for every type of crime to business and to  
7 residential. Not only outside the area, but within the  
8 rail system. To the point that numerous people are no  
9 longer riding the rail system because it is unsafe for  
10 them to commute too.

11 At the same time, someone in our family went  
12 down to look at the map to see how we possibly would be  
13 affected on the May 23rd situation down there. And as  
14 they turned to leave, someone in the High Speed Rail  
15 system said -- made the statement, "You realize, folks,  
16 this is more than we really have to do for you people  
17 here." Translated, the laws are on their side, we are  
18 just the common folk in Kings County. Thank you.

19 SUPERVISOR FAGUNDES: Thank you, Mrs. Fagundes.

20 Next, number 10?

21 MR. MACHADO: Mr. Chairman, Members of the  
22 Board, thank you for allowing us this --

23 SUPERVISOR FAGUNDES: State your name, please?

24 MR. MACHADO: Joe Machado, 800 Lansing Avenue, a  
25 dairy farmer here in Kings County.

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1 As other members have expressed back in -- a few  
2 weeks back Chairman Richard stated in a -- in a US High  
3 Speed Rail event that he cared for the third generation  
4 Portugee, Portuguese -- Portuguese, Portuguese dairymen.  
5 I just wondered if you can ask him what he meant by that  
6 comment. If he's so concerned for us. Because any  
7 alignment through a dairy farm is a rail stake through  
8 the heart indefinitely. And so I would like you to ask  
9 him that question what he meant by that statement.

10 And I was there in the back, and the "Big Dig"  
11 was brought up by Larry, which was interesting. In '82  
12 the "Big Dig" was estimated to cost 2.6 billion. In '87  
13 the feds spoon fed them a little bit of money and the  
14 cost jumped to ten billion dollars. Well, the project  
15 ran five years in overruns, a bunch of contractors were  
16 indicted for shoddy -- shoddy cement, shoddy epoxy, you  
17 know, leaks of salt water in the tunnels. It cost -- it  
18 ended up costing 15 billion. After they serviced the  
19 debt it cost 22 billion. And the funny thing about it is  
20 the agency that oversaw this was Parsons Brinckerhoff.  
21 So we wonder what the parallels are to the "Big Dig" to  
22 the High Speed Rail, and low and behold we are in good  
23 hands, people, because the fox's heart is, you know,  
24 guarding the hen house now because the VP of government  
25 affairs for Parsons Brinckerhoff is the new CEO for the

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1 High Speed Rail. So rest assured everyone. Thank you.  
2 SUPERVISOR FAGUNDES: Thank you.  
3 Next, number 11?

4 MR. DOWNING: Mr. Chairman and Board, my name is  
5 Millard Downing, 9944 Ponderosa Road, Hanford,  
6 California.

7 Earlier County Counsel pointed out that  
8 Mr. Richard was at the US High Speed Rail meeting, and  
9 while at that rail meeting he acknowledged that there  
10 were many problems concerning, A, past design decisions  
11 and B, the past public relations.

12 As Mr. Spikes opened the meeting today, our  
13 County Administrator, he mentioned that this is the fifth  
14 coordination meeting. I have attending these meetings  
15 and all I have seen is formality. It appears that  
16 there's been no correction of the past errors. The rail  
17 Authority, it also appears, has deliberately evaded Kings  
18 County issues. They show up late, and their mission is  
19 accomplished, and they charge up one more coordination  
20 meeting done.

21 I appreciate the comments that Supervisor  
22 Verboon made. It sounded firm. It needs to be firm.

23 I appreciate the effort that you gentlemen are  
24 doing. As Mr. Scott said, you are representing the  
25 people, the citizens of this county. Keep up the good

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1 work.

2 SUPERVISOR FAGUNDES: Thank you, sir.

3 Is there anyone else, number 12?

4 MR. PARSONS: Gentlemen, I came in a little late  
5 today, I wasn't able to be here earlier.

6 SUPERVISOR FAGUNDES: State your name, please.

7 MR. PARSONS: My name is Glen Parsons, I'm a  
8 homeowner out towards Laton, next to my brother's home,  
9 and just up the road from my family's farm that was  
10 purchased by my great grandfather in 1902 that threatens  
11 to be cut in half.

12 I've been to a number of things at Sacramento.  
13 And what -- what concerns me today at this staff is -- is  
14 the degree of cronie capitalism and special interests  
15 that are taking place that are about to take advantage of  
16 Kings County.

17 Let me ask a question: Why was another  
18 government project done, Highway 5? Pause just for a  
19 second. Why was Highway 5 built? It was a quick  
20 connection for L.A. to San Francisco. And I ask you now,  
21 why are we coming down 99 and then cutting through farm  
22 land, dairies, and homes? As I see it, that's going to  
23 be -- if it does -- is built, it will be built, we're  
24 going around all these cities 'cause we're trying to  
25 serve these cities supposedly, and then we cut through

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1 the valley. And after it's all done, this ain't fast  
2 enough, we should have gone down Highway 5. And if we  
3 all live long enough, that will happen too. Because it  
4 will be a way to take more money from taxpayers and send  
5 it to the special interests that finance these folks  
6 to -- to get elected in Sacramento.

7 I'm really sickened by what I see. There are  
8 east/west connections between Fresno and 5, railway, and  
9 Kings and Tulare County and 5. And I know many people  
10 that jump on 198 to go over to 5 so they can drive the  
11 (making sound), miles per hour and get to L.A. or San  
12 Francisco more quickly. What I foresee is the same thing  
13 happening. And that really, really concerns me. 'Cause  
14 we're going to do -- if we do this once, not only is it  
15 going to be expensive, but if we live long enough, we'll  
16 see it done twice 'cause it didn't work the first time.  
17 And a prediction.

18 SUPERVISOR FAGUNDES: Thank you, Glen.

19 MR. PARSONS: Thank you.

20 SUPERVISOR FAGUNDES: Do we have anymore?  
21 Number 13? No more?

22 CLERK OF THE BOARD: That's it.

23 SUPERVISOR FAGUNDES: Well, I think we proved  
24 another point, efficiency in Kings County is great when  
25 it comes to public comment.

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1 Is there anymore questions from the Board or --  
2 SUPERVISOR VERBOON: I just had a quick question  
3 just to Mr. Richard. Did we have a date set for the  
4 administrative review?  
5 MR. RICHARD: I'm sorry, Supervisor, I didn't  
6 quite hear the question.  
7 SUPERVISOR VERBOON: Did we have a -- did we set  
8 a date for the answers to the administrative review?  
9 MR. RICHARD: To the answer for the  
10 administrative review?  
11 SUPERVISOR VERBOON: Yeah. Will it be at the  
12 next meeting?  
13 MS. CARLSON: The consistency review?  
14 MS. BYFIELD: The --  
15 MR. ABERCROMBIE: That's where I asked for your  
16 help, on the table of the general planning consistency  
17 review.  
18 MS. BYFIELD: Not -- not the consistency review.  
19 You mentioned that you're going to speak to attorneys  
20 about getting the administrative draft.  
21 MR. RICHARD: Right.  
22 MS. BYFIELD: So the question is when can we  
23 have an answer as to whether or not you're going to  
24 release that administrative draft to Kings County?  
25 MR. RICHARD: I think we should be able to get

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1 that in two weeks. Tom, do you think -- yeah, within two  
2 weeks we'll -- we'll have an answer as to whether or not  
3 we can release the administrative draft.  
4 And if the answer is for whatever reason that  
5 they feel that that's not appropriate, then we'll find  
6 out what level of information we can release and we'll  
7 describe that to you.  
8 SUPERVISOR VERBOON: Okay, thank you.  
9 SUPERVISOR FAGUNDES: Greg, do you have a  
10 comment?  
11 MR. GATZKA: Mr. Chair, I had a couple of  
12 followup comments from our discussion earlier. Because  
13 it's been mentioned that a possible delay in the release  
14 of the draft -- revised draft environmental impact  
15 report, impact statement, I'd really like to hear a  
16 little bit more concrete maybe definitive clear example  
17 or explanation as to when that release may actually  
18 occur. The timing of which tells us as staff how much  
19 time we have before that potential release to hopefully  
20 resolve some of these lacking mitigation and other  
21 analyses that were not in there.  
22 Then the second question is in relation to  
23 Amtrak, because the Amtrak is stated in their business  
24 plan. And one of the most elusive parts of this whole  
25 entire High Speed Rail project has been the project

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1 description from day 1, when it should have been  
2 announced under their stroking sessions that were done in  
3 2009, and because we have a revolving project of  
4 different changes and adjustments, we still don't have a  
5 concrete project description. But their business plan  
6 does state specific things or alludes to specific things,  
7 one of which is the Amtrak station. Therefore, that is a  
8 viable project description that states their intent on  
9 their project, which means that it will have to be  
10 addressed in the environmental impact report and impact  
11 statement. But I keep hearing from the Authority Board  
12 Chairman and staff they don't have control over Amtrak,  
13 and therefore they're not providing the details because  
14 it's not in their purview to tell you what's going to  
15 happen with that. But if they're building their  
16 alignment to house the Amtrak operational trains on  
17 there, that is a legitimate project description, would  
18 have to be analyzed for those potential impacts.

19 And that's just one point that I wanted to make  
20 clear in the record, it's still being elusive in terms of  
21 response. I would like to hear from them as to whether  
22 they are going to address those impacts related to  
23 Amtrak.

24 MR. RICHARD: Mr. Chairman, I can actually  
25 respond to this. A couple of points: We tried to make

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1 it very clear in the business plan that the business plan  
2 is not an environmental document. There are a number of  
3 places it says that. It is a plan that lays out for the  
4 legislature our current thinking about how High Speed  
5 Rail could be financed and built. The reason that we  
6 talked about the Amtrak service in the business plan was  
7 because we anticipate being able to continue to build all  
8 the way to Los Angeles. But a question had arisen as to  
9 if the funding was delayed what is the utility of the  
10 track that we're building. And we said one could move  
11 the Amtrak service onto that track.

12 So I would have to respectfully disagree that  
13 that is a project description. I think it is a  
14 discussion of a potential outcome that is not under our  
15 control.

16 Having said that, it raises questions and  
17 concerns in this community that I think we feel compelled  
18 to address. But I don't think it rises to the level of  
19 the project description.

20 On Mr. Gatzka's other question, we had been  
21 reluctant to give dates on the -- on the release of the  
22 Draft EIR/EIS only because if we didn't meet them we  
23 thought that it was going to create some confusion. So  
24 let me just be very specific. As I understand it right  
25 now, we're shooting for the third week in July for the

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1 release of those documents. It may be the end of July.  
2 I don't want to say the end of July and have some be  
3 released in the third week in July and then, you know,  
4 we're -- we've cut a week off of that. But Mr. Gatzka,  
5 that is through the Chair, that is the -- that is the  
6 current thinking right now in terms of where that  
7 document release date stands. If that looks like it's  
8 going to start to shift, then I'll ask our staff to  
9 communicate that with you so that you know that. But  
10 that was one of the reasons why Mr. Richards and I during  
11 the break and also in my conversation with Mr. Spikes,  
12 why I want to accelerate the efforts to address these  
13 questions.

14 SUPERVISOR FAGUNDES: Is that all, Greg?  
15 MR. GATZKA: Maybe just one last comment because  
16 we have watched Mr. Richard's discussions at the US High  
17 Speed Rail conference or meeting or such, and the  
18 Chairman has indicated that this project is about the  
19 people, and therefore their project is going to ensure  
20 that they go block by -- these are his words, block by  
21 block, community by community to ensure that they are  
22 going to minimize every impact that their project will  
23 have. That is very problematic in the sense that we are  
24 engaging in discussions with them to address those  
25 mitigations, and we're not moving any closer to even

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1 touching any of the basic issues of mitigation.  
2 Therefore, the -- the project, if it continues down this  
3 path of expedited processing, it is really going to be  
4 putting the residents of Kings County in basically  
5 a regulatory disadvantage with the High Speed Rail  
6 Authority with imminent domain proceedings that will  
7 directly impact the private property rights of Kings  
8 County residents. I don't believe that we heard anything  
9 that is reassuring enough from the High Speed Rail  
10 Authority Board Chairman and Vice Chair, staff,  
11 consultants that they are committed to resolving these  
12 issues, these conflicts, and these mitigation problems  
13 that we continue to keep -- to keep bringing up over the  
14 last year and a half.

15 That's -- that's all I have to say.  
16 SUPERVISOR FAGUNDES: Thank you, Greg.  
17 Do you want to make a comment on that quick?  
18 MR. RICHARD: I don't think so, Mr. Chairman, I  
19 understand Mr. Gatzka's points.  
20 SUPERVISOR FAGUNDES: Thank you. Anymore  
21 questions from staff?  
22 MR. SPIKES: No, sir.  
23 SUPERVISOR FAGUNDES: Colleen?  
24 MS. CARLSON: No, sir.  
25 SUPERVISOR FAGUNDES: Miss Byfield?

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1 MS. BYFIELD: Can I make one comment?  
2 SUPERVISOR FAGUNDES: Fine, go ahead.  
3 MS. BYFIELD: I know we're trying to close up  
4 the meeting and everybody wants to go.  
5 But, Mr. Chairman, in the conversations on the  
6 Merced to Fresno segment, when the question was asked how  
7 the High Speed Rail is going to meet independent utility,  
8 the answer was, well, with the, you know, if -- the  
9 discussion was if High Speed Rail is never built, in  
10 other words, you get the first segment in but the funding  
11 doesn't come through, we don't get the other segments  
12 built, then how do you -- how do you prove that this, you  
13 know, Merced to Fresno, this 65 mile segment with the Y  
14 taken out, so a 30 mile gap, how can you prove  
15 independent utility on that? And the response has been  
16 Amtrak will use the lines.  
17 So that's -- that's the reason why the -- you're  
18 using the Amtrak mechanism in order to meet the  
19 independent utility requirement under the law. Which  
20 means it has to be analyzed in the environmental  
21 document. Which I think gets back to Greg's point that  
22 we're not getting the answers on that.  
23 SUPERVISOR FAGUNDES: Thank you.  
24 You want to comment on that?  
25 MR. RICHARD: Well, sure. On the issue of

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1 Amtrak, I think we've been very clear. I don't think  
2 that there is -- there's much confusion. It's not like  
3 some of the other, you know, pretty technical questions  
4 that are being asked by the staff. We have said that to  
5 meet the independent utility test that we believe that  
6 that line would be useful to reduce the transit time by  
7 more than 20 percent in the central valley for a very  
8 popular Amtrak service. We've also said from the  
9 beginning that we recognize that doing that would mean  
10 that while that would be good overall for the valley,  
11 while that would be good for people transiting from  
12 Bakersfield up to Sacramento or long distances, that it  
13 would leave the three stations in Kings and Kern County  
14 in a different position than they are today. And we've  
15 also said since the beginning that we would work to try  
16 to mitigate that by having some type of service continue  
17 there.  
18 So I understand the point that was just made,  
19 but I don't think I put this in the category of things  
20 where we're not giving answers. I mean, we have -- we  
21 have been the ones who identified that issue, we have  
22 been the ones who said we feel a responsibility to try to  
23 step in and deal with that issue.  
24 So I know that everybody, you know, is unhappy  
25 with the general state of things, but I just want to make

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1 sure that, you know, not everything is, you know, a  
2 situation where we're not responding here, I mean, we do  
3 have to push back on that.

4 I guess I'd like to say one other thing, if I  
5 might, Mr. Chairman, in response to some of the comments  
6 that were made. Number one, it's our -- it's our duty  
7 under CEQA and NEPA to mitigate construction impacts and  
8 so therefore, yes, there are construction related impacts  
9 on air quality, they have to be mitigated. The net  
10 result should be that those impacts are offset somehow.  
11 I don't know exactly how it's going to happen, but that's  
12 our duty to talk about that, that's got to be part of the  
13 environmental process.

14 So this notion that somehow High Speed Rail is  
15 going to come in, it's going to have all these  
16 construction impacts, and that this is going to worsen  
17 the air quality, that shouldn't be the case if we're all  
18 doing our jobs correctly in -- in the construction  
19 period.

20 The second thing I want to just say for the  
21 record is that the gentleman that we put in charge of the  
22 High Speed Rail Authority, the CEO, Jeff Morales, yes, he  
23 works as a contractor now. Mr. Morales also was the  
24 Director of CalTrans, he served in the United States on  
25 the staff of United States Congress, in the White House,

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1 in the Governor's office, was the CalTrans Director at a  
2 very difficult time. He's an exceptionally qualified  
3 person, and he's a person who cares about all these  
4 issues, very much so, and has a sense of what the public  
5 sector's responsibility is.

6 And the last thing is is Mr. Machado is right, I  
7 did say I care a lot about third generation Portuguese  
8 dairy farmers and second generation and first generation  
9 and people of other backgrounds. And what I was trying  
10 to say was simply this: We don't sit in an office in  
11 Sacramento and draw lines on a map and think that it's  
12 okay and just push the thing through. We try to come  
13 down and see what's happening on the ground, the lives of  
14 the people who are going to be affected by this. It's  
15 not going satisfy people, I understand that. But that's  
16 what I meant by that comment.

17 And so with that, Mr. Chairman, thank you very  
18 much.

19 SUPERVISOR FAGUNDES: Thank you, Mr. Richard.

20 Anymore comments? Okay, are you going to --  
21 we're going to talk to them about getting the next  
22 meeting?

23 Margaret?

24 MS. BYFIELD: Okay. And I apologize, I know  
25 we're all trying to leave. But the point on Amtrak was

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1 that because it is a reasonable foreseeable alternative,  
2 you know, which the High Speed Rail has been very up  
3 front about, it has to be studied in the environmental  
4 document rigorously.

5 So then my question would be are you satisfied  
6 that was done in the Merced to Fresno final? And if you  
7 are, is that the same level of analysis we can expect in  
8 the Fresno to Bakersfield.

9 MR. RICHARD: Can I just take that as a  
10 rhetorical question, let me -- when we come back next  
11 time we'll talk about Amtrak.

12 SUPERVISOR FAGUNDES: Thank you. And you'll --

13 MR. SPIKES: Yes, sir, to answer your question  
14 --

15 SUPERVISOR FAGUNDES: -- answer the next week.

16 MR. SPIKES: -- I think we'll wait to hear about  
17 the possibility of meeting next Tuesday staff to staff.  
18 If that happens we'll go forward; if it doesn't, we'll  
19 schedule that accordingly. And then from that we'll  
20 figure out whether or not there can be a meaningful  
21 meeting such as this government to government in July.

22 Yes, County Counsel is telling me we need to --  
23 we need to know soon, so the sooner we can get the news  
24 the better.

25 MR. RICHARD: Yes, okay.

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1 MR. SPIKES: Thank you.

2 SUPERVISOR FAGUNDES: Anymore questions? If no  
3 more questions, we'll adjourn the meeting.

4 MS. CARLSON: Hurry.

5 SUPERVISOR FAGUNDES: Anymore questions?

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I, JULIE A. GREEN, a Certified Shorthand Reporter, DO HEREBY CERTIFY:  
That the foregoing and annexed pages constitute a full, true, and correct transcript of the proceedings had and testimony given in the hearing of the matter entitled as upon the first page hereof.  
Dated: June 18, 2012.

Official Reporter C.S.R #4636

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DOUG VERBOON

Supervisor  
District 3

BOARD OF SUPERVISORS  
Kings County Government Center  
1400 W. Lacey Boulevard  
Hanford, California 93230  
Phone (559) 582-3211 - Ext. 2366  
Fax (559) 585-8047

October 8, 2012

California High Speed Rail Authority  
Board of Directors  
770 "L" Street, Suite 800  
Sacramento, CA 95814

David Valenstein  
Federal Railroad Administration  
1200 New Jersey Avenue SE MS-20  
Washington, DC 20590

Re: Fresno-Bakersfield Revised EIR-Supplemental EIS – **REQUEST FOR EXTENSION TO COMMENT**

Dear Co-Lead Agents,

As a member of the Kings County Board of Supervisors, I respectfully request extension of the October 19, 2012 deadline to comment on the referenced environmental document to and including **January 31, 2013**. Kings County is described in the document as part of the "spine" of the project. Given that alone, it bares a substantial responsibility to its community to undertake a substantive review and prepare a detailed response. The volume and technicalities make this prohibitive.

Your respective agencies have been working on researching and assembling this environmental document for years. In total, with appendices and referenced or incorporated reports, the document exceeds 30,000 pages. In light of this inordinate volume and extraordinary statewide magnitude and local impact, the comment period, even as slightly extended, is inexcusably short and exacts an extraordinary burden on those, including Kings County, who have tried diligently to engage. Though you may assert technical compliance with the mandates of both CEQA and NEPA, your approach and short comment period defeat their well known purposes and impose an egregious deprivation of due process.

From the projects' inception and during its progression and implementation, both the expected completion date and funding requirements have increased exponentially. A six month comment period, in relation to the magnitude and volume, and the County's efforts to be engaged, is not an extraordinary request.

Additionally, the County has learned that some of its constituents and landowners affected by the proposed project have been deprived of access to technical reports referred to, if not implicitly incorporated, into the environmental document. For example, hard copies of technical reports were not delivered to local libraries. Although the local libraries have internet access, that access is limited to individual one-hour sessions based on demand. It takes that long just to orient to the contents and where to begin based on interest and potential harm.

Kings County has persistently attempted to engage both the Authority and FRA for nearly the past two years to discuss the project and its impacts on Kings County and its inconsistencies with Kings County's planning policies and protected and preserved agricultural land. Please do not continue the deprivation that has been exacted upon Kings County to date. The County attempted in good faith to coordinate this project to no avail. Please allow it the opportunity to communicate its concerns and the documents deficiencies. In view of the looming deadline, it is important that you respond at your earliest convenience with correspondence confirming a continuance to January 31, 2013.

Sincerely,  
KINGS COUNTY BOARD OF SUPERVISORS

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**RICHARD VALLE**

Supervisor  
District 2

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October 8, 2012

California High Speed Rail Authority  
Board of Directors  
770 "L" Street, Suite 800  
Sacramento, CA 95814

David Valenstein  
Federal Railroad Administration  
1200 New Jersey Avenue SE MS-20  
Washington, DC 20590

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As a member of the Kings County Board of Supervisors, I respectfully request extension of the October 19, 2012 deadline to comment on the referenced environmental document to and including **January 31, 2013**. Kings County is described in the document as part of the "spine" of the project. Given that alone, it bares a substantial responsibility to its community to undertake a substantive review and prepare a detailed response. The volume and technicalities make this prohibitive.

Your respective agencies have been working on researching and assembling this environmental document for years. In total, with appendices and referenced or incorporated reports, the document exceeds 30,000 pages. In light of this inordinate volume and extraordinary statewide magnitude and local impact, the comment period, even as slightly extended, is inexcusably short and exacts an extraordinary burden on those, including Kings County, who have tried diligently to engage. Though you may assert technical compliance with the mandates of both CEQA and NEPA, your approach and short comment period defeat their well known purposes and impose an egregious deprivation of due process.

From the projects' inception and during its progression and implementation, both the expected completion date and funding requirements have increased exponentially. A six month comment period, in relation to the magnitude and volume, and the County's efforts to be engaged, is not an extraordinary request.

Additionally, the County has learned that some of its constituents and landowners affected by the proposed project have been deprived of access to technical reports referred to, if not implicitly incorporated, into the environmental document. For example, hard copies of technical reports were not delivered to local libraries. Although the local libraries have internet access, that access is limited to individual one-hour sessions based on demand. It takes that long just to orient to the contents and where to begin based on interest and potential harm.

Kings County has persistently attempted to engage both the Authority and FRA for nearly the past two years to discuss the project and its impacts on Kings County and its inconsistencies with Kings County's planning policies and protected and preserved agricultural land. Please do not continue the deprivation that has been exacted upon Kings County to date. The County attempted in good faith to coordinate this project to no avail. Please allow it the opportunity to communicate its concerns and the documents deficiencies. In view of the looming deadline, it is important that you respond at your earliest convenience with correspondence confirming a continuance to January 31, 2013.

Sincerely,  
KINGS COUNTY BOARD OF SUPERVISORS

Kings County Exh. C-1

1 MICHAEL J. BRADY (SBN 40693)  
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4

Attorneys for Plaintiffs  
5 JOHN TOS; AARON FUKUDA;  
AND COUNTY OF KINGS  
6

**COUNTY IS EXEMPT FROM  
FILING FEES PER GOV. CODE  
SECTION 6103**

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF SACRAMENTO  
9

10  
11 JOHN TOS, AARON FUKUDA; AND  
COUNTY OF KINGS, A POLITICAL  
12 SUBDIVISION OF THE STATE OF  
CALIFORNIA,

CASE NO. 34-2011-00113919

**SECOND AMENDED COMPLAINT FOR  
DECLARATORY RELIEF; FOR  
MANDAMUS/PROHIBITION; FOR  
RELIEF PURSUANT TO 526a, CCP; FOR  
PRELIMINARY AND PERMANENT  
INJUNCTIVE RELIEF; FOR RELIEF  
UNDER THE PRIVATE ATTORNEY  
GENERAL DOCTRINE**

13 Plaintiffs,

14 v.

15 CALIFORNIA HIGH SPEED RAIL  
16 AUTHORITY; JEFF MORALES, CEO OF  
THE CHSRA; GOVERNOR JERRY  
17 BROWN; STATE TREASURER,  
BILL LOCKYER; DIRECTOR OF  
18 FINANCE, ANA MATASANTOS;  
SECRETARY (ACTING) OF BUSINESS,  
19 TRANSPORTATION AND HOUSING,  
BRIAN KELLY; STATE CONTROLLER,  
20 JOHN CHIANG; AND DOES I-V,  
INCLUSIVE,  
21

22 Defendants.

23 **JURISDICTION AND VENUE**

24 This court has jurisdiction since the action seeks to prevent a state agency and state  
25 officials from committing or authorizing illegal acts or expenditures and to prevent the use of  
26 state funds for illegal purposes. Venue is proper since suits against the California High Speed  
27 Rail Authority ("CHSRA") are required by law to be filed in the County of Sacramento.  
28

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**IDENTITY OF THE PLAINTIFFS**

1  
2 1. Plaintiff County of Kings is a political subdivision of the State of California,  
3 organized and existing under the laws of this state. Plaintiff John Tos is a farmer and resident of  
4 Kings County, California. Plaintiff Aaron Fukuda is also a resident of Kings County, California.  
5 Plaintiffs Tos and Fukuda are taxpayers of the state, having paid for many years state income,  
6 sales, and property taxes. They are eligible to sue under CCP §526a and sue under that statute.  
7 Plaintiff Aaron Fukuda several years ago bought his dream house in Kings County, near Hanford;  
8 he married thereafter and planned to start a family in this house. This home was a unique piece of  
9 property: in a rural area with slightly over an acre of land, but only one mile from town. Such  
10 properties are rare in the area, and plaintiff considered himself fortunate to find this property.  
11 The property also has a pasture on it, which plaintiff Fukuda leases for \$200/month; it also has  
12 some “workshop” buildings on the property which plaintiff utilizes and which cannot be moved;  
13 these contain saws, drills, and other fixed mechanical equipment; the high speed rail (HSR) train  
14 system alignment will go through plaintiff’s property. The value of the property will be adversely  
15 affected, and plaintiff will not be able to find a suitable replacement property that is so unique and  
16 suitable for plaintiff’s needs; plaintiff will also lose the income that he is receiving from the  
17 property. These all constitute economic and tangible items of damage/injury to plaintiff and  
18 plaintiff’s property. Plaintiff Tos owns a farm and has a walnut orchard; the HSR system will  
19 traverse plaintiff’s property, severely impacting its value and income earning potential and  
20 present production. Many other adverse effects will occur, including, but not limited to the  
21 following: many roads will be closed surrounding plaintiff’s property; parcels on plaintiff’s  
22 property will be bisected. All of this will result in a significant increase in farm equipment miles  
23 driven per month, because of the severe inconvenience caused by the rail alignment. This will  
24 result in increased wear and tear on plaintiff’s farm equipment and a large increase in the fuel  
25 costs to run said farm equipment. Plaintiff estimates that the increase in fuel costs will be  
26 \$75,000 per year. This increase in miles driven will also result in increased repair, maintenance  
27 replacement, and labor costs. When heavy farm equipment has to travel more miles, travelling at  
28 low speeds, this will reduce productivity. More miles travelled will also result in more collisions

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1 and safety concerns for plaintiff’s farm equipment; the defendants’ project will seriously increase  
2 the safety concerns for operating plaintiff’s farm equipment, placing it more often in contact with  
3 busy roads and with much faster-moving traffic. Plaintiff’s walnut orchards will be adversely  
4 affected and any mitigation measures by defendants will be inadequate; therefore the lease value  
5 of plaintiff’s land will also be rendered less valuable.

**GIST OF PLAINTIFFS’ CLAIMS**

6  
7 2. All plaintiffs claim that the Central Valley HSR project Merced to Bakersfield  
8 segment (Central Valley HSR project) is NOT ELIGIBLE to receive financial support from  
9 Proposition 1A bond funds and that it would be illegal under Proposition 1A and CCP §526a, to  
10 authorize, approve, disburse or distribute Proposition 1A bond funds to CHSRA for the purpose  
11 of constructing a purported HSR system in the Central Valley. The plaintiffs will seek in this  
12 action to have the court declare that such use of Proposition 1A funds would be illegal and that all  
13 defendants must be prevented from doing so.

14 Plaintiffs seek a writ of mandamus/prohibition requiring the Authority to include in its  
15 UPDATED FUNDING PLAN terms that comply with all the mandatory non-discretionary  
16 provisions of paragraph (d) of section 2704.08 and to prohibit the Authority from adopting an  
17 UPDATED FUNDING PLAN that does not comply with said paragraph (d). Plaintiffs also seek  
18 declaratory relief on this claim as well.

**IDENTITY OF DEFENDANTS**

19  
20 3. The defendants are principally persons and agents of the State who, under the Safe,  
21 Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century (“Proposition 1A”), have a  
22 voice and decision-making authority on whether bond funds under Proposition 1A should be  
23 allowed to be used for the purported Central Valley HSR project and to authorize release of said  
24 funds to CHSRA for the purpose of constructing a purported HSR system in the Central Valley of  
25 California. The defendants include: Governor Jerry Brown; State Treasurer, Bill Lockyer;  
26 Director of Finance, Ana Matasantos; State Controller, John Chiang; Secretary (acting) of  
27 Business, Transportation and Housing, Brian Kelly. The CHSRA and its Chief Executive  
28 Officer, Jeff Morales, are also sued because they seek to gain control of such Proposition 1A

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1 funds for such Central Valley construction and that such use would be illegal under  
2 Proposition 1A.

3 4. Does 1-5 are sued herein under the fictitious defendant statute; each of the Doe  
4 defendants is in some way charged with responsibility for approving releasing/dispersing bond  
5 funds under Proposition 1A and plaintiff seeks to prevent said defendants from doing so.

6 **PROPOSITION 1A – PURPOSE/BACKGROUND**

7 5. In the year 2008, the voters of the state of California passed Proposition 1A (which  
8 was proposed by AB 3034 and enacted various sections of the P.U.C. and the Streets and  
9 Highways Code). Proposition 1A authorized the construction of a HIGH SPEED RAIL  
10 SYSTEM (HSR System”) in California. Proposition 1A defined HSR as AN ELECTRIFIED  
11 SYSTEM with a list of required components.

12 6. The voters of the State of California, in passing Proposition 1A, never intended  
13 that Proposition 1A's \$9 billion in bond construction funds would be used for anything other than  
14 an HSR system, as such; the voters did not authorize Proposition 1A bond funds to be used to  
15 build or modify/improve a conventional rail system or segments, even if “justified” by the  
16 explanation that an electrified HSR system would be constructed at a later time. No allowance or  
17 permission for such a phased system is contained in Proposition 1A.

18 7. Defendant CHSRA intends to use Proposition 1A bond funds for the purpose of  
19 building, modifying and/or improving CONVENTIONAL RAIL SYSTEMS/SEGMENTS, prior  
20 to, at some later date, construction of an actual HSR system.

21 8. The use of Proposition 1A bond funds for purposes of constructing an electrified  
22 or a non-electrified rail segment, which does not contain the specified components of an HSR  
23 system, as such, is illegal under, and violates, Proposition 1A.

24 **SPECIFIC VIOLATIONS OF PROPOSITION 1A AND IMPLEMENTING**  
25 **STATUTES NO ELECTRIFICATION OF THE 130 MILE SEGMENT**

26 9. Unless the defendants are prevented from obtaining access to Proposition 1A bond  
27 funds, these funds will be exhausted and spent on constructing a non electrified rail segment that  
28 is conventional in nature, in the guise of serving as a preliminary step to building an HSR system.

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1 Proposition 1A absolutely requires that Proposition 1A bond funds be spent to construct, FROM  
2 THE OUTSET, a series of usable segments of the corridors that make up the proposed HSR  
3 system with all the components required for a HSR system, including electrification. Streets and  
4 Highways Code (S&H) § 2704.09 mandates that: “The high speed train system to be constructed  
5 pursuant to this chapter shall be designed to achieve the following characteristics: (a) electric  
6 trains that are capable sustained maximum revenue operating speeds of no less than 200 miles per  
7 hour.”

8 Section 2704.08(c)(2)(H) requires the Authority to CERTIFY that, “The corridor or usable  
9 segment thereof would be suitable and ready for high speed train operation”

10 The absence of electrification, HSR-compatible signaling, and any electric trains  
11 whatsoever, means that the Authority cannot possibly make this MANDATORY  
12 CERTIFICATION.

13 Plaintiffs further allege that the failure to comply with the electrification and all the other  
14 requirements (such as HSR signaling, high speed passing tracks at stations, and grade separated  
15 crossings) means that another violation of Proposition 1A has occurred: the failure to build a  
16 “usable segment” and the inability to complete a usable segment. Proposition 1A requires that  
17 the entire system be built, FROM THE OUTSET, in segments called “usable segments,” which  
18 are electrified HSR segments, containing all the components of a HSR system, with each usable  
19 segment containing at least two HSR stations equipped to handle high speed trains. Not to do so  
20 violates S&H Code §§ 2704.08(c)(2)(H) [has to be suitable and ready for HSR operations].  
21 Proposition 1A does not permit the building of a “partial” usable segment; nor does it permit a  
22 “phased approach”, that is, building first a 130 mile conventional rail system, with a HSR system  
23 to follow at a later time; such a “phased” system is not permitted under Proposition 1A; yet  
24 plaintiffs allege that this is exactly what defendants intend to approve, authorize, and illegally  
25 expend bond funds upon.

26 Therefore plaintiffs allege that within the initial 130 miles of construction in the Central  
27 Valley the lack of electrification means that a usable segment will not be constructed with bond  
28 funds, and that is a fundamental violation of the Proposition.

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**INADEQUATE FUNDING AS VIOLATION OF PROPOSITION 1A**

10. Plaintiffs allege that the intent of the drafters of Proposition 1A and the intent of the voters who approved it was to protect the state from financial risk in the building of a multi-billion dollar public works project that did not meet the definition of a HSR system. Accordingly, numerous restrictions were put in place to ensure that protection. The drafter and the voters were specifically concerned that adequate funding BE COMMITTED AND IN PLACE to ensure that any usable segment (and the project must be built in usable segments, as set forth in para. 9) must have enough money committed to it and available to ensure that it can be completed as a usable segment and suitable for HSR operation. The drafters and the voters had no intention of allowing construction to commence when the funding for the particular usable segment in question was speculative.

In its April, 2012 Revised Business Plan, the Authority describes its version of its "usable segment" as running from Merced to the San Fernando Valley, a distance of about 300 miles. The "first part" of that so-called usable segment is the 130 mile conventional rail portion from south of Merced to north of Bakersfield, and the intent of defendants is that \$6.1 billion will be spent on that conventional rail section (which is not itself a usable segment).

For the usable segment identified by the Authority, running from Merced to the San Fernando Valley, the defendants have no funding committed or available to ensure completion of that segment. The defendants indicate that the entire 300 mile section from Merced to the Los Angeles Basin (San Fernando Valley) will cost an ADDITIONAL \$20 BILLION, on top of the \$6.1 Billion for the 130 miles of conventional rail that will initially be built within the 300 mile segment.

Plaintiffs allege that there is no funding committed, available, or in place, for that entire 300 mile segment. There is no private funding, no further federal funding, and no state funding that is, or can be, committed to this entire 300 mile segment. The Plaintiffs do agree that there is \$6.1 Billion available to build this first 130 miles portion of the 300 mile segment. The Authority views the entire Merced to San Fernando Valley segment as its "usable segment", and since it is in violation of the funding requirements of Proposition 1A, no Proposition 1A bond funding can

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be provided for the usable segment identified by the Authority.

The "adequate funding" requirements of Proposition 1A, perhaps the most important of all the restrictions, will therefore be violated if funding is permitted for the 130 mile project from the proceeds of Proposition 1A, and the entire 300 mile Central Valley project is therefore ineligible for Prop.1A funding, due to the lack of the additional \$20 Billion in funding needed to complete the last 170 miles. S&H Code §§ 2704.08(c)(1) 2); 2704.08(d); 2704.08(c)(2)(D); 2704.08(d)(1)(B).

Furthermore, plaintiffs allege that since defendants have described the Merced to San Fernando Valley section as its first usable segment and since there is no funding in place for that segment, defendants are precluded from depleting Proposition 1A funds for any other area of the state until matching funds and Proposition 1A funds are committed and in place in an adequate amount to ensure COMPLETION of the route from Merced to the San Fernando Valley.

Defendants cannot be permitted to deplete Proposition 1A bond funds by commencing alleged HSR projects in other parts of the state before they are able to complete the one single project which is the subject of their business plan, namely, the 300 mile Central Valley project; further, to allow the defendants to build simultaneously in other parts of the state, depleting the remainder of Proposition 1A bond funds, would leave the Central Valley isolated, cut off from northern and Southern California (completely contrary to the purposes of Proposition 1A), and would result in great risk of abandonment and inability to complete the Central Valley project itself.

Plaintiffs further allege that the allegations of this paragraph concerning inadequate funding and violations of Proposition 1A are supported by numerous studied analyses by respected state agencies, including the LAO and the State Auditor's Office, and by the Peer Review Committee.

**FAILURE TO OBTAIN ENVIRONMENTAL CLEARANCES AS VIOLATION OF PROPOSITION 1A**

11. Plaintiffs allege that when the Authority approved its Funding Plan, it violated Proposition 1A because it had failed to obtain the necessary environmental clearances required by

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1 Proposition 1A; plaintiffs further allege that it would be an illegal act to fund the project from  
 2 Proposition 1A without such environmental clearances having been obtained.

3 Proposition 1A prohibits the approval by the defendants of a Funding Plan or submission  
 4 of such a plan to the legislature until all project-level environmental approvals under state law  
 5 (CEQA) and federal law (NEPA) have been completed and certified. [see S&H Code §  
 6 2704.08(c)(2)(K)]

7 Plaintiffs specifically allege that the environmental review process required by  
 8 Proposition 1A is far from complete, it is in its infancy with respect to the section between Fresno  
 9 and Bakersfield. In addition, major environmental litigation has just been filed in the Central  
 10 Valley challenging the adequacy of certain of the environmental studies. Additionally, plaintiffs  
 11 allege that the environmental clearances necessary for defendants to commence construction of  
 12 the Central Valley project have not been obtained from the U.S. Corps of Engineers, the U.S. Fish  
 13 and Wildlife Service, and the San Joaquin Valley Air Pollution Control District.

14 Plaintiffs therefore allege that it was ILLEGAL for the Authority to approve a Funding  
 15 Plan in advance of these required environmental approvals and certifications and that it was  
 16 ILLEGAL for the authority to submit said Funding Plan to the Legislature, and that it would be  
 17 illegal for defendants to authorize or approve any funding for the Central Valley project from  
 18 Proposition 1A bond funds. The Central Valley project is accordingly INELIGIBLE for  
 19 Proposition 1A bond funding/financing.

20 **VIOLATION OF PROPOSITION 1A:**  
 21 **2 HOUR 40 MINUTE TRAVEL TIME REQUIREMENT NOT MET**

22 12. Plaintiffs allege that S&H Code §2409.09(b)(1) is a mandatory requirement that  
 23 the trip from Los Angeles to San Francisco (and vice versa) will be made in no longer than  
 24 2 hours, 40 minutes, and this promise was made to the voters in Proposition 1A by the  
 25 defendants. Such a promise/requirement was necessary in order that this system would be  
 26 competitive with the airlines; plaintiffs allege that, for the passengers on a HSR system, few  
 27 promises are more important than the amount of time the trip will take. Such  
 28 promises/requirements are also necessary in order that the HSR system be economically viable.

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1 Plaintiffs allege, however, that documents from defendant Authority (recently produced  
 2 pursuant to a public records request) indicate that the trip will take a minimum of three hours  
 3 (express) and longer with local stops. Defendant Authority has further indicated that it has no  
 4 written documentation whatsoever to support this claim that the trip will be made in 2 hours, 40  
 5 minutes.

6 This is an express violation of Proposition 1A and precludes funding of the Central Valley  
 7 project from Proposition 1A bond funds. The Central Valley project is accordingly INELIGIBLE  
 8 to receive Proposition 1A bond funding by reason of this violation.

9 **PROPOSITION 1A VIOLATION:**  
 10 **PROJECT WILL NOT BE COMPLETED ON PROMISED DATE**

11 13. Plaintiffs allege that the legislature intended, in submitting Prop.1A to the voters,  
 12 and the voters' intent in approving it, that the project would be completed "... no later than  
 13 2020." [AB 3034, section 8 (f)].

14 The defendants are in violation of that mandatory provision since they now say that the  
 15 project will not be completed until 2028, or quite possibly, as late as 2032.

16 This makes the project ineligible for Proposition 1A bond financing. It also greatly  
 17 increases the financial risk to the state through such delay – a paramount concern of the  
 18 legislature and the voters.

19 **PROPOSITION 1A VIOLATION:**  
 20 **PASSENGERS ON THE SYSTEM WILL BE REQUIRED TO CHANGE TRAINS;**  
 21 **PHASED CONSTRUCTION NOT PERMITTED**

22 14. Plaintiffs allege that Proposition 1A requires that a passenger, embarking on a  
 23 HSR train at any location will NOT be required to change trains before reaching his/her final  
 24 destination. Therefore the Los Angeles to San Francisco passenger, relying on this legal  
 25 requirement, should be able to board in Los Angeles with the assurance of no train change.  
 26 Plaintiffs allege that in going from Los Angeles to Palmdale (or to a San Fernando Valley  
 27 station), the passenger will be required to change trains there. Likewise, that passenger, in  
 28 arriving at San Jose, will have to physically change trains to ride to San Francisco on Caltrain. If  
 other conventional rail changes are necessary, these result in violation of mandatory requirements

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1 in Prop.1A and unauthorized delays and violation of the travel time promises, set forth, *supra*,  
2 para. 12.

3 Plaintiffs allege that these change of trains that will be required violates Proposition 1A  
4 [see S&H Code § 2704.09(f)].

5 **PROPOSITION 1A VIOLATION:**  
6 **VIOLATION OF THE PROMISE ON FARES**

7 15. Plaintiffs allege that the defendants, in the Proposition 1A ballot measure,  
8 promised to the voters that the fare from Los Angeles to San Francisco would be \$50.00. Now,  
9 the defendants represent that the fare will be at least \$83.00 almost 2/3 higher, and only three and  
10 a half years after the Proposition was approved. This violates Proposition 1A, making the Central  
11 Valley project ineligible to receive Proposition 1A fund.

12 **PROPOSITION 1A VIOLATION:**  
13 **THE PROJECT WILL REQUIRE A PROHIBITED OPERATING SUBSIDY**

14 16. Plaintiffs allege that the Central Valley project will require an operating subsidy  
15 prohibited by law, making the project INELIGIBLE for Proposition 1A funding/financing.

16 Proposition 1A forbids subsidies from the state, local, OR federal governments. [See  
17 S&H Code § 2704.08(c)(2)(J)]

18 Defendants' predictions of no operating subsidies are contradicted by data on high speed  
19 train operations all over the world, which are heavily subsidized by governments.

20 Furthermore, defendants' operating cost per passenger mile are ¼ of the international  
21 average, when, as a new service, plaintiffs allege that the costs will be higher than the  
22 international average.

23 Furthermore, plaintiffs allege that the defendants, in order to keep fares competitive with  
24 airline travel costs, have set revenues less than ½ the international average.

25 Three state agencies, the LAO, the State Auditor, and the Peer Review Group, have found  
26 that there is a serious risk of such a subsidy.

27 Plaintiffs allege that these serious discrepancies will result in HUNDREDS OF MILLION  
28 of dollars in annual operating subsidies having to be provided by the State, contrary to the intent

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1 of the voters, the legislature, and in violation of Proposition 1A. For this reason the Central  
2 Valley Project is ineligible to receive Proposition 1A bond funding/financing.

3 **PROPOSITION 1A VIOLATION:**  
4 **MISREPRESENTATION TO THE VOTERS ON COST AND SCOPE OF PROJECT**

5 16a. When Proposition 1A was presented to the voters in November, 2008, the official  
6 ballot materials made various representations and promises to the voters. Among these were the  
7 following: that the HSR project was a state-wide project, which would create an 800 mile HSR  
8 system; that, besides the San Francisco to Los Angeles/Anaheim corridor, all major population  
9 centers would be linked, including the Bay Area (including Oakland), Los Angeles, the Central  
10 Valley, Orange County, the Inland Empire, Sacramento, and San Diego. It was further  
11 represented to the voters that the cost of the ENTIRE STATESIDE SYSTEM would be  
12 approximately \$45 billion.

13 But these representations were actually grossly erroneous. Proposition 1A divides the  
14 proposed HSR system down into Phase I and Phase II, with Phase I being the SF to Anaheim  
15 route (including the Central Valley and San Jose), and Phase II including Sacramento, Oakland,  
16 the Inland Empire, and San Diego. In its 2009 Business Plan, the Authority represented that the  
17 cost of Phase I ONLY would cost \$43 billion, almost the same amount as it had represented the  
18 ENTIRE STATEWIDE SYSTEM would cost in 2008.

19 When the Authority issued its revised Business Plan in April, 2012, it represented that the  
20 cost of Phase I only had risen to a range of between \$68 Billion and \$80 Billion (BLENDED),  
21 EXCLUDING Anaheim; Anaheim was subsequently added back in (at a cost increase unknown,  
22 but undoubtedly substantial). All of this is for Phase I only.

23 These representations regarding the scope of the project and the cost thereof were false  
24 and constitute a violation of Proposition 1A itself and what the voters were led to believe.

25 **ACTUAL AND THREATENED ILLEGAL EXPENDITURES; ILLEGAL**  
26 **EXPENDITURES UNDER PROPOSITION 1A HAVE OCCURRED, ARE OCCURRING AND**  
27 **ARE ONGOING, AND ARE THREATENED; SUCH ILLEGAL EXPENDITURES ARE**  
28 **OCCURRING OR WILL OCCUR.**

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**ACTUAL ILLEGAL EXPENDITURES OF PROPOSITION 1A FUNDS THAT  
HAVE ALREADY OCCURRED AND WHICH ARE ONGOING**

17. Plaintiffs allege that in the year 2011, 2012, and continuing to the present time, there have been ACTUAL ILLEGAL EXPENDITURES of Proposition 1A bond funds authorized, approved, and implemented by the defendants. These include, but are not limited to, the following:

(a) In November, 2011 defendant Authority approved, released, promulgated, and submitted to the Legislature its Funding Plan for the Central Valley Project; defendants illegally expended Proposition 1A bond funds in connection with the approval, promulgation, distribution, preparation, and submission of said Funding Plan; this was an illegal and completed expenditure of Proposition 1A bond funds because inter alia, no Funding Plan can be approved until all environmental clearances have been completed and certified [see para. 11, *supra*]; defendants have not obtained all such environmental clearances therefore, the Proposition 1A bond funds which were used in connection with the preparation, promulgation, distribution, and submission of such Funding Plan constitute illegal expenditures of public funds, in violation of Proposition 1A.

(b) Defendant Authority is now, and has been, for several months, in the process of preparing RFPs (Requests for Proposals). These have been sent to contractors/subcontractors in order to obtain bids from such entities for the CONSTRUCTION of the first portion of the Central Valley ICS Project; more than \$900,000 of public funds has already been spent by the Authority in connection with preparation of those RFPs. These RFPs are directly related to CONSTRUCTION work on the Central Valley project to be bid on and performed, and are thereby capital expenses for construction-related work within the meaning of S & H Code, section 2704.04 (c ). Such construction-related expenditures (preparation of the RFPs) are an illegal expenditure of Proposition 1A funds that has ALREADY OCCURRED. Such Proposition 1A funds cannot be committed or expended until all the approvals required by Proposition 1A have been obtained, as required by S&H Code § 2704.08(d) , and such approvals have not yet been obtained. These illegal expenditures are ongoing. This first RFP was issued in March 2012, and

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the bid responses from the contractors are due in September, 2012.

**IRREVOCABLE AUTHORIZED COMMITMENT  
FOR AN ILLEGAL EXPENDITURE**

17a. In connection with its construction program, the Authority has committed/obligated itself to reimburse, in an amount up to \$2 million each, the bidding costs of any qualified contractor which is unsuccessful in its bid for the contract to be awarded for the Authority's Request For Proposal (RFP) Construction Package #1. Alternatively, in the event the Authority cancels that RFP, each qualified bidder will be reimbursed its costs in preparing its bid up to \$2 million each. Defendant Authority has made an IRREVOCABLE FINANCIAL COMMITMENT of Proposition 1A bond funds for a construction-related capital expense in violation of S&H Code section 2704.08(d). There were three such qualified bidders when this commitment was made, so this ILLEGAL financial commitment by the Authority will be in the millions of dollars, and could be as high as \$6 million.

**ONGOING WASTEFUL EXPENDITURES TO BE AVOIDED**

18. Plaintiffs allege that since Proposition 1A was passed, Defendant Authority has spent hundreds of millions of dollars getting ready to construct the Central Valley Project (more than \$500 Million, with more than \$400 Million from Proposition 1A itself).

Plaintiffs allege that these expenditures have already taken place, are currently taking place and are ongoing.

In the event that the Central Valley Project is found legally to be INELIGIBLE for Proposition 1A funding, these hundreds of millions of expenditures will have been wasted.

On a human level, Defendant Authority has already started sending notices to homeowners and landowners in the Central Valley, putting them on notice that their land will soon be appraised and may be taken or condemned (eminent domain) by the Authority.

If this project is found to be violative of Proposition 1A, such acts are causing needless heartache and distress to potentially thousands of residents of the Central Valley.

**THREATENED ILLEGAL EXPENDITURES**

19. Plaintiffs allege that the bulk of the \$9billion in Proposition 1A bond funds is

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1 threatened to be depleted by expenditures which are illegal for the reasons set forth in  
2 paragraphs 9 through 16, *supra*. In those paragraphs, plaintiffs set forth the reasons why such  
3 illegal expenditures WILL OCCUR, and plaintiffs specifically allege that such illegal  
4 expenditures are indeed THREATENED.

**FIRST CAUSE OF ACTION**

**MANDAMUS:  
VIOLATION OF STREETS AND HIGHWAYS CODE SECTION 2704.08,  
SUBDIVISION(c)**

8 20. Plaintiffs hereby reallege Paragraphs 1-19 inclusive and incorporate them herein  
9 by this reference.

10 21. The central concept of Proposition 1A Bond Act's statutory scheme is the "usable  
11 segment" of a high-speed rail corridor. The "usable segment" is the primary statutory means by  
12 which the Legislature in AB 3034 and the voters sought to regulate the phased, step-by-step  
13 funding, construction, and initial operation of California's proposed high-speed rail system.  
14 Anything smaller than a "usable segment" would defeat the purposes of the statutory scheme.  
15 Thus, once a "usable segment" has been selected and identified by the Authority, that "usable  
16 segment" must satisfy all the conditions required for a "usable segment" set forth in paragraphs  
17 (c) and (d) of S&H Code § 2704.08.

18 22. Section 2704.08(c)(1) of the S&H Code requires the Authority, at least 90 days  
19 prior to any request to the Governor and the Legislature for appropriation of Proposition 1A funds  
20 for any "eligible capital costs" for an identified corridor or usable segment thereof, to have  
21 approved and submitted to the Director of Finance, the Peer Review Committee, and the  
22 designated committees of the Legislature, a detailed Funding Plan for that corridor or usable  
23 segment thereof.

24 23. On November 3, 2011, the Authority adopted Resolution #HSRA-22 that selected  
25 for construction each of two "usable segments" of the Phase I corridor – one such "usable  
26 segment" being the portion of the Phase I corridor between and including a San Jose station and a  
27 Bakersfield station (known as Initial Operating Segment-North or "IOS-North"), and the other  
28 such "usable segment" being the portion of the Phase I corridor between and including a Merced

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1 station and a San Fernando Valley station (known as Initial Operating Segment-South or "IOS-  
2 South").

3 24. On November 3, 2011, the Authority adopted Resolution #HSRA11-23 that  
4 selected for construction each of two "usable segments" called, respectively, IOS-North and IOS-  
5 South, adopted a Funding Plan for each "usable segment," and directed its Executive Director to  
6 submit the Funding Plan to the recipients identified in the previous paragraph herein. The  
7 Executive Director did so on the same date. The Funding Plan stated that a decision would be  
8 made in the future as to which of the two segments will be constructed first.

9 25. The Funding Plan identifies a limited portion of each such "usable segment,"  
10 namely the 130-mile portion from just north of Bakersfield to north of Fresno, which is called the  
11 Initial Construction Section (ICS). The Authority has NOT, in its Funding Plan or otherwise,  
12 identified or designated the ICS as a "usable segment" within the meaning of S&H Code section  
13 2704.08 subdivision (c), and the Authority has not asserted that the ICS itself is such a "usable  
14 segment."

15 26. The Authority's Funding Plan seeks an appropriation of \$2.684 billion of  
16 Proposition 1A bond funds to be used solely for construction of the ICS, with no funds being  
17 sought for construction of any or all of the remaining portions of either of the two identified  
18 "usable segments," IOS-North and IOS-South.

19 27. On April 12, 2012, the Authority adopted Resolution #HSRA 12-13 which  
20 adopted the Revised 2012 Business Plan (the "Business Plan"). The Business Plan asserts that the  
21 "usable segment" for which Proposition 1A bond funding is sought is the alleged "usable  
22 segment" formerly called IOS-South in the Funding Plan, now just called the IOS. The Business  
23 Plan further states that this IOS is "defined as extending from Merced to the San Fernando  
24 Valley, and [that] high-speed revenue service would only start once the full IOS is built and  
25 operable," an event that, according to the Funding Plan, is dependent on mere hopes for funding  
26 that are not based on any actual or expected commitments, authorizations, agreements, allocations  
27 or other reliable assurances.

28 28. The Authority's Funding Plan, to the extent that it seeks funding for only a limited

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1 portion of the identified "usable segment," fails to comply with the mandate of said statutory  
2 scheme, including but not limited to said subdivisions (c)(1) and (c)(2) of S&H Code section  
3 2704.08. That statutory scheme contemplates and requires that the funding of construction with  
4 Proposition 1A bond funds be for geographical sections no smaller than a "usable segment" of an  
5 authorized corridor in order to minimize the financial risks to the State that would otherwise  
6 obtain. Thus, the Authority's continuing failure to adopt, promulgate and maintain a Funding Plan  
7 that satisfies the detailed conditions set forth in subdivisions (c)(1) and (c)(2) of S&H Code  
8 2704.08 applicable to an entire "usable segment," not just a limited portion thereof, constitutes a  
9 failure to perform an act that the law specifically enjoins and a prejudicial abuse of discretion.

10 29. The Authority therefore violated, and continues to violate, its legal trust and  
11 mandatory non-discretionary duty, and it has failed, and continues to fail, to proceed in the  
12 manner required by law. Accordingly, its Funding Plan must be set aside.

13 30. Plaintiffs have performed any and all conditions precedent to the filing of this  
14 Second Amended Complaint, and have no plain, speedy, or adequate remedy in the ordinary  
15 course of the law.

16 **SECOND CAUSE OF ACTION**

17 **DECLARATORY RELIEF: VIOLATION OF S&H CODE SEC. 2704.08 SUBD. (c)**

18 31. Plaintiffs hereby reallege Paragraphs 1-30 inclusive and incorporate s them herein  
19 by this reference.

20 32. Plaintiffs seek a judicial determination and declaration that the Authority's  
21 Funding Plan is in violation of the mandate of Streets and Highways Code section 2704.08,  
22 subdivisions (c)(1) and (c)(2) by attempting to authorize the use of Proposition 1A bond funds for  
23 the construction of a limited 130-mile portion of an identified 300-mile "usable segment" of an  
24 authorized corridor.

25 33. There is a present and actual controversy between plaintiffs and the Authority  
26 regarding the proper interpretation of said statutory provisions in that plaintiffs maintain that the  
27 statute forbids a Funding Plan to authorize use of Proposition 1A bond funds to construct a  
28 portion of the proposed high-speed rail system smaller than an entire, properly identified "usable

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1 segment" of an authorized corridor, while the Authority maintains that the statute permits its  
2 Funding Plan to authorize use of Proposition 1A bond funds to construct a section of track that is  
3 only a limited portion of the "usable segment" it has identified. Therefore declaratory relief is  
4 appropriate to determine the non-discretionary duties of a State agency under this complex  
5 statutory scheme where there is great public interest in the prompt resolution of such issue.

6 **THIRD CAUSE OF ACTION**

7 **MANDAMUS:**  
8 **VIOLATION OF S&H CODE SECTION 2704.08 SUBD. (c)(2)(D), (G), (H), (J), (K)**

9 34. Plaintiffs hereby reallege Paragraphs 1-33 inclusive and incorporate them herein  
10 by this reference.

11 35. Section 2704.08(c)(2) of the S&H Code imposes on the Authority a mandatory  
12 duty as to the specific elements that must be included in the detailed Funding Plan required by  
13 subparagraph (c)(1) of § 2704.08. These include the non-discretionary provisions of  
14 subparagraphs (D), (G), (H), (J), and (K) of said § 2704.08(c)(2).

15 36. On November 3, 2011, the Authority approved, promulgated, and submitted to the  
16 Director of Finance, the Peer Review Committee, and the designated committees of the  
17 Legislature a Funding Plan that violates each and every one of the non-discretionary provisions of  
18 subparagraphs (D), (G), (H), (J), and (K) of Section 2704.08(c)(2), as follows:

19 36.1 In violation of subdivision (D) of Section 2704.08(c)(2), the Authority's Funding  
20 Plan fails to identify all the funds needed to be invested in the identified "usable segment" or their  
21 anticipated time of receipt based on expected commitments, authorizations, agreements,  
22 allocations, or other comparable means. The Authority's Revised 2012 Business Plan admits that  
23 the estimated cost of constructing the identified "usable segment," over and above the \$6 billion  
24 cost for the limited 130-mile portion of the "usable segment, is an additional \$20 billion, for  
25 which the Funding Plan fails to identify the required commitments, authorizations, agreements,  
26 allocations, or other comparable means of funding such construction. Accordingly, the  
27 Authority's certification that it has satisfied this condition is plainly in error and constitutes a  
28 prejudicial abuse of discretion.

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1 36.2 In violation of subdivision (G) of Section 2704.08(c)(2), the Authority's Funding  
2 Plan certification that construction of the identified "usable segment" can be completed as  
3 proposed in the Funding Plan is plainly in error. The Funding Plan merely certifies that  
4 construction of the limited 130-mile portion of the identified 300 mile "usable segment" can be  
5 completed, which is plainly insufficient and not in compliance with the mandatory requirements  
6 of subparagraph (G). Accordingly, the Authority's certification that it has satisfied this condition  
7 constitutes a prejudicial abuse of discretion.

8 36.3 In violation of subdivision (H) of Section 2704.08(c)(2), the Authority's Funding  
9 Plan certification that the identified "usable segment" would be suitable and ready for high-speed  
10 train operation is plainly in error. Section 2704.09(a) of the S&H Code requires that the high-  
11 speed rail system to be constructed with Proposition 1A bond funds shall be designed to run  
12 electric trains capable of sustained maximum revenue operating speeds of no less than 200 miles  
13 per hour. The Authority's Funding Plan and its Revised 2012 Business Plan admits that the  
14 construction of the limited 130-mile portion of the identified "usable segment" for which  
15 Proposition 1A bond funding is sought, will not be electrified and will not have positive train  
16 control, both of which are essential requirements for operation of high-speed rail trains. Thus, the  
17 Funding Plan is plainly insufficient and not in compliance with the mandatory requirements of  
18 subdivision (H), and thus constitutes a prejudicial abuse of discretion.

19 36.4 In violation of subdivision (J) of section 2704.08(c)(2), the Authority's Funding  
20 Plan certification that the planned passenger service by the authority in the identified "usable  
21 segment" will not require a local, state, or federal operating subsidy is plainly in error. This  
22 certification is contradicted by international data on high-speed train operations all over the world  
23 which have its operating and maintenance expenses subsidized by governments. Furthermore, the  
24 Authority's claimed operating cost per passenger mile are ¼ of the international average and are  
25 not credible. Likewise, the Authority's revenue estimates are less than ½ of the international  
26 average and are not credible. Accordingly, the Authority's assertion that its high-speed train  
27 operations on the identified "usable segment" will not require an operating subsidy constitute a  
28 prejudicial abuse of discretion.

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1 36.5 In violation of subdivision (K) of Section 2704.08(c)(2), the Authority's Funding  
2 Plan fails to certify that it has completed all necessary project-level environmental clearances  
3 necessary to proceed to construction for the project for which Proposition 1A bond funding is  
4 sought; it merely states that it will do so at some future date before it expends Bond Act funds .  
5 Said construction project has two parts, a Northern Part (Merced to Fresno) and a Southern Part  
6 (Fresno to Bakersfield), each of which has a separate project-level Environmental Impact Report  
7 requirement under the California Environmental Quality Act (CEQA). At the time the Authority  
8 approved and promulgated its Funding Plan and at all times since then, no environmental  
9 clearance has been completed for said Southern Part of the planned construction project. In  
10 addition, plaintiffs are informed and believe, and thereon allege, that project-level environmental  
11 clearances necessary to proceed to construction have not been obtained from the United States  
12 Corps of Engineers, the United States Fish and Wildlife Service, and the San Joaquin Valley Air  
13 Pollution Control District. Accordingly, the Authority is in violation of its mandatory,  
14 non-discretionary duty required by said subdivision (K).

15 37. At all times since the Authority adopted and promulgated its Funding Plan , the  
16 Authority has maintained it on a continuing basis and relied upon it as the basis for all its  
17 planning for construction of the Central Valley project for which Proposition 1A bond funding is  
18 sought, all of which constitutes a continuing violation of the Authority's legal non-discretionary  
19 duty to adopt and maintain a Funding Plan that complies with the mandatory requirements of  
20 Section 2040.08(c)(1) and (2), subdivisions (D), (G), (H), (J), and (K) as herein alleged.

21 38. The Authority therefore violated, and continues to violate, its legal trust and  
22 mandatory statutory duty, and it has failed, and continues to fail, to proceed in the manner  
23 required by law. Accordingly, its Funding Plan must be set aside.

24 39. Plaintiffs have performed any and all conditions precedent to the filing of this  
25 Second Amended Complaint.

26 40. Plaintiffs have no plain, speedy, or adequate remedy in the ordinary course of the  
27 law, in that if the Authority's Funding Plan is not vacated and set aside and the Authority is not  
28 required to comply with the non-discretionary mandatory requirements of said subdivisions (D),

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1 (G), (H), (J), and (K) of section 2704.08 (c)(2), plaintiffs' beneficial interest in the laws of the  
2 State of California, specifically including Proposition 1A and AB 3034 pertaining to the funding  
3 and construction of a high-speed rail system consistent with what the voters approved, will be  
4 frustrated and defeated.

5 **FOURTH CAUSE OF ACTION**

6 **MANDAMUS:**  
7 **VIOLATION OF S&H CODE SEC. 2704.09 (a), (b), (f)**

8 41. Plaintiffs hereby reallege Paragraphs 1-40 inclusive and incorporate them herein  
9 by this reference.

10 42. Section 2704.09 of the S&H Code imposes on the Authority a mandatory duty to  
11 incorporate certain specified design elements for the high-speed rail system that is to be  
12 constructed pursuant to the Funding Plan required by subparagraph (c)(1) of Section 2704.08.  
13 Such non-discretionary mandatory design elements include those set forth in subdivisions (a), (b)  
14 and (f) of said section 2704.09. Thus, section 2704.09 requires that the high-speed train system  
15 to be constructed pursuant to the Proposition 1A Bond Act and its Funding Plan shall be designed  
16 to achieve the following characteristics:

17 42.1. Electric trains that are capable of sustained maximum revenue operating speeds of  
18 no less than 200 miles per hour. Section 2704.09(a).

19 42.2. Maximum nonstop service travel times for each corridor that shall not exceed the  
20 following: San Francisco-Los Angeles Union Station: two hours, 40 minutes. Section  
21 2704.09(b)(1).

22 42.3. For each corridor described in subdivision (b), passengers shall have the capability  
23 of traveling from any station on that corridor to any other station on that corridor without being  
24 required to change trains. Section 2704.09(f).

25 43. The Authority's Funding Plan concedes that "the Authority does not plan to  
26 operate high-speed service along the ICS"--the only portion of the identified "usable segment" for  
27 which construction funds are sought. "Such [high-speed train] service will only occur upon  
28 completion of the Initial Operating Segment that will serve as the initial Usable Segment."

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1 Funding Plan, p. 14. Plaintiffs allege that such plans are so speculative that they lack the  
2 definiteness contemplated and required by the statutory scheme of the Proposition 1A Bond Act.

3 44. Electrification and a positive train control system are essential design elements for  
4 a high-speed rail system to be funded and constructed under Proposition 1A. The Authority's  
5 failure to incorporate such elements in its construction and Funding Plan violates subdivision (a)  
6 of S&H Code section 2704.09.

7 45. The Authority's construction plan for the limited portion of the identified "usable  
8 segment," as set forth in its Funding Plan and Business Plan, fails to satisfy the mandatory design  
9 requirement that the travel time between San Francisco and Los Angeles Union Station will not  
10 exceed 2 hours and 40 minutes, in violation of subdivision (b)(1) of S&H Code section 2704.09.

11 46. The Authority's Funding Plan incorporates by reference extensive portions of its  
12 Business Plan which provide that for at least a number of years, if not indefinitely, passengers  
13 traveling between San Francisco and Los Angeles Union Station will have to change trains in San  
14 Jose and Palmdale (or an as yet unidentified station in the San Fernando Valley), in violation of  
15 subdivision (f) of S&H Code section 2704.09.

16 47. The Authority's failure to perform its non-discretionary mandatory and continuing  
17 duty under said section 2704.09 constitute a prejudicial abuse of discretion and require that a writ  
18 of mandate issue requiring that it set aside its plans that conflict with or are fatally inconsistent  
19 with the terms of said section 2704.09.

20 **FIFTH CAUSE OF ACTION**

21 **MANDAMUS: VIOLATION OF SECTION 8(f) of AB 3034**

22 48. Plaintiffs hereby reallege Paragraphs 1-47 inclusive and incorporate them herein  
23 by this reference.

24 49. Subsection (f) of Section 8 of AB 3034 provides that "It is the intent of the  
25 Legislature that the entire high-speed train system shall be constructed as quickly as possible in  
26 order to maximize ridership and the mobility of Californians, and that it be completed no later  
27 than 2020, and that all phases shall be built in a manner that yields maximum benefit consistent  
28 with available revenues." The "entire high-speed train system" contemplated by this section

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1 would connect with the state's major population centers, including Sacramento, the San Francisco  
2 Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego, as  
3 specified in S&H Code section 2704.04.

4 50. The Authority's Funding Plan and the Business Plan it references conflicts and is  
5 fatally inconsistent with the foregoing clear statement of legislative intent in that (1) the only time  
6 line the Authority provides for completion of any high-speed train system is for the limited  
7 portion of the Phase 1 corridor between Merced and an as yet unidentified station in the San  
8 Fernando Valley, and later from Merced to San Jose, (2) that time line extends to at least the year  
9 2030, and (3) no time line whatever is provided for completion of the entire system, but based on  
10 the existing schedule the final completion date would extend into at least the middle of the  
11 following decade. That would mean that the entire system, as planned by the Authority, would  
12 not be completed for at least 20-25 years beyond 2020, the year the Legislature and the voters  
13 intended the entire system be completed.

14 51. The Authority's foregoing plans, as set forth in its Funding Plan and the Business  
15 Plan it references, deviates so far from what Proposition 1A contemplates and requires that it  
16 constitutes a prejudicial abuse of discretion in violation of the statutory scheme of the Proposition  
17 1A Bond Act that warrants the issuance of a writ of mandate requiring the Authority to set aside  
18 its plans that are so grossly in conflict with the completion dates intended by the Legislature and  
19 the voters.

**SIXTH CAUSE OF ACTION**

**DECLARATORY RELIEF:  
VIOLATIONS OF S&H CODE SECS. 2704.08, 2704.09, AB 3034 SEC. 8(f)**

20  
21  
22  
23 52. Plaintiffs hereby reallege Paragraphs 1-51 inclusive and incorporate them herein  
24 by this reference.

25 53. Plaintiffs seek a judicial determination and declaration that the Authority's  
26 Funding Plan and the Business Plan it references are in violation of the mandates of Streets and  
27 Highways Code section 2704.08 subdivisions (c) (2) (D), (G), (H), (J) and (K).

28 54. There is a present and actual controversy between plaintiffs and the Authority

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1 regarding the proper interpretation of said statutory provisions in that plaintiffs maintain that the  
2 statute forbids a Funding Plan to authorize use of Proposition 1A bond funds to construct a  
3 limited portion of an identified "usable segment" where 1) the source of the funds needed to  
4 construct the entire "usable segment" are not properly identified within the meaning of said  
5 subsection (D); 2) the construction of the entire "usable segment" cannot be completed as  
6 proposed in the plan within the meaning of said subsection (G); 3) neither the limited portion of  
7 the identified "usable segment" nor the entire "usable segment" would be suitable and ready for  
8 high-speed train operation within the meaning of said subdivision (H); 4) the planned passenger  
9 service by the Authority in the identified "usable segment" will require a local, state, or federal  
10 operating subsidy within the meaning of said subdivision (J); and 5) the Authority has not  
11 completed all necessary project-level environmental clearances necessary to proceed to  
12 construction. The Authority maintains that its Funding Plan satisfies each and all of the foregoing  
13 conditions within the meaning of said subdivisions (D), (G), (H), (J) and (K). Therefore  
14 declaratory relief is appropriate to determine the non-discretionary duties of a State agency under  
15 this complex statutory scheme where there is great public interest, and the same or substantially  
16 similar issues are likely to recur in connection with the Authority's Updated Funding Plan under  
17 subdivision (d) of S&H Code section 2704.08.

18 55. Plaintiffs seek a judicial determination and declaration that the Authority's  
19 Funding Plan and the Business Plan it references are in violation of the non-discretionary  
20 mandates of Streets and Highways Code section 2704.09 subdivisions (a), (b), and (f).

21 56. There is a present and actual controversy between plaintiffs and the Authority  
22 regarding the proper interpretation of said statutory provisions in that plaintiffs maintain that the  
23 statute forbids a Funding Plan and the Business Plan that it references to authorize use of  
24 Proposition 1A bond funds to construct a limited portion of an identified "usable segment" where  
25 what it proposes to construct fails to comply with the following design elements 1) Electric trains  
26 that are capable of sustained maximum revenue operating speeds of no less than 200 miles per  
27 hour within the meaning of said subdivision (a); 2) Maximum nonstop service travel times for  
28 each corridor that shall not exceed the following: San Francisco-Los Angeles Union Station: two

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1 hours, 40 minutes within the meaning of said subdivision (b); 3) passengers shall have the  
2 capability of traveling from any station on the identified corridor to any other station on that  
3 corridor without being required to change trains within the meaning of said subdivision (f). The  
4 Authority maintains that its Funding Plan and the Business Plan that it references satisfies each  
5 and all of the foregoing conditions within the meaning of said subdivisions (a), (b) and (f).  
6 Therefore declaratory relief is appropriate to determine the duties of a State agency under this  
7 complex statutory scheme where there is great public interest, and the same or substantially  
8 similar issues are likely to recur in connection with the Authority's Updated Funding Plan under  
9 subdivision (d) of S&H Code section 2704.08.

10 57. Plaintiffs seek a judicial determination and declaration that the Authority's  
11 Funding Plan and the Business Plan it references is in gross violation of the directions and intent  
12 of the Legislature expressed in section 8(f) of AB 3034.

13 58. There is a present and actual controversy between plaintiffs and the Authority  
14 regarding the proper interpretation of said statutory provision in that plaintiffs maintain that the  
15 Authority's Funding Plan and the Business Plan deviate so far from the Legislature's direction and  
16 intent that the entire high-speed rail be completed by 2020 that it constitutes a prejudicial abuse of  
17 discretion. The Authority maintains that there is no statutory requirement that it complete the  
18 entire system or any portion thereof by 2020, and that it has discretion to extend the time line for  
19 such time as it determines to be appropriate for completion of the entire system or any portion  
20 thereof. Therefore declaratory relief is appropriate to determine the non-discretionary duties of a  
21 State agency under this complex statutory scheme where there is great public interest, and the  
22 same or substantially similar issues are likely to recur in connection with the Authority's Updated  
23 Funding Plan under subdivision (d) of S&H Code section 2704.08.

**SEVENTH CAUSE OF ACTION**

**MANDAMUS:  
VIOLATION OF S&H CODE SEC. 2704.04 PARA. (b)-(c), SEC. 2704.08 PARA. (d), AND  
CODE OF CIV. PROC. SEC. 526a**

27 59. Plaintiffs hereby reallege Paragraphs 1-58 inclusive and incorporate them herein  
28 by this reference.

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1 60. Proposition 1A's statutory scheme for bond fund expenditures for "eligible capital  
2 expenses," primarily construction-related expenses, is set forth in paragraphs (b) and (c) of S&H  
3 Code section 2704.04 and in paragraph (d) of S&H Code section 2704.08. Paragraph (b)(1) of  
4 section 2704 provides that bond funds, upon appropriation by the Legislature, shall be used for  
5 (A) planning and engineering for the high-speed train system and (B) capital costs, as described  
6 in paragraph (c). The latter provision defines capital costs as including construction of tracks,  
7 structures, power systems and stations, and such other purposes related to the foregoing.  
8 Paragraph (d) of Section 2704.08 bars the commitment of any bond funds for construction on any  
9 corridor or usable segment thereof unless and until the Director of Finance has approved the  
10 Authority's Updated Funding Plan, an event that has not yet occurred. In addition, there is a "safe  
11 harbor" provision in paragraph (g) of section 2704.08 that exempts up to 7-1/2 % of the \$9 billion  
12 bond fund (or \$650 million) for certain expenses, including right-of-way acquisition and other  
13 expenses not applicable here.

14 61. At its March 2012 Board meeting, the Authority adopted Resolution #HSR 12-04  
15 which authorized the expenditure of up to \$2 million for each of the three contractors qualified to  
16 submit bids for the first Design/Build contract for a portion of the Authority's Central Valley  
17 project to reimburse them for their costs in preparing their bids in the event that either 1) the  
18 bidding contractors are not awarded the contract, or 2) the Authority cancels its Request for  
19 Proposal that solicited the contractor's bids. Plaintiffs are informed and believe, and thereon  
20 allege, that in reliance on said resolution each of the qualified contractors are expending large  
21 sums of money in preparing their bids.

22 62. The Authority's Resolution authorizes an expenditure of bond funds for a  
23 construction-related expenditure within the meaning of paragraph (c) of Section 2704.04.

24 63. The Authority's Resolution constitutes an irrevocable commitment for the  
25 expenditure of capital construction bond funds without having complied with the mandatory  
26 requirements of paragraph (d) of section 2704.08. Such expenditure does not qualify as planning  
27 and engineering work within the meaning of subdivision (b)(1)(A), nor does it qualify for any of  
28 the expenditures that are exempt under the "safe harbor" provisions of paragraph (g).

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1 64. The Authority's Resolution authorizing such expenditures results in threatened  
2 illegal expenditures of public funds within the meaning of Code of Civ. Proc. section 526a.  
3 Accordingly, plaintiffs seek a writ of mandate requiring the Authority to set aside its resolution,  
4 declaratory relief that the Resolution violates Proposition 1A, and injunctive relief barring the  
5 payment of such expenditures.

6 **EIGHTH CAUSE OF ACTION**

7 **MANDAMUS:**

8 **VIOLATION OF S&H CODE SEC. 2704.04 PARA. (b)-(c), SEC. 2704.08 PARA. (d), AND  
CODE OF CIV. PROC. SEC. 526A**

9 65. Plaintiffs hereby reallege Paragraphs 1-64 inclusive and incorporate them herein  
10 by this reference.

11 66. The Authority's has expended, and continues to expend staff resources, the  
12 payment of salaries and the reimbursement of contractor's expenses for work connected with the  
13 preparation of a massive Request For Proposal for the planned Design/Build Contract for  
14 construction of the first portion of the Authority's Central Valley project. More than \$900,000 has  
15 already been spent by the Authority in connection with such work, and the Authority plans to  
16 continue to incur such expenses as it deems necessary for the preparation for an RFP for other  
17 work on said Central Valley project.

18 67. The Authority's expenditure of bond funds for such RFP work is a construction-  
19 related expenditure within the meaning of subdivision (c) of Section 2704.04.

20 68. The Authority has expended, and plans to continue to expend, capital construction  
21 bond funds for such work without having complied with the mandatory non-discretionary  
22 requirements of subdivision (d) of section 2704.08. Such expenditures do not qualify as planning  
23 and engineering work within the meaning of subdivision (b)(1)(A), nor do they qualify for any of  
24 the expenditures that are exempt under the "safe harbor" provisions of paragraph (g) of  
25 section 2704.08.

26 69. The Authority's actions and plans regarding such expenditures results in actual and  
27 threatened illegal expenditures of public funds within the meaning of Code of Civ. Proc. section  
28 526a. Accordingly, plaintiffs seek a writ of mandate requiring the Authority to bar such

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1 violations, declaratory relief that the expenditures violate Proposition 1A, and injunctive relief  
2 barring the future payment of such expenditures.

3 **NINTH CAUSE OF ACTION**

4 **MANDAMUS:**

5 **VIOLATION OF S&H CODE SEC. 2704.04 AND CODE CIV. PROC. SEC 526a**

6 70. Plaintiffs hereby reallege Paragraphs 1-69 inclusive and incorporate them herein  
7 by this reference.

8 71. The Authority's has expended, and continues to expend staff resources, the  
9 payment of salaries and the reimbursement of contractor's expenses for work connected with the  
10 preparation, approval, promulgation, and maintenance of its Funding Plan which, as previously  
11 alleged herein is illegal and not in compliance with the mandatory non-discretionary requirements  
12 of the Proposition 1A bond act in numerous respects.

13 72. Under the doctrine of *Blair v. Pitchess*, 5 Cal.3d 258 and *Wirin v. Horral* (1948)  
14 85 Cal.App.2d 497, in an action brought pursuant to Code of Civ. Proc. 526-a alleging past and  
15 ongoing expenditures of public funds in connection with activities alleged to be illegal, the court  
16 determines the legality of the challenged activities and, where found to be in violation of law,  
17 determines that the expenditures to the public employees performing the work determined to be  
18 illegal constitutes an unlawful use of public funds which are enjoined under section 526a.

19 73. Accordingly, plaintiffs seek such a determination that the Authority's Funding Plan  
20 violates Proposition 1A bond act, and that the Authority's expenditure of public funds for work  
21 performed in connection therewith violates and is enjoined under section 526a.

22 **TENTH CAUSE OF ACTION**

23 **THREATENED ILLEGAL EXPENDITURES, CODE CIV. PROC. SEC. 526A**

24 74. Plaintiffs hereby reallege Paragraphs 1-73 inclusive and incorporate them herein  
25 by this reference.

26 75. The Authority requested the Legislature to appropriate \$2.67 billion based on its  
27 Funding Plan of November 3, 2011, and the Business Plan it references. The Legislature is  
28 poised to make such an appropriation in whole or in part, and such action is widely expected to

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1 occur in the near future. Upon such occurrence, plaintiffs plan to seek leave to file an amendment  
2 to this Second Amended Complaint alleging that such funds have been appropriated.

3 76. As alleged herein, the Authority has authorized, committed, or spent Proposition  
4 1A bond funds for capital expenses, i.e., construction-related activities, without complying with  
5 the prohibition of subdivision (d) of S&H Code section 2704.08, and continues to do so.

6 77. Before Proposition 1A bond funds can be committed for construction-related  
7 expenditures within the meaning of subparagraph (c) of section 2704.04, said paragraph (d)  
8 requires the Authority to submit an Updated Funding Plan to the Director of Finance and the  
9 Legislature that includes essentially the same mandatory non-discretionary requirements that are  
10 contained in subdivisions (A) through (J) of section 2704.08(c)(2). In promulgating such  
11 Updated Funding Plan the Authority is constrained by the provisions of its formal and binding  
12 funding agreements with the Federal Railroad Administration called Cooperative Funding  
13 Agreements. Such Cooperative Funding Agreements spell out in considerable detail what is to be  
14 constructed by the Authority and where, including but not limited to whether the tracks will be  
15 electrified (they will not), whether the tracks will have a signaling system (called Positive Train  
16 Control) needed for high-speed train operation (it will not), whether the construction project will  
17 be for a stretch of track that is far shorter than the 300-mile "usable segment" identified by the  
18 Authority in its Funding Plan (it will), and whether completion of the funded project will  
19 complete the "usable segment" so identified by the Authority (it will not). The Authority is not  
20 free to change these terms of its Cooperative Funding Agreements, and without the federal  
21 funding that these Cooperative Funding Agreements provide, the Authority's Central Valley  
22 project cannot proceed since the Proposition 1A Bond Act, requires that at least 50 per cent of  
23 construction costs be provided by federal, private or local funds (called "matching funds").  
24 Section 2704.08 paragraph (a). Thus, as a practical and legal matter, *in these key respects*, the  
25 project set forth in the Authority's Funding Plan and other core documents is final and not subject  
26 to change in the Authority's Updated Funding Plan, without which construction cannot proceed.

27 78. Similarly, the Director of Finance is limited to determining whether or not the  
28 Updated Funding Plan, *as proposed*, can be successfully implemented, and is not authorized to

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1 make changes in it.

2 79. Plaintiffs allege that under all the circumstances the controversy over the  
3 Authority's plan to expend Proposition Bond Funds has reached or passed the point that the facts  
4 have sufficiently congealed to permit an intelligent and useful judicial decision to be made, and  
5 that the public interest requires it.

6 **ELEVENTH CAUSE OF ACTION**  
7 **MANDAMUS/PROHIBITION AND DECLARATORY RELIEF:**  
8 **THREATENED VIOLATION OF S&H CODE § 2704.08 (d)**

9 80. Plaintiffs hereby reallege Paragraphs 1-79 inclusive and incorporate them herein  
10 by this reference.

11 81. The Authority has adopted and implemented in virtually all of its core documents  
12 (e.g., its Funding Plan, its Business Plan, its Cooperative Funding Agreements with the FRA, its  
13 Request For Proposal (RFP) for Construction Package #1, and various Board resolutions) a  
14 fundamental policy regarding the "usable segment" requirements of the Bond Act whereby the  
15 Authority erroneously asserts the right to use Proposition 1A bond funds to construct piecemeal a  
16 limited 130-mile portion of the 300-mile "usable segment" (the former IOS-South) that it has  
17 selected and identified without having to satisfy all the conditions applicable to that "usable  
18 segment" which are set forth in paragraphs (c) and (d) of S&H Code § 2704.08, as herein alleged.

19 82. The Authority's continued adherence to said policy will result in an Updated  
20 Funding Plan being promulgated and adopted with essentially the same terms as those contained  
21 in its Funding Plan which plaintiffs allege are violative of subdivisions (D), (G), (H) and (J) of  
22 section 2704.08 (c) (2) and will, on the same basis, violate the comparable terms of subdivision  
23 (B) of subparagraph (1) of paragraph (d) of Section 2704.08, and the terms of subdivisions (A),  
24 (B), and (D) of subparagraph (2) of paragraph (d) of said section 27804.08 applicable to the  
25 Updated Funding Plan.

26 83. The Authority has a present and continuing non-discretionary duty to promulgate  
27 and adopt an Updated Funding Plan that complies in all respects with said subdivisions of  
28 paragraph (d) of section 2704.08.

84. There is a present and existing actual controversy between plaintiffs and the

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1 Authority regarding the proper interpretation of said statutory provisions in that plaintiffs  
2 maintain that the statute forbids an Updated Funding Plan to authorize the use of Proposition 1A  
3 bond funds to construct a limited portion of the identified "usable segment" where 1) it fails to  
4 identify within the meaning of said subdivision (1)(B) the sources of all funds to be used to  
5 construct such "usable segment," and the anticipated time of receipt thereof, based on offered  
6 commitments by private parties, and the authorizations, allocations, or other assurances received  
7 from governmental agencies; 2) it fails to establish that construction of the entire identified  
8 "usable segment" can be completed as proposed within the meaning of said subdivision (2) (A);  
9 3) it fails to establish that if so completed, the "usable segment" would be suitable and ready for  
10 high-speed train operation within the meaning of said subdivision (2) (B); and 4) it fails to  
11 establish that the planned passenger rail service to be provided by the authority, or pursuant to its  
12 authority, on the limited 130-mile portion of the identified "usable segment" will not require an  
13 operating subsidy within the meaning of said subdivision (2) (D).

14 85. A writ of mandamus or prohibition should issue to require the Authority to set  
15 aside its said policy, to require it to include in its Updated Funding Plan terms that comply  
16 fully with the foregoing mandatory non-discretionary provisions of paragraph (d) of said section  
17 2704.08, and to prohibit it from adopting or promulgating an Updated Funding Plan that does not  
18 comply fully with said provisions.

19 86. Due to the fundamental policy adopted, maintained and implemented by the  
20 Authority and the constraints on the Authority to continue to adhere to said policy, as herein  
21 alleged, the Authority is obligated to maintain, as it has with respect to the comparable provisions  
22 of the Funding Plan, that the foregoing subdivisions of paragraph (d) of Section 2704.08 will be  
23 satisfied on the same grounds. Therefore, declaratory relief is appropriate to determine the non-  
24 discretionary duties of a State agency under this complex statutory scheme where there is great  
25 public interest in the prompt resolution of such issues.

26 **TWELFTH CAUSE OF ACTION**  
27 **MANDAMUS, DECLARATORY RELIEF/CCP 526a, AND FOR INJUNCTIVE**  
28 **RELIEF (AGAINST THE INDIVIDUAL DEFENDANTS AND THE AUTHORITY)**

87. Plaintiffs hereby reallege Paragraphs 1-86 inclusive and incorporate them herein

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1 by this reference.

2 88. The defendants should be prevented from authorizing or approving the Funding  
3 Plan or any Updated Funding Plan provided by defendant Authority; to authorize or approve such  
4 Plans would violate Proposition 1A and its implementing statutes.

5 89. Defendants should further be prevented from selling or approving the sale of  
6 Proposition 1A state bonds, since to do so would constitute the authorization and approval of an  
7 ultimate illegal expenditure of bond funds by the defendant Authority, since the expenditure of  
8 bond funds would be an illegal expenditure under Proposition 1A.

9 90. Defendants should be prevented from distributing any Proposition 1A bond funds  
10 to defendant Authority, since approval or authorization of such distribution would trigger an  
11 illegal expenditure of Proposition 1A bond funds, in light of the fact that the Funding Plan which  
12 the Authority approved and certified is in clear violation of numerous provisions of  
13 Proposition 1A and its implementing statutes, as set forth above in the First through Eleventh  
14 Causes of Action.

15 91. Therefore, with respect to this cause of action, Plaintiffs request that the Court  
16 issue a writ of mandamus to prevent the above from occurring; that the Court issue a declaratory  
17 relief judgment, declaring that the above would violate Proposition 1A and would sanction and  
18 authorize illegal expenditures of public funds under CCP section 526a; and that an injunction  
19 should issue to prevent the aforementioned authorizations and approvals.

20 Wherefore plaintiffs pray:

- 21 1. For writs of mandate/prohibition as herein alleged;
- 22 2. For declaratory relief as herein alleged;
- 23 3. For permanent and preliminary injunctive relief pursuant to Code Civ. Proc.  
24 section 526a or as otherwise may be warranted;
- 25 4. For attorney fees pursuant to Code of Civ. Proc. section 1021.5;
- 26 5. For such other and appropriate relief to which plaintiffs may be entitled.

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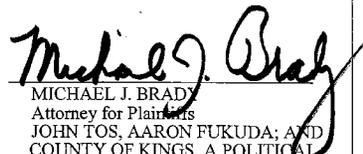
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Dated: July 6, 2012



MICHAEL J. BRADY  
Attorney for Plaintiffs  
JOHN TOS, AARON FUKUDA, AND  
COUNTY OF KINGS, A POLITICAL  
SUBDIVISION OF THE STATE OF  
CALIFORNIA

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SACRAMENTO  
GORDON D SCHABER COURTHOUSE

MINUTE ORDER

DATE: 06/22/2012 TIME: 02:00:00 PM DEPT: 44  
JUDICIAL OFFICER PRESIDING: Robert Hight  
CLERK: K. Wells  
REPORTER/ERM: B. Henrikson CSR# 11373  
BAILIFF/COURT ATTENDANT: G. Toda

CASE NO: 34-2011-00113919-CU-MC-GDS CASE INIT.DATE: 11/14/2011  
CASE TITLE: John Tos vs. California High Speed Rail Authority  
CASE CATEGORY: Civil - Unlimited

EVENT ID/DOCUMENT ID: ;8076205

EVENT TYPE: Hearing on Demurrer - Civil Law and Motion - Demurrer/JOP  
MOVING PARTY: California High Speed Rail Authority Chief Executive Officer Roelof Van Ark,  
Secretary Acting of Business Transportation and Housing Traci Stevens, State Controller John Chiang,  
Governor Jerry Brown, Director of Finance Ana Matasantos, State Treasurer Bill Lockyer  
CAUSAL DOCUMENT/DATE FILED: Demurrer to 1st amended complaint, 01/19/2012

APPEARANCES

Michael J Brady, counsel, present for Plaintiff(s).  
S Michele Inan, counsel, present for Defendant(s).

Defendants California High-Speed Rail Authority (the "Authority"), Chief Executive Officer Roelof van Ark ("van Ark"), Governor Edmund G. Brown, Jr. ("Brown"), State Treasurer Bill Lockyer ("Lockyer"), Director of Finance Ana Matasantos ("Matasantos"), Acting Secretary of Business, Transportation and Housing Traci Stevens ("Stevens"), and State Controller John Chiang's ("Chiang") (collectively "Defendants") Demurrer to Plaintiffs' First Amended Complaint has been assigned to the Honorable Robert C. Hight, Department 44. Department 44 is dark on June 15, 2012. In the event any party requests oral argument, the matter will be heard in Department 44 on June 22, at 2:00 p.m. Per Local Rule 3.04(B), any request for oral argument must be made by 4:00 p.m. on June 14, 2012, to the courtroom clerk of Department 44 at (916) 874-8243.

Defendants' demurrer is ruled upon as follows.

Defendants' Request for Judicial Notice is Granted. Plaintiffs' Request for Judicial Notice is Granted, with the exception of Exhibits 10, 11, 12, 13, 14, 15, 17, 18, 28, 30, 33, 34 and 35. In taking judicial notice of these documents, the court accepts the fact of their existence, not the truth of their contents. (See *Professional Engineers v. Dep't of Transp.* (1997) 15 Cal.4th 543, 590 [judicial notice of findings of fact does not mean that those findings of fact are true]; *Steed v. Department of Consumer Affairs* (2012) 204 Cal.App.4th 112, 120-121.)

Plaintiffs, John Tos ("Tos") and Aaron Fukuda ("Fukuda"), are taxpayers that live in Kings County. Plaintiff, the County of Kings (the "County"), is a political subdivision in the State of California. Plaintiffs Tos, Fukuda and the County are collectively referred to herein as "Plaintiffs." Plaintiffs contend that they are eligible to sue under CCP §526a and sue under that statute.

Plaintiffs allege that the Central Valley high speed rail project, Merced to Bakersfield segment, is not eligible to receive financial support from Prop 1A bond funds and that it would be illegal under Prop 1A and CCP §526a, to disburse or distribute Prop 1A bond funds to the Authority for the purpose of constructing a high-speed rail ("HSR") system in the Central Valley. Plaintiffs allege the following

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causes of action: (1) Declaratory Relief, (2) Declaratory Relief – Illegal to provide a subsidy under Prop 1A and no Prop 1A funds can be provided since a subsidy will be required, (3) The funding plan of the Authority violates Prop 1A and therefore no Prop 1A bond funds can be released for the Central Valley Project, (4) Request for permanent injunction, (5) Request for writ of mandate/prohibition with appropriate relief, and (6) Private attorney general theory.

Defendants demur to each cause of action on the grounds that each fails to state facts sufficient to constitute a cause of action. Specifically, (1) each cause of action fails to allege facts indicating that the Authority has or will imminently spend public funds to construct the Central Valley HSR project in violation of the High Speed Rail Bond Act ("HSR Bond Act"), and (2) Plaintiffs lack standing to bring each cause of action, and (3) each cause of action fails to allege an actual case or controversy that is proper for court adjudication.

Defendants further demur to each cause of action against Defendants van Ark, Brown, Lockyer, Matosantos, Stevens and Chiang (collectively "Individual Defendants") on the grounds that: (1) these defendants cannot be sued for their exercise of legislative and executive discretion, and (2) these defendants have no authority under the HSR Bond Act to spend bond money to construct the high-speed rail.

Imminent Action

Code of Civil Procedure section 526a provides in pertinent part: "An action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a county, town, city or city and county of the state, may be maintained against any officer thereof, or any agent, or other person, acting in its behalf, either by a citizen resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax therein." (CCP §526a) "The purpose of this statute, which applies to citizen and corporate taxpayers alike, is to permit a large body of persons to challenge wasteful government action that otherwise would go unchallenged because of the standing requirement." (*Waste Management of Alameda County, Inc. v. County of Alameda* (2000) 79 Cal. App. 4th 1223, 1240.)

"The taxpayer action must involve an actual or threatened expenditure of public funds. General allegations, innuendo, and legal conclusions are not sufficient; rather, the plaintiff must cite specific facts and reasons for a belief that some illegal expenditure or injury to the public fisc is occurring or will occur." (*Id.* at 1240.)

Defendants contend that the FAC is deficient as Plaintiffs have not alleged specific facts showing that the Authority has, or imminently will, obtain permission to spend bond funds for the construction of the Central Valley HSR project without satisfying all of the statutory preconditions necessary to its authority to commit bond proceeds for real property or equipment acquisition or construction. Defendants further contend that before the Authority can spend bond money to construct the high-speed rail, five preconditions must be satisfied, such as approval and submittal of an initial detailed funding plan, request to the Legislature and Governor to appropriate bond proceeds, and approval and submission of a second detailed funding plan. (See Motion, 4:14-27.) Plaintiffs do not dispute these prerequisites. In their FAC, Plaintiffs allege that in November 2011, the Authority announced that it had approved a formal "funding plan" for the project. (See FAC, ¶ 10.) It is unclear from the FAC whether this funding plan was the "Initial Funding Plan" or the "Second Funding Plan" outlined in Defendants' Motion. (See Motion, 4:14-27.) Defendants contend that the November 2011 funding plan was the Initial Funding Plan, and that five additional preconditions must take place before the Authority has legal authority to spend bond funds. (See Motion, 10:15-19.) In Opposition, Plaintiffs state that the matter is "imminent" because "the Federal Transportation Secretary only a few days ago appeared before the legislature and in effect told them that they had to fund the project by July 1, or the federal government could withdraw

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its funds; all indications are that the state will act within weeks." (See Opposition, 11:13-16.)

The Court finds that Plaintiffs' allegations are deficient to show that the Authority has, or imminently will, obtain permission to spend bond funds for the construction of the Central Valley HSR project. Accordingly, Defendants' Demurrer to each cause of action is SUSTAINED with leave to amend. Leave to amend is granted as the Court is not yet convinced that Plaintiffs will be unable to amend the FAC to show imminent action.

Standing

Defendants next contend that Plaintiffs do not have standing to assert the claims for violation of CCP §526a because they are not injured. Defendants claim that to have standing, Plaintiffs must have "an actual and substantial interest and stand to be benefited or injured by a judgment in order to state a claim for relief." (Motion, 11:8-13)(citing *Friendly Village Community Assn. Inc. v. Silva & Hill Co.* (1973) 31 Cal.App.3d 220, 22d.) In opposition, Plaintiffs contend that CCP §526a automatically grants standing to a resident taxpayer that has paid taxes in the past year. The Court is not persuaded by Defendants' argument. "In this state we have been very liberal in the application of the rule permitting taxpayers to bring a suit to prevent the illegal conduct of city officials, and no showing of special damage to the particular taxpayer has been held necessary." (*Blair v. Pitchess* (1971) 5 Cal. 3d 258, 268 (quoting *Crowe v. Boyle* (1920) 184 Cal. 117, 152.)

Plaintiffs further contend that although the County is not a taxpayer, it has an "interest" in the proceeding being brought by the other plaintiffs. The County alleges that its policies, rules and regulations will be interfered with when the project traverses the County; that it stands to lose property taxes through property devaluations when the project enters the County; and that its emergency fire, police and rescue operations will be seriously affected when the project enters the County and prevents access to the residents of the County. (FAC, ¶ 12.) Counties that have an "interest in the outcome" of the litigation have standing and need not establish a basis for standing as taxpayers under CCP §526a. (*City of Industry v. City of Fillmore* (2011) 198 Cal. App. 4th 191, 209.) Plaintiffs have sufficiently pled facts to show that they have standing.

Accordingly, Defendants' demurrer on this ground is OVERRULED.

Actual Case or Controversy

Defendants next contend that there is no actual case or controversy that is ripe for the Court to review because Plaintiffs have not alleged that spending has occurred or will imminently occur. Plaintiffs contend that when taxpayers sue pursuant to CCP §526a and request declaratory relief, an "actual controversy" is presumed to exist, eliminating the requirement of proving "case or controversy." (Opposition, 8:16-18)(citing *Van Atta v. Scott* (1980) 27 Cal.3d 424, 450.) The Court agrees with Defendants. "[T]he taxpayer action must involve an actual or threatened expenditure of public funds." (*Waste Management of Alameda County, Inc. supra*, 79 Cal. App. 4th at 1240.) As noted above, the Court finds that Plaintiffs' allegations are deficient to show that the Authority has, or imminently will, obtain permission to spend bond funds for the construction of the Central Valley HSR project. Accordingly, Defendants' Demurrer to each cause of action is SUSTAINED with leave to amend. Leave to amend is granted as the Court is not yet convinced that Plaintiffs will be unable to amend the FAC to show imminent action.

Individual Defendants

Defendants demur to each cause of action on the grounds that CCP §526a cannot be used to challenge the Individual Defendants exercise of legislative and executive discretion. CCP §526a "should not be

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applied to principally "political" issues or issues involving the exercise of the discretion of either the legislative or executive branches of government." (*Humane Society of the United States v. State Bd. of Equalization* (2007) 152 Cal. App. 4th 349, 356.) Plaintiffs allege that the Individual Defendants "have a voice and decision-making authority on whether bond funds under Prop 1A should be allowed to be used for the purpose of constructing the Central Valley HRS project and to authorize release of said funds." (FAC ¶ 3.) As currently pled, Plaintiffs' allegations address the Individual Defendants' exercise of discretion, and fail to state claims for relief against these defendants. Accordingly, Defendants' demurrer on this ground is SUSTAINED with leave to amend. As this demurrer is Defendants' first objections to the FAC, the Court grants Plaintiffs leave to amend.

Defendants further demur to each cause of action against the Individual Defendants on the grounds that they lack any statutory authority to spend bond money to construct the Central Valley HRS Project. Plaintiffs have not addressed this argument in their opposition. The Court construes Plaintiffs' failure to oppose this argument as a concession on the merits. Accordingly, Defendants' demurrer on this ground is SUSTAINED with leave to amend. As this demurrer is Defendants' first objections to the FAC, the Court grants Plaintiffs leave to amend.

Where leave to amend is granted, Plaintiffs may file and serve an amended complaint by no later than June 29, 2012. Response to be filed within 15 days of service or the amended complaint, 20 days if served by mail. Although not required, Plaintiff should attach a copy of this minute order to the amended complaint to facilitate the filing of the document.

The minute order is effective immediately. No formal order pursuant to CRC Rule 3.1312 or further notice is required.

**COURT RULING:**

The matter was argued and submitted. The Court affirmed the tentative ruling. Mr. Brady's request to file and serve an amended complaint two weeks from today was granted.

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1 CASE NAME: Tos v. California High Speed Rail Authority, et al.

2 ACTION NO.: 34-2011-00113919

3 PROOF OF SERVICE

4 METHOD OF SERVICE

- 5  First Class Mail  Facsimile  Messenger Service
- 6  Overnight Delivery  E-Mail/Electronic Delivery

- 7 1. At the time of service I was over 18 years of age and not a party to this action.
- 8 2. My business address is 1001 Marshall Street, Suite 500, Redwood City, CA 94063-2052, County of San Mateo.
- 9 3. On July 6, 2012, I served the following documents:

10 **SECOND AMENDED COMPLAINT FOR DECLARATORY RELIEF; FOR**  
11 **MANDAMUS/PROHIBITION; FOR RELIEF PURSUANT TO 526a, CCP; FOR**  
12 **PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF; FOR RELIEF**  
13 **UNDER THE PRIVATE ATTORNEY GENERAL DOCTRINE**

- 14 4. I served the documents on the persons at the address below (along with their fax numbers and/or email addresses if service was by fax or email):

15 Michele Inan	Attorneys for Defendants
16 Office of Attorney General	
16 455 Golden Gate Avenue, Suite 11000	Telephone: 415-703-5474
17 San Francisco, CA 94102	Facsimile: 415-703-5480
	Email: Michele.inan@doj.ca.gov

- 18 5. I served the documents by the following means:

- 19 a.  By United States mail: I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses specified in item 4 and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid at the address listed in Paragraph 2 above.
- 20 b.  By overnight delivery: I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- 21 c.  By messenger: I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 4 and providing them to a messenger for service. (Separate declaration of personal service to be provided by the messenger.)
- 22 d.  By fax transmission: Based on an agreement between the parties and in conformance with Rule 2.306, and/or as a courtesy, I faxed the documents to the persons at the

RC1/6257905.4/CM3

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Kings County Exh. D



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1 fax numbers listed in item 4. No error was reported by the fax machine that I used. A copy of the  
 2 record of the fax transmission is attached.

3 e.  By email or electronic transmission: Based on an agreement between the parties  
 4 and/or as a courtesy, I sent the documents to the persons at the email addresses listed in item 4. I  
 5 did not receive, within a reasonable time after the transmission, any electronic message or other  
 6 indication that the transmission was unsuccessful.

7 I declare under penalty of perjury under the laws of the State of California that the  
 8 foregoing is true and correct.

9 Date: July 6, 2012

10 Carmen Callahan  
 11 Type Name

12   
 13 Signature

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RC1/6257905.4/CM3

- 2 -

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 Kings County Exh. D



CALIFORNIA  
 High-Speed Rail Authority

RECEIVED

JUL 19 2012

KINGS COUNTY  
 COUNTY COUNSEL

Kings County  
 Administration  
 RECEIVED

JUL 19 2012

July 13, 2012

Larry Spikes, Kings County Administrative Officer  
 Colleen Carlson, County Counsel County of Kings  
 1400 West Lacey Boulevard  
 Hanford, CA 93230

1400 W. Lacey Blvd.  
 Hanford, CA 93230

Board Members:

- Dan Richard  
Chairperson
- Lynn Schenk  
Vice-Chairperson
- Thomas Richards  
Vice-Chairperson
- Robert Balgenorth
- Russell Burns
- Jim Hartnett
- Michael Rossi
- Thomas J. Umberg
- Jeff Morales  
Chief Executive Officer

Dear Mr. Spikes and Ms. Carlson:

This letter serves as a follow-up to the May 4, June 4, and June 12, 2012 meetings held by members of the Kings County Board of Supervisors and staff with representatives of the California High-Speed Rail Authority (Authority) and consultants.

The information below specifically addresses nine issues raised by you, your staff, members of the Kings County Board of Supervisors, and other Kings County officials regarding the high-speed train (HST) project.

The Authority hopes to work collaboratively with Kings County and to exchange as much information as possible so that HST project benefits continue to develop for Kings County and its impacts are reduced.

**County Road Closures and Proposed Roadway Grade Separations/Widths**

The roads in Kings County proposed to be closed as a result of the proposed HST project are shown below. This list provided is based on the RDEIR/S. For the west of Hanford alignment there are a total of three (3) and for the east of Hanford there are two (2). These roads would include:

HST Alignment Subsection	Proposed Road Closure
H	9th Avenue
HW	Elder Avenue
K1	10th Avenue
K2	10th Avenue
K3	Jersey Avenue Lansing Avenue
K4	Jersey Avenue Lansing Avenue

To facilitate your review, Attachment A provides draft graphics identifying the alignment subsections referenced above. Attachment B summarizes preliminary information about proposed HST/roadway crossings (i.e., grade-separation widths) within Kings County. The Authority welcomes any recommendations for adjustment based on planned or current operations regarding roadway considerations and/or grade separations.



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 Kings County Exh. E

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**Road Relinquishment and Potential Outcomes**

The County asks for options if the County roads that are planned to be constructed as part of the HST project are not accepted by the County as part of its County road system. The Authority proposes to discuss options with the County that can include but are not limited to the:

- Establishing procedures similar to those established under the California Department of Transportation (Caltrans) road relinquishment process
- County road preferences

**Potential for HST to Affect Irrigation Water Flows**

Upon our recent inquiry, Caltrans and the Fresno Irrigation District each independently looked into this issue, and concluded essentially the same findings. In the event of a health, life, and safety issue with regard to the HST project, the appropriate irrigation district would be notified of the problem. The irrigation district would review the specific circumstance on a case-by-case basis, and make the necessary arrangements to protect the public's health, life, and safety.

The Fresno Irrigation District recalled only one incident when Caltrans made an alert regarding a situation that might affect the health, life, and safety of the public. At that time, the Fresno Irrigation District investigated, and then closed, their irrigation gate valve until it was safe to reopen it. Caltrans and the Fresno Irrigation District indicated that the above procedures currently are informal, cooperative arrangements rather than formalized in a written agreement.

**Access to Kings River Put-In at 9<sup>th</sup> Avenue**

In response to concerns expressed by the Kings County Sherriff during the May 4, 2012 meeting among County, Authority, and consultant staff, **Attachment C** depicts two potential options we have explored to preserve access to the Kings River at 9<sup>th</sup> Avenue. Options 1 and 2 are considered feasible from an engineering perspective. The impacts to residences for Option 1 would be along Cairo, while Option 2 would impact residences along 9<sup>th</sup> Avenue:

- Option 1: Construct a new road along 8½ Avenue between Cairo and Corona Avenues to shorten the out-of-direction travel. The additional roadway would have minor right-of-way impacts.
- Option 2: Relocate the proposed east/west grade separation at Cairo Avenue to a north/south overcrossing on 9<sup>th</sup> Avenue, which would affect the residential structures along 9<sup>th</sup> Avenue between Corona and Cairo Avenues.

Other options considered included an additional grade-separated undercrossing near the river, and relocating the proposed east/west grade separation at Cairo Avenue to a north/south undercrossing on 9<sup>th</sup> Avenue. These options were not considered feasible because both options call for depressing the roadway to pass beneath the HST, which would require using a sump, pumps, and developing an adjacent detention basin in the Kings River floodplain.

**Well Surveys**

Per the Federal Railroad Administration's National Environmental Policy Act *Procedures for Considering Environmental Impacts* (1999), "Use of natural resources, such as water, minerals, or timber" should be considered in the environmental impact assessment; socioeconomic impacts are to be considered at the "community" level and "business district" level. Accordingly, wells in close proximity to proposed heavy maintenance facilities and the Hanford station locations were identified to assess potential impacts on groundwater resources should a new HST-related well be installed near existing wells. A table of wells within 1,000 feet of such HST facilities will be provided in the Revised Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) as Table 3.8-15 (updated from Table 3.8-13 in the 2011 Draft EIR/Draft EIS).

A comprehensive survey of private water supply wells was not undertaken for the EIR/ EIS because the level of project impact analysis for this document is at the regional/community scale rather than at the individual property owner scale. After a preferred HST alternative has been selected for the Fresno to Bakersfield section (currently anticipated by fall 2012), private wells impacted by the HST alignment or related facilities (e.g., roadway grade separations, stations) will be identified as part of the right-of-way (ROW) acquisition process, and impacted wells will be taken into account in property valuations and landowner negotiations.

**Environmental Analysis Related to Fog and Associated Safety Measures**

Using the Hazard Management Program, potential safety hazards associated with dense ground fog and its effect on the HST system have been analyzed. The effect of dense ground fog on HST operations has been accounted for.

All roadway configurations adjacent to or otherwise associated with the HST project will be designed according to required County and State roadway safety standards, including curvature, gradient, dimensions, speed, signage and striping. Barriers restricting access by errant vehicles in foggy or otherwise inclement weather conditions will be installed at locations identified through risk-based hazard analysis. The hazard of dense ground fog in the Central Valley is on the HST Certifiable Elements and Hazards Log. This log tracks implementation of these mitigations as the HST is designed, constructed, tested and prepared for operations.

In addition, a possible design modification that could be explored for roads slated for closure at the HST ROW would involve terminating the road at the nearest intersection before the HST ROW fence line. Access to residences would be maintained. This would reduce the potential risk of intrusion due to vehicles overrunning a road closure point in dense fog. This would also have the benefit of reducing County road miles requiring maintenance.

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**EIR/EIS Alternatives Analysis and Screening Criteria**

A Statewide Program EIR/EIS analysis completed in 2005 narrowed the range of alternatives to be considered for the entire HST project. The Visalia Tulare Hanford Station Feasibility Study (August 2007) was done to fulfill the Statewide Program EIR/EIS' commitment to undertake an additional study of other alignment options to serve a potential Visalia Station location. Based on those decisions, a Preliminary Alternatives Analysis Report (PAA) and two Supplemental Alternatives Analysis Reports (SAAs) were developed for the Fresno to Bakersfield section of the project. These reports describe potential alternatives to be considered in the project-level EIR/EIS and explained which were dropped or carried forward, and why. The HST alternatives for the Fresno to Bakersfield section were chosen using information presented in the PAA and SAAs. These documents are available online in the Fresno to Bakersfield section library at the following web link:

[http://www.cahighspeedrail.ca.gov/Lib\\_Fresno\\_Bakersfield.aspx](http://www.cahighspeedrail.ca.gov/Lib_Fresno_Bakersfield.aspx).

A CD containing the alternatives analysis reports for the Fresno to Bakersfield section, as well as other reference documents, is provided.

The Authority has included attachments D and E to assist the County in understanding the environmental process the Authority has used to determine the alignments under consideration that process.

**Attachment D** is a white paper describing the timeline of the alternative selection process.

**Attachment E**, an *Alternatives Analysis Technical Memorandum*, further explains how the alternatives analysis process proceeds for project-level environmental documents.

**Assessment of HST Project Consistency with Local Plans**

The Revised Draft EIR/Supplemental Draft EIS will provide an updated Appendix 3.13-A, which will include a revised assessment of the HST project's compatibility with local and regional land use plans. While the updated assessment is still in internal review, and will not be available until the release of the Revised Draft EIR/Supplemental Draft EIS for the Fresno to Bakersfield section, the Authority is available to discuss the overall assessment now and will be happy to discuss the details of the assessment once Revised Draft EIR/Supplemental Draft EIS is released.

**June 2010 Alternative Analysis Report**

Upon review, the land use "study" referenced in the in the June 2010 Alternatives Analysis Report in the table on page 2-3 could easily be misinterpreted as a specific study. The table could have referred more clearly to the work as background research on land use undertaken as part of the alternatives analysis.

As part of the alternatives analysis process, an initial screening was conducted that identified major conflicts that may exist between the alternatives and considerations such as existing or planned development, environmentally sensitive land uses, and physical constraints on HST operating speeds. This general research informed the alternatives analysis, and is summarized in the PAA. This preliminary alternatives evaluation of major land use conflicts was a broad-based assessment, appropriate to the alternatives screening process. Considering the early stage in the environmental process, it was not intended to be an in-depth analysis of project alternatives and land use conflicts.

The Authority understands that Kings County has a number of additional concerns for future discussion. We remain open and committed to engaging with Kings County as this project progresses.

Sincerely,



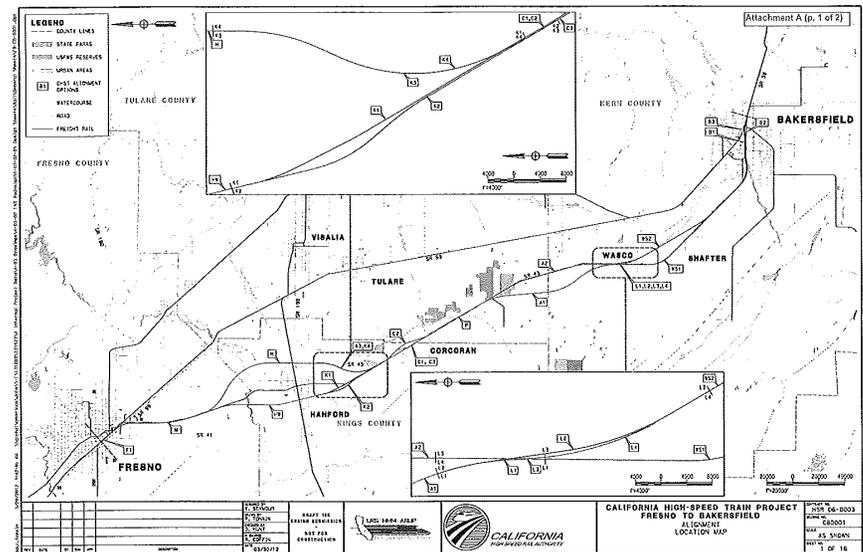
Thomas C. Fellenz  
Chief Counsel  
California High-Speed Rail Authority

cc: Kings County Board of Supervisors  
California High-Speed Rail Authority Board  
Jeff Morales, CEO, California High-Speed rail Authority

Attachments: **Attachment A:** Draft graphics identifying alignment subsections  
**Attachment B:** preliminary information about proposed HST/roadway crossings in Kings County  
**Attachment C:** Two potential options for preserving access to Kings River at 9<sup>th</sup> Avenue  
**Attachment D:** Alternative selection white paper  
**Attachment E:** Alternatives Analysis Technical Memorandum

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
 - 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

ATTACHMENTS

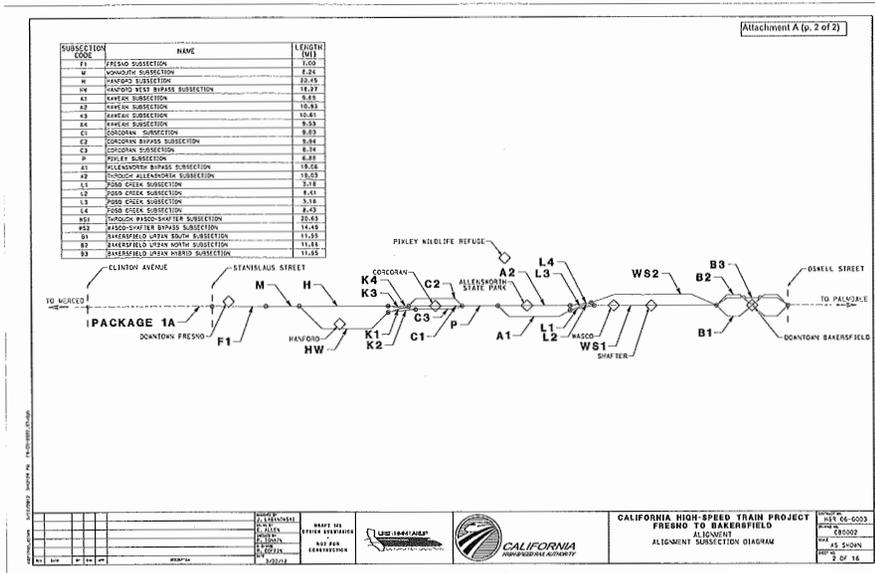


Kings County Exh. E

Kings County Exh. E

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Attachment B



Draft - Subject to Revision

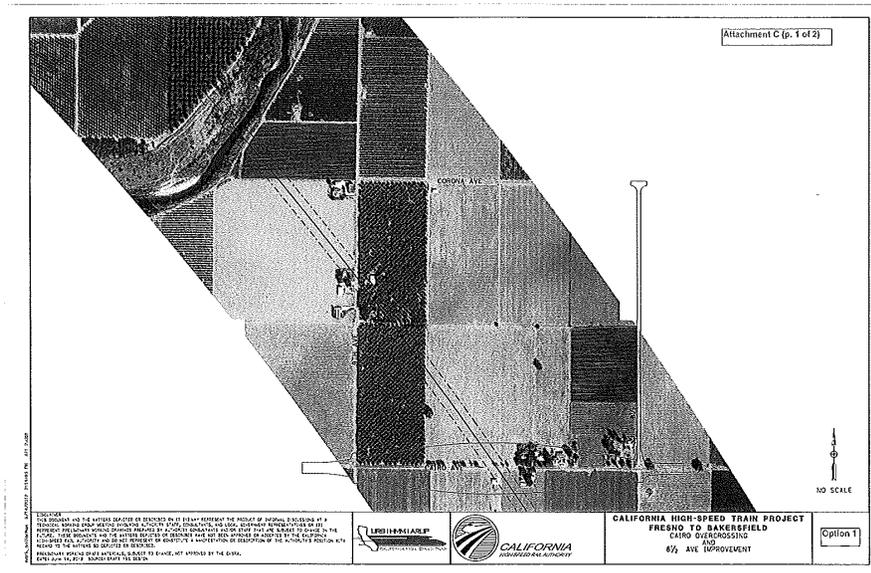
Kings County Crossing Inventory

HST Alignment	Street	Xing Width	Xing Type
H	Cairo Ave	32	OH
	Dover Ave	32	OH
	Excelsior Ave	40	OH
	Elder Ave	40	OH
	Flint Ave	40	OH
	Fargo Ave	32	OH
	Hanford Armona Road	40	OH
	Houston Ave	40	OH
Iona Ave	32	OH	
HW (At-Grade)	Excelsior Ave	32	OH
	Flint Ave	32	OH
	Fargo Ave	32	OH
	Grangeville Ave	40	UP
	Lacey Ave	40	UP
	13th Ave	40	UP
HW (Depressed)	Glendale Ave	32	OH
	Hanford Armona Road	40	OH
	Houston Ave	32	OH
	Iona Ave	32	OH
	Excelsior Ave	32	OH
	Flint Ave	32	OH
	Fargo Ave	32	OH
	Grangeville Ave	40	UP
K1	Lacey Ave	40	OH
	13th Ave	40	OH
	Glendale Ave	32	OH
	Hanford Armona Road	40	OH
	Houston Ave	32	OH
K2	Iona Ave	32	OH
	12th Ave	32	UP
	Idaho Ave	32	UP
	Jackson Ave	32	OH
	11th Ave	32	UP
K3	Kent Ave	32	UP
	Kansas Ave	32	UP
	Lansing Ave	32	OH
	Nevada Ave	32	OH
	Idaho Ave	32	OH
K4	Jackson Ave	40	OH
	Kent Ave	32	OH
	Kansas Ave	32	OH
	Nevada Ave	32	OH
C1	Nevada Ave	32	OH
C2	Nevada Ave	32	OH
C3	Waukena Ave	40	OH
	Charles Street	40	OH

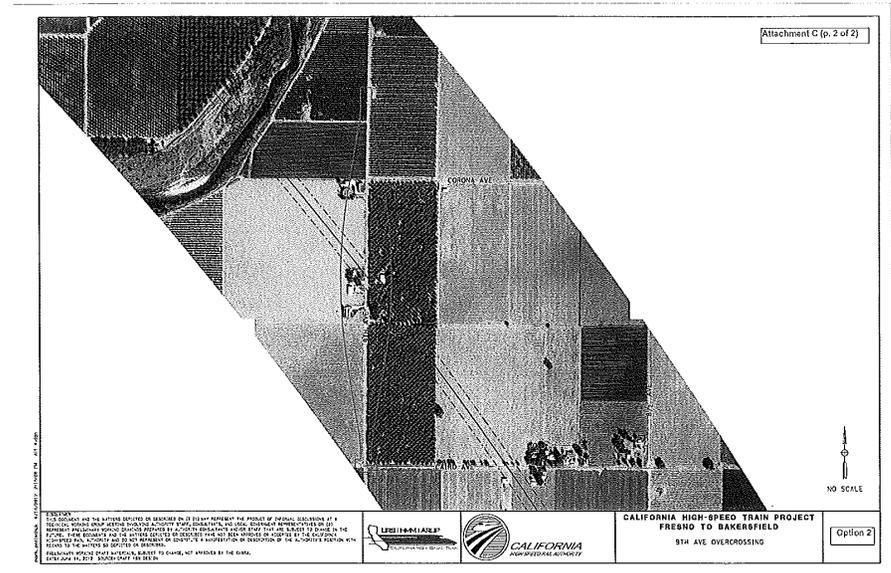
Kings County Exh. E

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Kings County Exh. E



Kings County Exh. E

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Attachment D (p. 1 of 2)

Connecting the Dots

Fresno to Bakersfield EIR/EIS Alternatives Process

The process for environmental approval of the Fresno to Bakersfield process is clearly described in the Notice of Preparation and Notice of Intent, both published in 2009. The Authority and the FRA completed a California High-Speed Train Program EIR/EIS (Statewide Program EIR/EIS) in August 2005 as the first-phase of a tiered environmental review process for the proposed California High-Speed Train (HST) System. The Statewide Program EIR/EIS generally selected the Burlington Northern Santa Fe Railroad (BNSF) corridor for the high-speed train route from Fresno to Bakersfield and the Union Pacific Railroad Company (UPRR) corridor was selected through the urban area of Fresno, with stations in downtown Fresno and Bakersfield. The Statewide Program EIR/EIS also stated that the project EIR/EIS for the HST in this portion of the Central Valley would evaluate an alignment around Hanford and a potential station location in the Visalia/Hanford/Tulare area.

All documents for the Statewide Program EIR/EIS can be found at the following location on the Authority website:

[http://www.cahighspeedrail.ca.gov/Statewide\\_Program\\_Environmental\\_Reports\\_EIR\\_EIS.aspx](http://www.cahighspeedrail.ca.gov/Statewide_Program_Environmental_Reports_EIR_EIS.aspx)

The follow-up Visalia Tulare Hanford Station Feasibility Study (August 2007) can be found at the following location: [http://www.cahighspeedrail.ca.gov/Lib\\_Fresno\\_Bakersfield.aspx](http://www.cahighspeedrail.ca.gov/Lib_Fresno_Bakersfield.aspx)

Public Scoping was performed and follow-up outreach and information gathering through Technical Working Group (TWG) meetings with stakeholders and Public Information meetings have continued through the process.

Alternatives were further refined through the Alternatives Analysis Process adopted by the Authority and FRA for the program. This is described in *Alternatives Analysis Methods for Project-Level EIR/EIS, Version 2*: <http://www.cahighspeedrail.ca.gov/WorkArea/DownloadAsset.aspx?id=7870>

Alternatives and refinements were presented to the public and TWG meetings at various stages over the course of the past two plus years, with formal public presentations and briefings made to the Authority Board for action or information at the following times:

- Preliminary Alternatives Analysis (Initial Alternatives), June 2010 and July 2010
- Supplemental Alternatives Analysis (Evaluation of Through Hanford Alternative), September 2010
- Supplemental Alternatives Analysis (Alternatives Refinements), May 2011
- Supplemental Alternatives Analysis (Addition of Hanford West Alignment), December 2011
- Board Presentation on the Revised Fresno-Bakersfield Draft EIR/EIS (Introduced Bakersfield Hybrid), March 2012

The Draft EIR/EIS was released on August 9, 2011 and comments were received through October 13, 2011. <http://www.cahighspeedrail.ca.gov/draft-eir-f-b.aspx>

A Revised Draft EIR/Supplement Draft EIS is being prepared to include additional alternatives and project refinements. It will be released in early summer 2012.

Attachment D (p. 2 of 2)

Reference Documentation:

Statewide Program EIR/EIS:

[http://www.cahighspeedrail.ca.gov/Statewide\\_Program\\_Environmental\\_Reports\\_EIR\\_EIS.aspx](http://www.cahighspeedrail.ca.gov/Statewide_Program_Environmental_Reports_EIR_EIS.aspx)

Alternatives Analysis Methods for Project-Level EIR/EIS, Version 2:

<http://www.cahighspeedrail.ca.gov/WorkArea/DownloadAsset.aspx?id=7870>

Fresno to Bakersfield Alternatives and Information:

[http://www.cahighspeedrail.ca.gov/Lib\\_Fresno\\_Bakersfield.aspx](http://www.cahighspeedrail.ca.gov/Lib_Fresno_Bakersfield.aspx)

- Visalia Tulare Hanford Station Feasibility Study (August 2007)
- Notice of Intent/Notice of Preparation (10/02/2009)
- Scoping Report (05/21/2010)
- Preliminary Alternative Analysis (06/02/2010)
  - Fresno to Bakersfield Preliminary Alternatives Analysis Report 2010
  - Fresno to Bakersfield Preliminary Alternatives Analysis Report Vol. II Appendix A-F
  - Fresno to Bakersfield Preliminary Alternatives Analysis Report Vol. III Appendix G
  - Fresno to Bakersfield Preliminary Alternatives Analysis Briefing and Summary
  - Fresno to Bakersfield Preliminary Alternatives Analysis Presentation
- Supplemental Alternatives Analysis (09/01/2010)
  - Fresno to Bakersfield Supplemental Alternatives Analysis Report
  - Board Meeting: Agenda Item 8 - Fresno to Bakersfield Supplemental Alternatives Analysis Board Presentation
- Supplemental Alternatives Analysis (05/2011)\*
  - Board Meeting Agenda Item 8 Fresno to Bakersfield Supplemental AA Board Presentation
  - Board Meeting Agenda Item 8 Fresno to Bakersfield Supplemental AA Report
  - Board Meeting Agenda Item 8 Fresno to Bakersfield Supplemental AA Briefing and Exec Summary
- Supplemental Alternatives Analysis (12/13/2011)
  - Agenda Item 5 Fresno to Bakersfield Section Supplemental Alternatives Analysis
  - Agenda Item 5 Staff Report Fresno to Bakersfield Section Supplemental Alternatives Analysis
  - Agenda Item 5 Fresno to Bakersfield Supplemental Alternatives Analysis Report (Board Presentation)
- Board Briefing (March 2012)\*
  - March 2012 Board Presentation on the Revised Fresno-Bakersfield Draft EIR/EIS
  - March 2012 Agenda Item #9 Fresno - BF Draft EIR

\* Indicates items soon to be moved to FB Library site from Board Meeting site  
[http://www.cahighspeedrail.ca.gov/monthly\\_brdmtg.aspx](http://www.cahighspeedrail.ca.gov/monthly_brdmtg.aspx)

The Draft EIR/EIS, August 9, 2011:

<http://www.cahighspeedrail.ca.gov/draft-eir-f-b.aspx>

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
 - 5\_Kings-County\_CD\_10192012\_Exhibits.pdf - Continued

Attachment E (29 pages)

CALIFORNIA HIGH-SPEED TRAIN PROJECT

ALTERNATIVES ANALYSIS METHODS  
 VERSION 2

California High-Speed Train Project



TECHNICAL MEMORANDUM

Alternatives Analysis Methods  
 For Project EIR/EIS  
 Version 2

Prepared By: Steven Wolf 9/14/09  
 Checked By: Bryan Porter 9/21/09  
 Approved By: Steven Wolf 9/30/09  
 Released By: Anthony Daniels 10/30/09  
 Accepted By: Dan Leavitt 10/30/09

Revision	Date	Description
0	22 June 09	Initial Release
1	15 Aug 09	PMT Revisions
2	08 Sept 09	AG Comments and Revisions

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    1.3 OVERVIEW ..... 1

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CALIFORNIA HIGH-SPEED TRAIN PROJECT

ALTERNATIVES ANALYSIS METHODS  
VERSION 2

**1.0 PURPOSE**

**1.1 Introduction**

This memorandum serves as a guide to the regional teams in conducting Alternatives Analysis (AA) studies for California High-Speed Train (HST) project sections of the HST system. The AA will incorporate conceptual engineering information and will identify feasible and practicable alternatives to carry forward for environmental review and evaluation in Environmental Impact Reports/Environmental Impact Statements (EIR/EIS) for sections of the California HST Project (CHSTP). In developing the AA the regional teams will begin analysis with the alternatives selected with the previously prepared statewide and Bay Area program EIRs/EISs. After identifying initial project alternatives; alignment plans, profiles, and sections will be developed and used for the preliminary evaluation of the alternatives. The AA evaluations will be used to assist the California High-Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) in identifying the range of potentially feasible alternatives to analyze in the draft project EIR/EIS. The guidelines contained in this memorandum are designed to maintain consistency among the regional teams in identifying an appropriate range of alternatives to analyze in each EIR/EIS, conducting a preliminary analysis, applying evaluation measures, and documenting the evaluation process, while still allowing flexibility to account for consideration of regional differences.

**1.2 Applicability**

The AA is intended to provide the Authority and the FRA with sufficient information and documentation to provide a clear understanding of the evaluation process used to identify and define a range of reasonable, practicable, and feasible project alternatives. The Authority and the FRA expect to make the results of the AA available for public input. The alternatives evaluation will support decisions guiding the project design and environmental review process, including specifically the identification of reasonable alternatives to be further considered in the project environmental analysis and the identification of alternatives that will not be studied in the EIR/EIS analysis. The Authority and the FRA will make these decisions considering agency and public input. The results of the AA will be presented in an AA Report providing the basis for drafting the Alternatives chapter in the Draft Project EIR/EIS.

This memorandum applies to the initial review and analysis process to be used by each of the regional teams in identifying the full range of HST project alternatives and station sites for preliminary review in order to support decisions determining the reasonable and feasible alternatives to carry forward for further engineering and environmental review. Each regional team is to use the engineering HST Basis of Design Technical Memo in its evaluation efforts, but will have flexibility if needed, to identify additional evaluation measures that are specific to its region. This memorandum is consistent with the guidelines developed for the project environmental review phase, as defined by the HST Project Environmental Analysis Methodologies Report, and will help to ensure a consistent level of documentation of the analytic process for determining the alternatives to be analyzed in a project EIR/EIS.

**1.3 OVERVIEW**

Whereas the program EIR/EISs analyzed alternative corridors and station location alternatives, site-specific alignment and station alternatives will be developed for the project AA. In the statewide program EIR/EIS, No Project, Modal, and HST Alternatives were considered. The Authority and FRA selected the HST Alternative and selected corridor alternatives and station location options for further analysis, and identified needs for HST system cleaning and maintenance facilities. The Bay Area to Central Valley HST Program EIR/EIS supported Authority and FRA selection of corridor alternatives and station location options for further analysis in the Bay Area and Central Valley regions. The program-level environmental reviews were integrated with early steps in the Clean Water Act Section 404 alternatives analysis process.

The evaluation conducted for each of the AAs will be based on a level of detail that considers preliminary project features at a 2% to 4% level of engineering design. The analysis of alternatives will take into account previous work conducted for the Program EIRs/EISs. In some locations, program-level decisions narrowly defined the HST corridor, while in other locations a broader area was defined as the corridor for



CALIFORNIA HIGH-SPEED TRAIN PROJECT

ALTERNATIVES ANALYSIS METHODS  
VERSION 2

further evaluation. In addition, each of the regional teams will consider public and agency comments in response to the project EIR/EIS scoping processes and direction from the Authority and FRA. Input received during the agency involvement process will also be considered a key part of the alternatives analysis process to identify reasonable and feasible alternatives to carry forward for environmental review. The AA reports will document how each of the alternatives meets the Purpose and Need for the project, and how evaluation measures were used to determine which alternatives would be carried forward for environmental analysis and which alternatives did not meet the evaluation measures and would not be carried forward for further analysis. An outline of the AA Report is attached as Appendix A.

After the AA Reports have been finalized with the practicable and feasible HST location and design alternatives, a Draft Project Description will be prepared incorporating a description of the alternatives to be carried forward for environmental review. The Draft Project Description will describe all design features and assumptions for the alternatives to support environmental evaluation and will be updated and finalized when a level of 15% preliminary engineering design is completed.

**1.4 Additional Information**

Additional information and resources on HST system background, technical guidance, and evaluation measures as well as previous Authority and FRA decisions can be found in the following locations.

<http://www.cahighspeedrail.ca.gov/>

Final Program EIR/EIS, Volumes 1 through 3, August 2005; the Authority's Certification and Decision on the Final Program EIR/EIS (Resolution No. 05-01); FRA Record of Decision for California High-Speed Train System, November 18, 2005, including the Mitigation Monitoring and Reporting Plan, the Summary of Public Comments from CEQA Certification, and the Errata for the Final Program EIR/EIS.

Final Bay Area to Central Valley High-Speed Train Program EIR/EIS, Volumes 1 through 3, May 2008, including the Mitigation Monitoring and Reporting Plan, the Summary of Public Comments from CEQA Certification, and the Errata for the Final EIR/EIS; the Authority's Certification and Decision on the Final Program EIR/EIS (Resolution No. 08-01); and FRA Record of Decision, December 2, 2008.

<https://ww2.projectsolve2.com/eRoom/SFOF/CAHSRProgramMgmt>



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**2.0 LEVEL OF EFFORT**

**2.1 APPROACH**

The AA will document the initial process of defining and evaluating project alternatives for sections of the HST system. The process will begin with the alignment and station information provided in the relevant program EIR/EIS, which with additional information gathered by the section design team and information collected during scoping, will be used by the team to identify preliminary project alternatives. These alternatives will include alignment alternatives, station site alternatives, alternative sites for maintenance and storage facilities, and power supply facility alternatives needed for the HST system section. As the AA process continues, the alternatives will be revised using CHSTP design criteria for trackwork geometries, civil and structures design, systems design, and train operations.

The AA Reports are to provide sufficient detail to document the evaluation process used to identify reasonable and feasible project alternatives that would meet the Purpose and Need for the project and are consistent with the Basis of Design Report, as well as to identify those alternatives where environmental issues (severe conflicts or constraints) or engineering challenges may justify dropping them from further analysis. The AA Reports are to provide comparative information and data that highlight and compare similarities and differences between alternatives by using project design criteria. Each Regional Team will evaluate preliminary location and design alternatives against existing conditions, project-related changes, applicable state and federal standards, environmental impact criteria, design criteria, construction and operating factors, to support identification and selection of the reasonable range of practicable and feasible alternatives for project environmental review.

The process will include the following steps:

**Step 1: Initial Development of Alternatives**

Using the selected program-level corridor alignments and station locations, develop site-specific project alternatives considering current contextual conditions and constraints as well as information gathered during the scoping process. It is essential to start with the selected program alternatives as these were identified as likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) with concurrence by the U.S. Environmental Protection Agency and the U.S. Army Corps through the Clean Water Act Section 404 alternatives analysis process.

A presentation will be made to the PMT/Authority/FRA on the initial alternatives developed for further consideration through the AA process based on:

- a) the Program Level selected alternatives, alignment routes, and station locations and consideration of purpose and need/project objectives;
- b) public and agency input received during and after scoping; and
- c) further analysis of the study area to identify alternatives and/or variations and design options that are practicable and feasible.

The results of the presentation and review comments received will be documented in a Draft section of the AA Report entitled *Initial Development of Alternatives*.

**Step 2: Early Outreach to Agencies and Public**

The initial alternatives identified for further consideration will be presented informally to the local and state participating, responsible and trustee agencies and the federal participating and cooperating agencies identified in the CAHST Agency Coordination Plan and have agreed to be part of the HST Project environmental process. When project alternatives encroach or pass over or under State Highway facilities, coordination with Caltrans will be initiated by the regional team. The regional team will also seek comment from non-governmental agencies such as operating railroads. The initial alternatives will also be presented to Native American tribes and minority and/or low income interest groups as part of



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the outreach implementation for HST Projects presented in Technical Memo *Agency, Environmental Justice, and Tribal Coordination Guidelines for Project Level EIR/EIS* dated July 31, 2009.

Following the presentation to the agencies and non government agencies, public information meetings will be conducted, as needed, to present the initial alternatives identified for further consideration.

**Step 3: Revise Initial Development of Alternatives AA Report Section**

Based on information and feedback received from early outreach, the Draft section of the AA Report, *Initial Development of Alternatives*, will be revised and resubmitted to the PMT/Authority/FRA for review.

**Step 4: Conduct Project Alternatives Staff Workshop**

A workshop will be conducted by the Regional Consultants with the PMT/Authority/FRA to present the details and information regarding all alternatives studied to date. This will include discussion of severe design constraints or conflicts, and environmental impacts and benefits for each alternative. The purpose of the workshop is to obtain direction from the Authority and FRA on the need for further investigating specific alternatives, to discuss alternatives where no further analysis is needed, evaluation results and conclusions, and material to present in the AA Report.

**Step 5: Prepare Alternatives Analysis (AA) Draft Report**

An AA Draft Report will be prepared that presents the results of the AA process to this point. The AA Draft Report will include a preliminary definition of the project alternatives using the Basis of Design Report and applicable Technical Memoranda.

**Step 6: Initiate PMT/Authority/FRA/AG Review**

The AA Draft Report will be reviewed by the PMT/Authority/FRA. When approved for release, the AA Draft Report will be posted to the Authority's website.

**Step 7: Make Presentation to CAHSRA Board**

The results of the AA Draft Report will be presented to the Board as an information agenda item.

**Step 8: Conduct Outreach to Agencies and Public**

The alternatives identified for inclusion in the EIR/EIS will be presented to the local and state participating, responsible, and trustee agencies and the federal participating and cooperating agencies identified in the CAHST Agency Coordination Plan that have agreed to participate in the HST Project environmental process. Coordination with Caltrans will be initiated by the regional team when project alternatives encroach or pass over or under State Highway facilities. The regional team will also seek input from non-governmental agencies such as operating railroads. The alternatives identified for inclusion in the EIR/EIS will also be presented to Native American tribes and minority and/or low income interest groups as part of the outreach implementation for HST Projects presented in Technical Memo *Agency, Environmental Justice, and Tribal Coordination Guidelines for Project Level EIR/EIS* dated July 31, 2009.

Following the presentation to the agencies and non government agencies, public information meetings will be conducted, as needed, to present the alternatives identified for inclusion in the EIR/EIS.

**Step 9: Prepare Alternatives Analysis (AA) Final Report**

An AA Draft Report will be finalized and will include the results of outreach meetings and consultation with cooperating and other agencies. The AA Final Report will be reviewed by the PMT/Authority/FRA and posted to the Authority's website when approved for release.



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**Step 10: Prepare Draft Project Description**

A draft Project Description will be prepared with the results of the AA Final Report and the level of engineering design completed to date. The Project Description will be updated as the engineering design continues and finalized when 15% design is completed.

**2.2 COORDINATION**

Each Regional Team will coordinate their efforts with the project management team (PMT), Authority, and FRA. Coordination will also occur with other Regional Teams, as needed, for similar technical work occurring within immediately adjacent sections of the proposed HST system.

Preliminary information including the initial project alternatives as well as initial alternatives screening and evaluation shall be presented to the PMT, Authority, and FRA using diagrams, drawings, and memoranda that effectively communicate the information while minimizing preparation time and effort. The AA reports will be initially reviewed by the PMT, revised and submitted to the Authority and FRA for their review and comment. In addition, each AA Report will contain a discussion of the coordination and consultation efforts related to alternatives analysis and opportunities for agency and public input in the process. Coordination among regional teams is required at shared project limits where the end points would connect at common stations (example: Union Station for Anaheim to LA and LA to Palmdale sections).

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**3.0 ASSESSMENT / ANALYSIS**

**3.1 ALTERNATIVES EVALUATION**

The AA evaluation will be conducted using standardized evaluation measures so that each of the alternatives can be compared with each other in an effort to identify feasible and reasonable alternatives for study and alternatives that would not be studied due to environmental or engineering issues that would make approvals or implementation infeasible, that would not reduce or avoid adverse environmental impacts, that would not meet purpose and need and project objectives, or would not be feasible or practicable to construct. Starting with the alternatives selected through the program-level analyses, each AA Report will assess preliminary alignments and station sites appropriate to the section of the HST system being studied, using the evaluation measures discussed in Section 4.0; however, each of the regional teams will have the flexibility to weight evaluation measures differently to reflect the relative importance of issues in their region. Each report will include a brief discussion that characterizes key constraints or concerns in the region and explains evaluation measures used. Specific evaluation measures to be used in addition to the evaluation measures listed in Section 4.0 below must be discussed with and approved in advance by the PMT, Authority, and FRA. Applicable evaluation, discussion, and conclusions from the program EIRs/EISs should be incorporated as appropriate into the AA Reports.

**3.2 SCOPE OF ANALYSIS**

Whereas the Program EIR/EIS evaluated the potential impacts various system alternatives would have at a planning level of detail, the AA Reports will assess preliminary project alignments, station sites and related facilities sites at a site-specific level of detail. The AA Reports will document literature review, database queries, and field reconnaissance and will include a discussion of potential environmental constraints related to short-term and long-term effects. Short-term impacts will include construction, construction staging and other implementation issues. Long-term impacts will consider the direct and indirect effects and daily operations of the project. The AA Reports are to describe the physical effects of the location and design alternatives as well as consistencies with federal, and state environmental standards and future planned development. The AA Reports are to describe a range of typical measures or engineering designs that could be considered to avoid, minimize, or mitigate potential impacts and an assessment of the reasonableness and feasibility of these measures. Appropriate measures and engineering designs to be considered should be identified first from the mitigation monitoring and reporting programs approved for the two Program EIR/EISs, and then should be further defined and refined to apply to the site-specific and regional issues.



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**4.0 EVALUATION MEASURES**

**4.1 CHSTP DESIGN OBJECTIVES**

Project alternatives shall be evaluated using system performance criteria that address design differences and qualities. Alignment and station performance objectives and criteria are:

Objective	Criteria
Maximize ridership/revenue potential	Travel time Route length
Maximize connectivity and accessibility	Intermodal connections
Minimize operating and capital costs	Operations and maintenance issues and costs

**4.2 COMPARISON OF ALTERNATIVES**

In addition to the CHSTP objectives and criteria above, further measures to evaluate and compare the project alternatives are described below. Where it is possible to quantify the effects, estimates are to be provided, and where it is not possible to quantify effects, qualitative evaluation should be provided.

A. Land use supports transit use and is consistent with existing, adopted local, regional, and state plans, and is supported by existing or future growth areas as measured by:

Measurement	Method	Source
Development potential for Transit Oriented Development (TOD) within walking distance of station	Identify existing and proposed land uses within 1/2-mile of station locations. Identify if there are TOD districts, a TOD overlay zones, mixed use designations, or if local jurisdiction have identified station areas for redevelopment or economic development	Regional and local planning documents and land use analysis and input from local planning agencies
Consistency with other planning efforts and adopted plans	Qualitative - General analysis of applicable planning and policy documents	Land use analysis and input from planning agencies

B. Construction of the alternative is feasible in terms of engineering challenges and right-of-way constraints as measured by:

Measurement	Method	Source
Constructability, access for construction; within existing transportation ROW	Extent of feasible access to alignment for construction	Conceptual design plans and maps
Disruption to existing railroads	Right-of-way constraints and impacts on existing railroads	Conceptual design plans and maps



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Disruption to and relocation of utilities	Number of utilities crossed.	Conceptual design plans and maps
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C. Minimize disruption to neighborhoods and communities -- extent to which an alternative minimizes right-of-way acquisitions, minimizes dividing an established community and minimizes conflicts with community resources as measured by:

Measurement	Method	Source
Displacements	If possible, estimate number of properties by land use type that would be displaced. Or acres of land within the right-of-way/station footprint, by type of land use: single family, multifamily, retail/commercial, industrial, etc.	Identified comparing the alignment conceptual design drawings with aerial photographs, zoning maps, and General Plan maps.
Properties with Access Affected	Estimate number of potential locations along the alignments or at station locations where, and extent to which, access would be affected.	conceptual design plans and aerial photographs
Local Traffic Effects round stations	Identify potential locations where increase in traffic congestion or LOS are expected to occur.	Existing traffic LOS from local jurisdictions
Local Traffic Effects at-grade separations	Identify potential locations at-grade separations where increases in traffic congestion or LOS are expected to occur.	Existing traffic LOS from local jurisdictions

D. Minimize impacts to environmental resources -- extent to which an alternative minimizes impacts on natural resources as measured by:

Measurement	Method	Source
Waterways and wetlands and nature preserves or biologically sensitive habitat areas affected	Identify new bridge crossings required; rough estimate of acres of wetlands, width of waterways crossed; acres and species of T&E habitat affected; acres of natural areas/critical habitat affected	conceptual design plans and GIS layers; Section 404(b)1 analysis
Cultural resources	Identify locations of NRHP or CHRIS listed properties. For archaeological resources identify areas of high or moderate sensitivity based on previous studies conducted in the study area.	Based on conceptual design plans and GIS layers; Section 4(f) studies and cultural resource records search and surveys
Parklands	Estimate number and acres of parks that could be directly and indirectly affected. This would also include major trails that would be crossed;	conceptual design plans and GIS layers; Section 4(f) studies



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Agricultural lands	Estimate acres of prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance within preliminary limits of disturbance	conceptual design plans and GIS layers
--------------------	--	--

E. Extent to which an alternative minimizes impacts on the natural environment as measured by:

Measurement	Method	Source
Noise/Vibration effects on sensitive receivers	Identify types of land use activities that would be affected by HST passby noise and ground vibration.	Results of screening level assessment; inventory of potential receivers from site survey and aerial maps
Change in visual/scenic resources	Identify number of local and scenic corridors crossed and scenic/visual resources that would be affected by HST elevated structures in scenic areas and shadows on sensitive resources (parks). Identify locations where residential development is in close proximity to elevated HST structures.	Results of general assessment; survey of alignment corridors and planning documents from local and regional agencies
Maximize avoidance of areas with geologic and soils constraints	Identify number of crossings of known seismic faults, estimate acres of encroachment into areas with highly erodible soils, acres of encroachment into areas with high landslide susceptibility.	USGS maps and available GIS data; CA Dept. of Conservation's California Geologic Survey, Regional Geologic Hazards & Mapping Program, check Map Index to identify maps appropriate for HST sections [www.conservation.ca.gov]
Maximize avoidance of areas with potential hazardous materials	Identify hazardous materials/waste areas to avoid and constraints	Data from previous records search conducted for other projects within study area.



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**5.0 DOCUMENTATION**

**5.1 LEVEL OF IMPACT**

Each preliminary alternative should be evaluated individually under each objective and criterion at a preliminary level of analysis sufficient to identify potentially severe constraints and to provide an overall comparative analysis of the potential 'levels of impact' for the alternatives in a summary format. This information is expected to support determination of the feasible alternatives to be analyzed in the Draft Project EIR/EIS and the alternatives dismissed from further consideration. Starting with the Authority's adopted program-level Mitigation Monitoring and Reporting Plans, the Regional Team should identify practical mitigation measures, design considerations or avoidance techniques to address ways to minimize or avoid potentially significant impacts for consideration in the EIR/EIS. The measures should illustrate a general approach versus describing specific mitigation measures which would be addressed in the EIR/EIS. The measures should account for cause, effect, resolution and follow an "if this", "then that" format. Consideration should be given to estimated costs and likely ability to mitigate different ROW and environmental impacts.

**5.2 ALTERNATIVES COMPARISON**

The primary purpose of the AA Reports is to clearly describe the relative differences between preliminary alternatives based on a consistent set of evaluation measures applied to each alternative. The AA Reports will summarize the attributes, potential design issues and environmental impacts and benefits for each alternative in matrix format. Alternatives identified to be dropped from further analysis should be included in the matrix and reasons for dropping the alternative should be described in the summary.



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**6.0 REFERENCES**

**6.1 INFORMATION FOR INCLUSION**

All references will follow the format guidelines provided for the CHSTP. All sources must be referenced, including text, data, graphics, base maps, etc. Full referencing is also required in the text of the document in a footnote at the end of the sourced text. For tables, references will be listed as sources at the bottom of the table. For graphics, references, including base mapping, will be listed as sources in the legend.

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**APPENDIX A**

**ALTERNATIVE ANALYSIS REPORT OUTLINE**



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**California High-Speed Train Project**



\_\_\_\_\_ to \_\_\_\_\_ Section Project EIR/EIS  
**ALTERNATIVES ANALYSIS REPORT**

Prepared by: \_\_\_\_\_  
 XXX Date

Checked by: \_\_\_\_\_  
 XXX Date

Reviewed by: \_\_\_\_\_  
 XXX Date

Approved by: \_\_\_\_\_  
 XXX Date

Released by: \_\_\_\_\_  
 XXX Date

Revision	Date	Description
0		
1		
2		



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 PROJECT EIR/EIS

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**ABBREVIATIONS / ACRONYMS**

*(Revise for each HST Project)*

- Amtrak.....National Railroad Passenger Corporation
- Authority.....California High-Speed Rail Authority
- BNSF .....Burlington Northern Santa Fe
- Caltrans .....California Department of Transportation
- CEQA .....California Environmental Quality Act
- CNG.....Compressed Natural Gas
- EIR .....Environmental Impact Report
- EIS .....Environmental Impact Statement
- FRA .....Federal Railroad Administration
- GIS.....Geographic Information System
- GPS .....Global Positioning System
- HOV.....High Occupancy Vehicle
- HST .....High-Speed Train
- KOP .....Key Observation Point
- LRT .....Light Rail Transit
- MPH .....Miles per Hour
- NEPA .....National Environmental Protection Act
- PMT .....Program Management Team
- ROW.....Right-of-Way
- RRC.....Regional Rebuild Center
- RTP .....Regional Transportation Plan
- SR .....State Route
- TOD.....Transit Oriented Development
- USGS .....United States Geological Survey
- UP .....Union Pacific



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**1.0 INTRODUCTION**

The California High-Speed Rail Authority (the Authority) is studying alternative alignments for a high-speed train section between \_\_\_\_\_ and \_\_\_\_\_. This study incorporates conceptual engineering information and identifies feasible and practicable alternatives to carry forward for environmental review and evaluation in the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) under the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) for the \_\_\_\_\_ to \_\_\_\_\_ section of the California High-Speed Train (HST) Project.

**1.1 CALIFORNIA HST PROJECT BACKGROUND**

The California High-Speed Train (CAHST) is planned to provide intercity, high-speed train service on over 800 miles of tracks throughout California, that will connect the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. The HST system is envisioned as a state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology, which will include state-of-the-art safety, signaling, and automated train-control systems. The trains will be capable of operating at speeds of up to 220 mph over a fully grade-separated, dedicated track alignment, with an expected express trip time between Los Angeles and San Francisco of approximately 2 hours and 40 minutes.

The California HST project will be planned, designed, constructed, and operated under the direction of the California High-Speed Rail Authority (Authority), a state governing board formed in 1996. The Authority's statutory mandate is to develop a high-speed rail system that is coordinated with the state's existing transportation network, which includes intercity rail and bus lines, regional commuter rail lines, urban rail and bus transit lines, highways, and airports.

**1.2 \_\_\_\_\_ TO \_\_\_\_\_ EIR/EIS BACKGROUND**

**1.3 STUDY AREA**

**1.4 PURPOSE OF STUDY**

This Alternatives Analysis (AA) Report uses preliminary planning, environmental, and engineering information to identify feasible and practicable alternatives to carry forward for environmental review and preliminary engineering design in the \_\_\_\_\_ to \_\_\_\_\_ HST Project EIR/EIS. This report is to assist the Authority and the FRA in identifying the range of potentially feasible alternatives to analyze in the draft Project EIR/EIS. It documents the preliminary evaluation of alternatives, indicating how each of the alternatives meets the purpose for the HST project, how evaluation measures were applied and used to determine which alternatives to carry forward for detailed environmental analysis, and which alternatives not to carry forward for further analysis.

The analysis begins with the alignment corridor selected at the conclusion of the 2005 Final Statewide Program EIR/EIS process. Public and agency comments in response to the Project EIR/EIS scoping processes and during ongoing interagency coordination meetings, and direction from the Authority and FRA were used to identify initial alternatives to carry forward for detailed environmental review. After identifying initial project alternatives, alignment plans, profiles, and cross-sections have been developed and used for this preliminary evaluation of the alternatives.

Section 2.0 describes the evaluation measures used for the AA process. Each of the project alternatives is described in detail in Section 3.0. Section 4.0 evaluates the alternatives and Section 5.0 summarizes the results of the AA analysis.



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**2.0 ALTERNATIVES DEVELOPMENT PROCESS**

The process for this study involves the creation and refinement of alternatives, through a series of processes that are intended to compare alternatives. This study follows a defined alternative analysis process as described in the Technical Memo Alternatives Analysis for Project-Level EIR/EIS (December 2008), and uses both qualitative and quantitative measures that reflect a mixture of applicable policy and technical considerations.

The techniques that are used to gather information, develop and compare alternatives are described below:

**Field Inspections of Corridors** - The potential alignment, right-of-way, and station location are the subject of field inspection by experienced planning personnel, engineers, and analysts with experience in railroad operations, to identify conditions and factors not visible in aerial photos or on maps. Over the course of the study, field inspections become progressively more detailed as the alternatives are refined by the planning and engineering work.

**Project Team Input and Review** - The project team conducts team meetings to discuss alternatives and local issues that potentially impact alignments.

**Qualitative Assessment** - A number of the qualitative measures used to describe the alternative alignments are developed by professionals with experience in the construction and operation of high-speed rail and other transportation systems. These measures include constructability, accessibility, operability, maintainability, right of way, public infrastructure impacts, railway infrastructure impacts, and environmental impacts.

**Engineering Assessment** - Engineering assessments are provided for a number of measures that can be readily quantified at this stage of project development. The engineering assessments can provide information on project length, travel time, and configuration of key features of the alignment such as the presence of existing infrastructure.

**GIS Analysis** - The bulk of the assessment is performed using GIS data, which enables depictions of the project's interactions with a variety of measurable geographic features, both natural and built. GIS data is used to assess impacts on farmland, water resources, floodplains, wetlands, threatened and endangered species, cultural resources, current urban development, infrastructure, and oil and gas exploration and production.

Assessment and analysis measures have been developed for each step in the process outlined above. The evaluation measures, as applied, are progressively more technical and quantitative as alternatives evolve.

**2.1 HST PROJECT PURPOSE**

As a section of the statewide HST system, the purpose of the project is to provide reliable high-speed electric powered train service from \_\_\_\_\_ to \_\_\_\_\_ and that delivers predictable and consistent travel times. The \_\_\_\_\_ to \_\_\_\_\_ section of the HST System will provide greater access and choice of transportation modes, which will increase mobility throughout the Los Angeles County region and contribute to the increased mobility throughout California.

Specific project objectives of the HST system within the \_\_\_\_\_ to \_\_\_\_\_ section include:

- Improve mobility by relieving the mounting capacity and congestion constraints on the local interstate freeways (name freeways) and on State Routes (name state routes) through providing a choice of a high speed train transportation mode.



- Improve mobility by relieving the increasing capacity and congestion constraints at the XXX Airport through providing a choice of a high speed train transportation mode.
- Reduce the capacity constraints and congestion on freight and passenger rail infrastructure along the (name existing rail corridor) corridor by providing a choice of a high speed train transportation mode.
- Maximize connectivity and accessibility for passenger rail and transit at XXX Station.
- Provide a sustainable reduction in travel time between \_\_\_\_\_ and \_\_\_\_\_.
- Provide a HST alignment that is feasible in terms of engineering challenges and right-of-way constraints.
- Minimize disruptions to neighborhoods and communities along the corridor by minimizing right-of-way acquisitions, project design effects, and/or the potential for affecting community resources.
- Preserve environmental quality and protect sensitive environmental resources by reducing emissions and vehicle miles traveled for intercity trips within the XXX and XXXX Counties area, and by maximizing avoidance and minimizing impacts to sensitive environmental and natural resources adjacent to the project corridor.
- Maximize the ridership/revenue potential for the XXX Counties region by providing reliable HST operation.
- Minimize capital and operating costs related to construction, operations and maintenance of the \_\_\_\_\_ to \_\_\_\_\_ section of the statewide HST system.

**2.2 IDENTIFICATION OF ALTERNATIVES TO BE CARRIED FORWARD**

The aim of this document is to document the evaluation process and to identify alternatives that should be carried forward through the environmental process and engineering design. Significant issues that would qualify an alternative to be carried forward from further consideration include:

- Alternative meets purpose and need and project objectives in providing a sustainable reduction in travel time between major urban centers.
- Alternative has no environmental or engineering issues that would make approvals infeasible.
- Alternative is feasible or practical to construct.
- Alternative reduces or avoids adverse environmental impacts.

**2.3 HST DESIGN OBJECTIVES**

To determine each alternative's ability to meet the HST Project's primary intent, the project alternatives are evaluated using system performance criteria that address design differences and qualities in the alignment and the station locations in terms of performance. These objectives and criteria are summarized in



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 PROJECT EIR/EIS

**Table 2-1: Alignment and Station Performance Objectives and Criteria**

Objective	Criteria
Max. Ridership/ Revenue potential	Travel Time
	Route Length
Maximize connectivity and accessibility	Intermodal connections
Minimize operating and capital costs	Operating and maintenance costs
	Capital cost

**2.4 COMPARISON OF PROJECT ALTERNATIVES**

In addition to the HST Project objectives and criteria presented above, additional measures are used to evaluate and compare the project alternatives. Each of these five additional measures is discussed in more detail below.

- A. Land use supports transit use and is consistent with existing, adopted local, regional and state plans, and is supported by existing or future growth areas.

**Table 2-2: Land Use Evaluation Measures**

Measurement	Method	Source
Development potential for Transit Oriented Development (TOD) within walking distance of station	Identify existing and proposed land uses within 1/2-mile of station locations. Identify if there are TOD districts, a TOD overlay zones, mixed use designations, or if local jurisdiction have identified station areas for redevelopment or economic development	Regional and local planning documents and land use analysis and input from local planning agencies.
Consistency with other planning efforts and adopted plans	Qualitative - general analysis of applicable planning and policy documents	Land Use Analysis, Baseline Conditions Study

- B. Construction of the alternative is feasible in terms of constructability and right-of-way (ROW) constraints.

**Table 2-3: Constructability Evaluation Measures**

Measurement	Method	Source
Constructability, access for construction, within existing transportation ROW	Extent of feasible access to alignment for construction	Conceptual design plans and maps
Disruption to existing railroads	Right-of-way constraints and impacts on existing railroads	Conceptual design plans and maps
Disruption to and relocation of utilities	Number of utilities diversions	Conceptual design



CALIFORNIA HIGH-SPEED TRAIN PROJECT \_\_\_\_\_ TO \_\_\_\_\_ ALTERNATIVES ANALYSIS  
 PROJECT EIR/EIS

	plans and maps
--	----------------

- C. Minimizes disruption to neighborhoods and communities – extent to which an alternative minimizes right of way acquisitions, minimizes dividing an established community and minimizes conflicts with community resources.

**Table 2-4: Community Evaluation Measures**

Measurement	Method	Source
Displacements	If possible, number of properties by land use type that would be displaced. Or acres of land within the right-of-way/station footprint, by type of land use: single family, multifamily, retail/commercial, industrial, etc.	Identified comparing the alignment conceptual design drawings with aerial photographs, zoning maps, and General Plan maps.
Property with Access Affected	Identify potential locations along the alignments or at station locations where access would be affected.	Estimated off conceptual design plans and aerial photographs
Local Traffic Effects around Stations	Identify potential locations where increases in traffic congestion or LOS are expected to occur.	Existing traffic LOS from local jurisdictions
Local Traffic Effects at-grade separations	Identify potential locations at-grade separations where increase in traffic congestion or LOS are expected to occur.	Existing traffic LOS from local jurisdictions

- D. Minimize impacts to environmental resources - extent to which an alternative minimizes impacts on natural resources.

**Table 2-5: Environmental Resources Evaluation Measures**

Measurement	Method	Source
Waterways and wetlands and natural preserves or biologically sensitive habitat areas affected	Identify new bridge crossings required; rough estimate of acres of wetlands, linear feet of waterways; acres and species of T&E habitat affected; acres of natural areas/critical habitat affected	Measured off conceptual design plans and GIS layers.
Cultural Resources	Identify locations of NRHP or CHRIS listed properties. For archaeological resources identify areas of high or moderate sensitivity based on previous studies conducted in the study area.	Based on conceptual design plans and GIS layers; Section 4(f) studies and cultural resource records search and surveys.
Parklands	Number and acres of parks that could be directly and indirectly affected. This would also include major trails that would be crossed;	Based on conceptual design plans and GIS layers; Section 4(f) studies
Agricultural Lands	Acres of prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance within preliminary limits of disturbance.	Based on conceptual design plans and GIS layers.

- E. Enhances environmental quality — extent to which an alternative minimizes impacts on the natural environment.



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**Table 2-6: Natural Environment Evaluation Measures**

Minimize Impact on Natural Environment		
Measurement	Method	Source
Noise and Vibration effects on sensitive receivers	Identify types of land use activities that would be affected by HST passby noise and ground vibration.	Results of FRA screening level assessment. Inventory of potential receivers from site survey and aerial maps.
Change in visual/scenic resources	Identify number of local and scenic corridors crossed and scenic/visual resources that would be affected by HST elevated structures in scenic areas and shadows on sensitive resources (parks). Identify locations where residential development is in close proximity to elevated HST structures.	Result of general assessment. Survey of alignment corridors and planning documents.
Maximize avoidance of areas with geological and soils constraints	Identify number of crossings of known seismic faults, acres of encroachment into areas with highly erodible soils, acres of encroachment into areas with high landslide susceptibility.	USGS maps and available GIS data
Maximize avoidance of areas with potential hazardous materials	Hazardous materials/waste constraints	Data from previous records search conducted for other projects within study area.



**3.0 PROJECT ALTERNATIVES**

The evaluation of alternatives is based on the key differentiators between alternatives. Impacts or features of critical importance that are common to all alternatives are summarized in the section below.

**3.1 NO PROJECT ALTERNATIVE**

The No Project Alternative represents the existing conditions of the \_\_\_\_\_ to \_\_\_\_\_ section as it exists today and as it would exist in the future without the HST Project based on future development projects and improvements to the intercity transportation system that are programmed and funded for construction. The alternative includes current and future projects within the study area, as listed by Caltrans, XXX (include and cite all other transportation planning agencies including the most recent version of the Regional Transportation Plan (RTP)). Major projects included in the No Project Alternative are shown in XXXX (provide a graphic showing these projects in relation to the HST Project) and described below.

**3.1.1 Related Studies**

**3.2 PROGRAM ALTERNATIVES**

**3.2.1 Statewide Program EIR/EIS Alternatives**

The statewide Program EIR/EIS for the CAHST was completed in November 2005. The Authority and FRA selected the technology for the HST vehicles and identified potential route and station location options through the program environmental analysis. For a more detailed examination of these issues, refer to the *California High-Speed Train Final Program EIR/EIS*.

The Program EIR/EIS examined three major alternatives for the statewide transportation network. They were:

**No Project Alternative** – The State’s transportation network as it is today, along with funded projects included in regional transportation plans.

**Modal Alternative** – Enhancements to the State’s transportation network using existing modes and technologies (mainly expanded airports and highways).

**High-Speed Train Alternative** – A new high-speed train system to connect California’s major urban centers.

The HST Alternative was the selected system alternative in the Program EIR/EIS. The No Project Alternative was not able to provide the needed level of intercity mobility in the future, while the Modal Alternative provided reduced mobility compared to the HST Alternative. In addition, the Modal Alternative would have a higher cost than the HST Alternative, and more significant environmental impacts.

\_\_\_\_\_ to \_\_\_\_\_ **Routing and Station Alternatives**

The alignment and station options carried forward for further consideration in the Program EIS/EIR for the \_\_\_\_\_ to \_\_\_\_\_ section are:



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CALIFORNIA HIGH-SPEED TRAIN PROJECT \_\_\_\_\_ TO \_\_\_\_\_ ALTERNATIVES ANALYSIS  
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**3.2.3 Selected Program Alternatives and Station Locations**

The Authority and FRA selected the XXXXX corridor for HST service between \_\_\_\_\_ and \_\_\_\_\_ (Provide graphic).

**3.3 INITIAL DEVELOPMENT OF PROJECT ALTERNATIVES**

(Present history of the development of the project alternatives starting with the Program Level alternatives.)

**3.3.1 Initial Review of Alternatives**

**3.3.2 Agency Coordination and Public Outreach**

*(Need to provide a description of interagency meetings, technical working group meetings, and a summary of the public outreach efforts. Append this report with the Outreach Summary Reports.)*

**3.3.3 Alternatives/Options Carried Forward/Not Carried Forward**

Alternatives/Options not to be carried forward

- 

Alternatives/Options to be carried forward:

- 



CALIFORNIA HIGH-SPEED TRAIN PROJECT \_\_\_\_\_ TO \_\_\_\_\_ ALTERNATIVES ANALYSIS  
 PROJECT EIR/EIS

**4.0 EVALUATION OF ALTERNATIVES**

Following the evaluation outlined in Section 2, each alternative is assessed for each of the project objectives and evaluation criterion. This information is then used to decide which alternatives are carried forward into preliminary engineering design and environmental review as part of the EIR/EIS.

**Table 4-1: Summary of Comparison of Alternatives**

Category	Measurement	Alternative 1	Alternative 2
<b>Design Objectives</b>	Journey time		
	Route length		
	Intermodal Connections		
	Operating Costs		
	Capital Costs		
<b>Land Use</b>	Potential for TOD		
	Consistency with other planning efforts		
<b>Constructability</b>	Constructability		
	Acceptability of existing overcrossings		
	Disruption to existing railroads		
	Disruption to and relocation of utilities		
<b>Disruption to Communities</b>	Displacements		
	Properties with access affected		
	Local traffic effects around stations		
	Local Traffic Effects along Route		
	Highway grade separations and closures		
<b>Environmental Resources</b>	Biological resources		
	Cultural resources		
	Parklands		
<b>Natural Environment</b>	Agricultural Land		
	Noise and Vibration		
	Visual/scenic resources		
	Geotechnical constraints		
	Hazardous Materials		



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CALIFORNIA HIGH-SPEED TRAIN PROJECT \_\_\_\_\_ TO \_\_\_\_\_ ALTERNATIVES ANALYSIS  
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**5.0 ANALYSIS SUMMARY AND CONCLUSIONS**

Based on the results of this evaluation, it is recommended that \_\_\_ should be carried forward for further consideration into the preliminary engineering design and environmental review process.



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CALIFORNIA HIGH-SPEED TRAIN PROJECT \_\_\_\_\_ TO \_\_\_\_\_ ALTERNATIVES ANALYSIS  
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**APPENDIX A**

**DESIGN DRAWINGS PREPARED For EACH ALTERNATIVE**



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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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## KINGS COUNTY PLANNING COMMISSION

Regular Meeting  
7:00 P.M.

Government Center  
Hanford, California

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Agency at (559) 582-3211, ext. 2680 by 4:00 p.m. on the Thursday prior to this meeting. Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, Building No. 6, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California.*

### AGENDA May 3, 2010

This meeting will be held in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, 1400 W. Lacey Boulevard, Hanford, California. The agenda packet materials for this meeting are available for review by visiting the Kings County Community Development Agency's website. To access the packet, click on the link showing this meetings date under the "Staff Report" section.  
<http://www.countyofkings.com/planning/meetings.html>

- I. **CALL TO ORDER** - Kings County Planning Commission Meeting
  - 1. **PLEDGE OF ALLEGIANCE**
  - 2. **SUMMARY OF THE AGENDA** - Staff
  - 3. **UNSCHEDULED APPEARANCES**  
Any person may address the Commission on any subject matter within the jurisdiction or responsibility of the Commission at the beginning of the meeting; or may elect to address the Commission on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Commission. Unscheduled comments will be limited to five minutes.
  - 4. **APPROVAL OF MINUTES – Special Meeting of March 15, 2010.**
- II. **OLD BUSINESS**
  - 1. **PROGRESS UPDATE FOR CONDITIONAL USE PERMIT NO. 09-05** – Staff will provide an informational update to the Planning Commission concerning Pimentel Dairy Conditional Use Permit No. 09-05.
  - 2. **PROGRESS UPDATE FOR CONDITIONAL USE PERMIT NO. 09-07** – Staff will provide an informational update to the Planning Commission concerning Sozinho Dairy Conditional Use Permit No. 09-07.
- III. **NEW BUSINESS**
  - Convene as the Kings County Airport Land Use Commission**
  - 1. **HANFORD MUNICIPAL AIRPORT MASTER PLAN** – The new Hanford Hospital is proposing the use of a heliport to transport patients.
    - 1. Staff Report
    - 2. Public Hearing
    - 3. Decision:  
Adopt Resolution No. 10-01 Roll Call Vote

- 2. **Re-convene as the Kings County Planning Commission 2009 – 2014 HOUSING ELEMENT** – Following re-convenience as the Planning Commission the joint *2009 – 2014 Housing Element* and associated Initial Study/Negative Declaration (IS/ND) will be presented. The Commission will consider adoption of the Housing Element and certification of the IS/ND.
  - 1. Staff Report
  - 2. Public Hearing
  - 3. Decision:  
Adopt Resolution No. 10-04 Roll Call Vote
- 3. **CHANGE OF ZONE DISTRICT BOUNDARY 09-01 (Lawrence Coelho – CVM)** – The applicant proposes a change of zone district boundaries for the eastern half of a parcel located at 10431 8 ¾ Avenue, Hanford (APN: 016-060-014) from Service Commercial (CS) zoning to Heavy Industrial (MH) to establish consistency with the *2035 Kings County General Plan*.
  - 1. Staff Report
  - 2. Public Hearing
  - 3. Decision:  
Adopt Resolution No. 10-05 Roll Call Vote
- IV. **MISCELLANEOUS**
  - 1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Monday, June 7, 2010.
  - 2. **CORRESPONDENCE**
  - 3. **STAFF COMMENTS:**
  - 4. **COMMISSION COMMENTS**
- V. **ADJOURNMENT**

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**NOTICE OF RIGHT TO APPEAL:** For projects where the Planning Commission's action is final, actions are subject to appeal by the applicant or any other directly affected person or party and no development proposed by the application may be authorized until the final date of the appeal period. An appeal may be filed with the Community Development Agency at 1400 W. Lacey Blvd., Building #6, Hanford, CA, on forms available at the Community Development Agency. A filing fee of \$320.00 must accompany the appeal form. The appeal must be filed within 8 days of the Planning Commission's decision date, not including the date of the decision. If no appeal is received, the Planning Commission's action is final. There is no right of appeal for projects for which the Planning Commission's action is advisory to the Board of Supervisors.

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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March 15, 2010

**CALL TO ORDER:** The special meeting of the Kings County Planning Commission was called to order by Chairman Cartwright, on March 15, 2010, at 7:00 p.m. in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California. The Pledge of Allegiance was recited.

**COMMISSIONERS PRESENT:** Mark Cartwright, Louise Draxler, R.G. Trapnell, Riley Jones, Jim Gregory

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Greg Gatzka, Johanna Hartley, Chuck Kinney, Terri Yarbrough, Jeremy Kinney

**VISITORS PRESENT:** Alex Dwiggins, David Tomlenson, Karen Darenthal, Doug Morris

**SUMMARY OF THE AGENDA:** Mr. Gatzka summarized the Agenda for the Commission.

**UNSCHEDULED APPEARANCES:** No one spoke during this portion of the meeting.

**APPROVAL OF MINUTES:** A motion was made and seconded (Trapnell/Jones) to approve the minutes of the February 1, 2010 meeting. Motion carried unanimously.

**OLD BUSINESS**  
None

**NEW BUSINESS**

**Conditional Use Permit No's 09-08 (Sun City Project LLC)** – Mr. Jeremy Kinney introduced a proposal to construct a 20 megawatt photovoltaic solar farm located southeast of the intersection of 36<sup>th</sup> Avenue and the Salem Avenue alignment, Avenal, Assessor parcel Numbers 038-290-009 and 038-290-011. Mr. Kinney stated that the parcel is located in a general agricultural zone district and is subject to a Williamson Act contract. Base flood elevations will be required because portions of the parcel are located within a 100 year flood zone. Mr. Kinney reported the following corrections to the staff report. The mitigation measures that were in the Errata were not included in the resolution. An Errata is a follow-up document prepared for the purpose of making minor changes to a CEQA document after it has been circulated for public review. The measures that were not included in the resolution were the soil reclamation plan, indirect source review, fugitive dust control plan and the Kit Fox fencing mitigation measures. The staff report should state that the soil reclamation plan is to be completed within twelve months of the expiration of the use permit.

Chairman Cartwright opened the Public Hearing and asked if there was any testimony in favor of the project. Mr. David Tomlinson, representing the applicant, spoke in favor of the project and provided a brief overview of the company and benefits of the project. Mr. Doug Morris also spoke in favor of the project. Commissioners Trapnell, Draxler, Jones and Gregory asked various questions regarding rates, production, water supplies, frequency of the cleaning of the panels, and where the power would be utilized. Mr. Tomlinson responded to the questions. Chairman Cartwright asked if there was anyone wanting to speak in opposition of the project.

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Seeing none, he closed the public hearing portion of the meeting. Mr. Chuck Kinney stated that the applicants requested to have the 25 year life term of both CUP No's 09-08 and 09-09 to begin when certificate of occupancy is issued. He also stated that the three mitigation measures outlined in the Errata would be added as an attachment to the resolution. Mr. Chuck Kinney also stated that these changes were for both Resolution Numbers 10-02 and 10-03.

A motion was made and seconded (Draxler/Jones) to adopt resolution 10-01 as amended. Motion carried unanimously.

**Conditional Use Permit No's 09-09 (Sand Drag LLC)** – Mr. Jeremy Kinney stated that the staff report was included in CUP 09-08 and there was no additional information to add.

Chairman Cartwright opened the public hearing and asked if there was any testimony in favor or opposing the project. Seeing none, he closed the public hearing.

A motion was made and seconded Draxler/Trapnell to adopt resolution 10-02 as amended.

**MISCELLANEOUS**

**1. FUTURE MEETINGS**

The next regular meeting of the Planning Commission is scheduled for Monday, April 5, 2010.

**2. CORRESPONDENCE:**

Mr. Gatzka announced that he had received the California County Planning Commissioners Association's Spring Conference information. Mr. Gatzka stated that there were no funds budgeted for the conference.

**3. STAFF COMMENTS:**

Mr. Chuck Kinney provided updates on the Pimentel project and the Sozinho project.

**4. COMMISSION COMMENTS:** none

ADJOURNMENT – The meeting was adjourned at 7:36 p.m.

Respectfully Submitted,

**KINGS COUNTY PLANNING COMMISSION**

Gregory R. Gatzka, Commission Secretary

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Staff Report

Staff Report

**KINGS COUNTY PLANNING COMMISSION  
STAFF REPORT**

**Airport Land Use Commission  
Consistency Review  
May 3, 2010**

**APPLICANT:** Adventist Medical Center Hanford, 450 Greenfield Avenue, Hanford, CA 93230

**PROPERTY OWNER:** Adventist Health, 450 Greenfield Avenue, Hanford, CA 93230

**LOCATION:** 125 Mall Drive, Hanford (APN: 018-650-106, 018-650-107)

**GENERAL PLAN DESIGNATION:** Office

**ZONE DISTRICT CLASSIFICATION:** Office (O)

**CONSISTENCY REVIEW:** It is recommended that the Airport Land Use Commission (ALUC) review and comment by approving a resolution either stating that it has been reviewed and is consistent with the *Kings County Airport Land Use Compatibility Plan* (ALUCP), or that the ALUC has reviewed the plan and has no comment.

**DISCUSSION:**

The applicant, Adventist Health/Adventist Medical Center, proposes to establish a rooftop helipad on a new three-story hospital building. The proposed helipad will be located approximately 44 feet above surrounding grade on top of the 3<sup>rd</sup> floor of the building. The landing pad will measure 48 feet by 48 feet and is designed to accommodate emergency medical service (EMS) helicopters.

Caltrans Department of Aeronautics is requiring that a resolution by the ALUC be approved, indicating that they have reviewed the plans and they are consistent, or have no comments.

**CURRENT USE OF SITE:** An Adventist Medical Center is currently being constructed onsite.

**LAND USE SURROUNDING SITE:** Planned Commercial, Office, and Residential.

**STATUTORY REQUIREMENTS:** According to Public Utilities Code, Division 9, Part 1, Chapter 4, Article 3, Section 21661.5, an application for the construction of a new airport (heliports and helipads included) must be approved by the city council of the city in which the helipad is to be located and action must be taken by the Airport Land Use Commission

prior to the submission of an application to the California Department of Transportation.

**ENVIRONMENTAL REVIEW:** An environmental initial study was completed for this project in accordance with the California Environmental Quality Act Guidelines. As a result of the environmental initial study, it is determined that the project will not have the potential either individually or cumulatively to degrade the quality of the environment for the neighborhood or city in general, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Negative Declaration No. 2004-31 was approved by the Hanford City Council on January 4, 2005, and may be used by this Commission for review of the heliport's compatibility with the ALUCP. The IS/ND was circulated by the City of Hanford in 2005 for local review. The IS/ND is also currently being circulated through the Office of Planning and Research's State Clearinghouse at the request of Caltrans Department of Aeronautics. The second public review period for the project is detailed in the next section titled Project Review.

**PROJECT REVIEW:**

March 23, 2010	Application submitted
April 9, 2010	Application certified complete
April 24, 2010	Begin 30-day review period for environmental review
May 24, 2010	30 day environmental review period ends
June 1, 2010	City Council hearing

**STAFF ANALYSIS:**

In order to find the proposed Heliport consistent with the *City of Hanford General Plan* and *Zoning Ordinance*, and *Kings County Airport Land Use Compatibility Plan*, the Commission must find that it is consistent with the criteria listed in Section 2.2.2:

Review of heliports should examine the relationships between existing and planned land uses in the vicinity of the proposed facility and the impacts that the facility would have upon these land uses.

1. Would the existing or planned land uses be considered incompatible with the heliport if the latter were already in existence?
  - a). No. Construction of the new hospital upon which the heliport will be located is currently underway. The existing and planned land uses are similar to what is near the Kerr Center. The current heliport at the Hanford Community Medical Center/Kerr Center has not been found incompatible with surrounding uses. A heliport for patient transport is a common element of hospital development throughout California and the United States.

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**Staff Report**

- 2. What measures are included in the heliport proposal to mitigate the noise, safety, and height restriction impacts on surrounding land uses?
  - a). It is not anticipated that there will be mitigations needed for height as the hospital has already received approvals for the height of the building.
  - b). Safety measures include standard 6-foot wide metal safety netting for fall protection; standard heliport perimeter lights, obstruction lights, 3-color beacon and lighted windcone; and an eight-foot wide gurney ramp for moving patients back and forth between the heliport and hospital interior.
  - c). Flight paths have been designed to meet required airspace obstruction-clearance criteria and to be as close as possible to local prevailing winds for operational safety. Land uses along the primary approach path between the project site and Highway 198 are primarily agricultural and open space. Land uses beneath the primary departure path are primarily commercial, streets, and parking areas associated with the Hanford Mall.

The Adventist Medical Center hospital construction project was approved by the City of Hanford with a conditional use permit and variance, including the construction of a heliport on top of the hospital. This approval took place on January 4, 2005, but was not submitted to the ALUC for review or to the Department of Aeronautics (Caltrans). Caltrans regulations require an action to be taken by the ALUC specifying either that the heliport is consistent with the Airport Land Use Compatibility Plan or that the ALUC has no comments with regards to the Heliport.

The ALUCP does not contain directives or policies pertaining to helipads located in Kings County. In addition, the ALUCP does not contain directives or policies pertaining to land outside the airport influence area and the compatibility zones. The Adventist Medical Center project site is not located in the airport influence area or an airport compatibility zone. Therefore, the proposed project does not conflict with the ALUCP.

**RECOMMENDATIONS:**

It is recommended that the Commission take action on the *Heliport* as described above, consistent with the *Airport Land Use Compatibility Plan*, and adopt Resolution 10-01. Approval of this Resolution will:

- 1. Make the finding that the proposed *Heliport* for Adventist Medical Center in Hanford does not conflict with the Airport Land Use Compatibility Plan.

**PREPARATION:**

Staff report prepared by Melody Haigh, Senior Planner for the City of Hanford for the Kings County Community Development Agency on April 20, 2010. Copies are available for review at the Kings County Community Development Department, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

**BEFORE THE KINGS COUNTY AIRPORT LAND USE COMMISSION  
COUNTY OF KINGS, STATE OF CALIFORNIA**

<b>IN THE MATTER OF</b>	)	<b>RESOLUTION NO. 10-01</b>
<b>A HELIPORT FOR</b>	)	
<b>THE ADVENTIST MEDICAL CENTER</b>	)	
<hr/>		<b>RE: Adventist Medical Center</b>

**WHEREAS**, pursuant to California Public Utilities Code, Section 21676 (c) the Kings County Airport Land Use Commission has reviewed the Heliport for the Adventist Medical Center and finds it consistent with the Airport Land Use Compatibility Plan.

**WHEREAS**, on November 2, 2009, the Kings County Community Development Agency made the recommendation that the City of Hanford Airport Master Plan is consistent with the Kings County Airport Land Use Compatibility Plan and it was approved; and

**WHEREAS**, on May 3, 2010, the Airport Land Use Commission held a duly noticed public hearing to receive testimony from any interested person.

**NOW, THEREFORE, BE IT RESOLVED**, that this Airport Land Use Commission finds that:

- 1. The Airport Land Use Compatibility Plan does not contain directives or policies concerning the construction or use of helipads.
- 2. Assessor Parcel Numbers 018-650-106 and 018-650-107 is the project location where the Adventist Medical Center is currently being constructed and this location is not within the Hanford Airport Influence Area or the Hanford Airport Compatibility Zones.
- 3. Construction and operation of the Adventist Medical Center's proposed Heliport does not conflict with the directives or policies of the Airport Land Use Compatibility Plan
- 4. The Adventist Medical Center's proposed Heliport is consistent with the Airport Land Use Compatibility Plan.

The foregoing Resolution was adopted on a motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, at a regular meeting held on May 3, 2010, by the following vote:

AYES:	COMMISSIONERS
NOES:	COMMISSIONERS
ABSTAIN:	COMMISSIONERS
ABSENT:	COMMISSIONERS

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KINGS COUNTY PLANNING COMMISSION

\_\_\_\_\_  
Mark Cartwright, Chairperson

WITNESS, my hand this \_\_\_\_ day of May, 2010.

\_\_\_\_\_  
Gregory R. Gatzka  
Secretary to the Commission

cc: Kings County Board of Supervisors  
Kings County Counsel  
City of Hanford, 317 N. Douty, Hanford, CA 93230  
Jeff Wright/Heliplanners, 31110 Avenida Del Reposo, Temecula, CA 92591-1718  
John Hollander, 1479 W. Lacey Blvd, Hanford, CA 93230

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**Conditional Use Permit No. 2004-04**

Project Title

**508.139**

File No.

**N/A**

State Clearinghouse Number  
 (If Applicable)

**ENVIRONMENTAL IMPACT STATEMENT – NEGATIVE DECLARATION NO. 2004-31**

**APPLICANT**

Adventist Health Systems West  
 2100 Douglas Blvd.  
 Roseville, CA

**DESCRIPTION OF PROJECT**

Conditional Use Application No. 2004-04 filed by Adventist Health Systems West, proposing to build and operate a 3-story hospital complex with a heliport, in an "Office" zone. The proposed hospital is located at the southeast corner of W. 7<sup>th</sup> Street and Mall Drive.

**NEGATIVE DECLARATION**

It is the determination of the City of Hanford that the proposed project will not have a significant effect on the environment since the project is to be located in an already urbanized area, and the project will not:

- a) Conflict with adopted environmental plans and goals of the community where it is located;
- b) Have a substantial, demonstrable negative aesthetic effect;
- c) Substantially affect a rare or endangered species of animal or plant or the habitat of the species;
- d) Interfere substantially with the movement of any resident or migratory fish or wildlife species;
- e) Breach published national, state, or local standards relating to solid waste or litter control;
- f) Substantially degrade water quality;
- g) Contaminate a public water supply;
- h) Substantially degrade or deplete ground water resources;
- i) Interfere substantially with ground water recharge;
- j) Disrupt or alter an archaeological site over 200 years old, an historic site or a paleontological site except as part of a scientific study of the site;
- k) Induce substantial growth of concentration of population;
- l) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system;
- m) Displace a large number of people;
- n) Encourage activities which result in the use of large amounts of fuel or energy;
- o) Use fuel or energy in a wasteful manner;
- p) Increase substantially the ambient noise levels for adjoining areas;
- q) Cause substantial flooding, erosion or salutation;
- r) Expose people or structures to major geologic hazards;
- s) Extend a sewer trunk line with capacity to serve new development;
- t) Substantially diminish habitat for fish, wildlife or plants;
- u) Disrupt or divide the physical arrangement of an established community;
- v) Create a public health hazard or a potential public health hazard;
- w) Conflict with established recreational, educational, religious or scientific uses of the area;
- x) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violations, or expose sensitive receptors to substantial pollutant concentrations;
- y) Convert prime agriculture land to non-agriculture use or impair the agriculture productivity of prime agricultural land;
- z) Interfere with emergency response plans or emergency evacuation plans.

Review has been completed before the Planning Commission on December 28, 2004, and before the City Council on January 4, 2005.

Prepared by: John Stowe, Community Development Department

Additional copies are available at: Community Development Department, 317 N. Douty Street; Hanford, CA 93230

**ENVIRONMENTAL CHECKLIST FORM**  
 APPENDIX G

1. **Project title:** Hanford Community Medical Center, Conditional Use Permit No. 2004-04.
2. **Lead agency name and address:** Hanford Community Development Department, 317 N. Douty Street, Hanford CA.
3. **Contact person and phone number:** John Stowe, Senior Planner (559) 585-2579
4. **Project location:** The proposed project is located west of Mall Drive, east of Campus Drive, and south of 7<sup>th</sup> Street, approximately 0.25 mile north of the State Route 198 interchange at 12<sup>th</sup> Avenue (APN: 018-650-064, 018-650-069, 018-650-076, 018-650-077, 018-650-078).
5. **Project sponsor's name and address:** Darwin Remboldt; Adventist Health Systems West, 2100 Douglas Blvd., Roseville, CA
6. **General plan designation:** General Plan designates the property as Office.
7. **Zoning:** The zoning is "O" which corresponds to the General Plan designation.
8. **Description of project. (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)** Conditional Use Application No. 2004-04 and Variance No. 2004-05 filed by Adventist Medical Center Hanford, proposing to build and operate a 3-story hospital in an "Office" zone with an approved variance to allow the building to be 56.86 feet in height, in lieu of the 35-foot limit. The proposed hospital will include a rooftop helipad. The proposed helipad will be located approximately 44 feet above surrounding grade on top of the 3<sup>rd</sup> floor of the building. The landing pad will measure 48 feet by 48 feet and is designed to accommodate emergency medical service (EMS) helicopters.
9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**

<b>North:</b>	Office uses	(Zoned "O" and "PF")
<b>South:</b>	Service commercial uses	(Zoned "SC")
<b>East:</b>	Multi-family residential	(Zoned "RM2" and "OR")
<b>West:</b>	Hanford Mall	(Zoned "PC and PF")
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)** Building Permits from the State of California.

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects:
  - 1) Have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and
  - 2) Have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*John Stowe*

11-20-04

Signature

Date

**Aesthetics**

AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Have a substantial adverse effect on a scenic vista?			X	
b.) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c.) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d.) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

The project site is relatively flat vacant and clearly visible to motorists on Highway 198. The project site is adjacent to urban development, characterized by retail shopping office and residential uses. There are no visually distinguishing resources on the project site. The Medical Center will not obstruct a scenic vista. There are no significant impacts.

The Hanford General Plan designates the project site for future office development, which allows a hospital with approval of a conditional use permit. The City will review the proposal in regard to City codes, regulations, and/or policies concerning setbacks, height limitations, building coverage, and landscaping to ensure aesthetic compatibility to the surrounding structures. The exterior elevations will be reviewed and approved by the Planning Commission to insure architectural compatibility. There are no significant impacts.

The project lighting shall be focused downward to avoid point sources of light interfering with the vision of motorists. Lighting elements shall be recessed into their fixtures to prevent glare. There are no significant impacts.

**Agricultural Resources**

AGRICULTURE RESOURCES: In determining whether impacts to agriculture resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	

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b.) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c.) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	

Construction of the project will not result in the removal of agricultural land from production. No significant impacts are anticipated.

**Air Quality**

AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b.) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c.) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d.) Expose sensitive receptors to substantial pollutant concentrations?			X	
e.) Create objectionable odors affecting a substantial number of people?			X	

The air basin is a non-attainment area for ozone precursors and PM10. The region must meet Federal standards for ozone air pollution by 2005. Internal combustion engines in mobile sources such as cars, light-duty and heavy-duty trucks, and off-road vehicles are major sources of ozone (O<sup>3</sup>) precursors. These precursors include reactive organic gases (ROG) and oxides of nitrogen (NOx).

*Oxides of Nitrogen (NOx):* nitrogen dioxide (NO<sub>2</sub>) is a brown gas with a bleach-like odor that is formed in the atmosphere by the oxidation of nitric oxide (NO). These two compounds are collectively referred to as nitrogen oxides. The rapid chemical reaction of NO to NO<sub>2</sub> gives the highest concentrations in the area of greatest emissions. The seasonal and diurnal patterns for NO<sub>2</sub> concentrations are difficult to interpret, but the highest concentrations typically occur in the late morning during the fall-winter months.

*Reactive Organic Gases (ROG):* Reactive organic gases are often referred to as hydrocarbons. Many hydrocarbon compounds are photochemically reactive and play an important role in ozone formation. NOx and ROG are the principal constituents of photochemical reactions producing ozone.

*Ozone:* Ozone is a highly reactive gas formed in the lower atmosphere by a complex series of chemical and photochemical reactions involving ROG, NOx, and oxygen. Mobile, industrial and natural sources contribute to the precursor gases. Ozone formation is a result of strong solar radiation that drives photochemical reactions. Thus peak concentrations occur at times of maximum sunlight intensity, generally near the middle of the day or late in the afternoon; and ozone production is greater in the summer months.

The Home Depot air study completed last year was used in evaluation of the Hospital Project. In this report the ambient air quality effects of CO traffic emissions were estimated for commercial development in the area, using the CALINE4 dispersion model, which was developed by California Department of Transportation (Caltrans). Under the 2025 conditions, concentrations would decrease compared to existing with-project conditions, despite an increase in traffic volume, because improvements in vehicle emission control technology would decrease average vehicle emissions to a degree that outweighs the increase in 2025 traffic volume. Consequently, the highest CO concentrations occur under existing conditions; however, those concentrations are still less than the state and federal ambient air quality standards even with the Target Shopping Center Project added to the Home Depot study. These conclusions were made after discussions with the San Joaquin Valley Unified Air Pollution Control District (S.J.V.U.A.P.C.D.).

The results of the analysis demonstrate that no air quality-related mitigation measures are needed to reduce CO concentrations resulting from vehicle traffic associated with the Hospital Project. However, at the request of the city, the applicant will participate in an Air Quality Mitigation Plan developed for the Home Depot project. This will include: 1) bicycle racks be installed, 2) installation of conduit for two electric vehicles, 3) bus turn-outs, 4) extensive tree planting in the parking lot, 5) dust control, 6) employees participation in the Fresno Rideshare Plan, 7) van pool parking spaces, and 8) Hanford Community Medical Center providing a transit pass subsidy of \$20.00 per month for employees who will commute to work on the city bus. All of the above mitigation measures will be made conditions of approval for this project.

Earth moving, hauling and other construction activities would result in localized and temporary increases in the levels of Ten-Micron Particulates (PM10). The significance of construction related particulate emission is determined not only by particulate (dust) emission but also by the proximity to sensitive receptors. When simple mitigation measures are used such as wetting down the area, particulates may be reduced by 80%. No significant impacts are anticipated to occur due to construction related dust emissions.

Construction activities also result in pollutant emissions from the operation of gasoline and diesel-powered equipment. It is expected that these emissions would not be significant at the regional level and would not create local violations of air quality standards. In addition the project will not conflict with or obstruct implementation of the applicable air quality plan or violate any air quality standard or contribute substantially to an existing or projected air quality violation. The proposed project will not create objectionable odors affecting a substantial number of people. There are no significant impacts.

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**Biological Resources**

BIOLOGICAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b.) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c.) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.				X
d.) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e.) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The site is currently privately owned. No rare or endangered plant species are known to exist at the site. The development of the project will not result in a loss of wildlife habitat or a corresponding reduction in the number and diversity of species. No rare or endangered species are known to exist in the area and no significant impact is anticipated. Changes in the number and species of plants can be expected through ornamental landscaping. No significant impacts are anticipated.

**Cultural Resources**

CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b.) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?				X
c.) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.) Disturb any human remains, including those interred outside of formal cemeteries?				X

No significant impacts are expected. It is unlikely that any significant cultural resources exist near the surface of the site. There is no record evidence of any historic or archaeological site significance. However, should any cultural resources be uncovered during construction of the project, all activity in the vicinity of the "find" should be stopped and a qualified archaeologist should be consulted to determine appropriate mitigation measures. No significant impacts are anticipated.

**Geology and Soils**

GEOLOGY AND SOILS – Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii. Strong seismic ground shaking?				X
iii. Seismic-related ground failure, including liquefaction?				X
iv. Landslides?				X
b.) Result in substantial soil erosion or the loss of topsoil?				X

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c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

There are no known unstable earth conditions or geologic structures within the Hanford Planning Area (Five County Seismic Safety Element). No change in geologic substructures is contemplated within the scope of the project.

Earthwork disturbance, including cut and fill resulting from urban development, may create temporary increases of wind and water soil erosion if not properly mitigated by construction requirements. Mitigation measures required in the Hanford General Plan EIR will be followed during future grading as well as site development. There are no impacts associated with this project.

**Hazards and Hazardous Materials**

HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b.) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c.) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the				X

	project result in a safety hazard for people residing or working in the project area?				
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

The project could result in potential hazards to human health or the environment due to the storage, and handling of hazardous materials. A hazardous materials storage permit will be required for any such items from the Kings County Department of Environmental Health prior to the site being open to the general public. There are no significant impacts.

All existing and/or proposed schools are over one-half mile away from the project site and as such the potential emissions of hazardous materials is expected to be less than significant. It should also be noted that the project area is not within two miles of a public or private airport. There are no impacts associated with this project.

**Hydrology and Water Quality**

HYDROLOGY AND WATER QUALITY – Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Violate any water quality standards or waste discharge requirements?			X	
b.) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	

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d.)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e.)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f.)	Otherwise substantially degrade water quality?			X	
g.)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.)	Inundation by seiche, tsunami, or mudflow?				X

The project is expected to change the existing site drainage conditions by introducing a parking lot, and other impervious surfaces over approximately 55% percent of the lot. As a result of the new impervious surfaces, the amount of storm water that runs off the site will be increased. Runoff from the site will be collected and routed to the city system. Storm water runoff from the site is not expected to have a significant effect on the quality of any surface water bodies.

The project site has been identified by the United States Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map for Hanford (Community Panel Number 0600880005B, March, 1987) as within Zone X, an area determined to be outside the 500 year flood. No significant impact is anticipated.

**Land Use and Planning**

LAND USE AND PLANNING – Would the project:	Potentially Significant Impact	Less Than Significant V/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Physically divide an established community?				X
b.) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The proposed project is an implementation of Hanford’s General Plan and Zoning Ordinance. Future urban development at the project site is consistent with the General Plan and has appropriate zoning. No significant impacts are anticipated.

**Mineral Resources**

MINERAL RESOURCES – Would the project:	Potentially Significant Impact	Less Than Significant V/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

There are no known mineral resources in the project area. There are no impacts associated with this project.

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**Noise**

NOISE – Would the project result in:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Expose of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b.) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c.) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d.) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e.) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f.) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

In the short-term, the ambient noise level will be raised during the 3 to 4-month construction phase of the project by the operation of heavy equipment and associated activities. Because the construction noise will be intermittent and typically occur on weekdays between 7:00 a.m. and 7:00 p.m., the impact of the noise on the surrounding land uses is not expected to be significant. In the long-term, the proposed use will add traffic and other noises (such as medical helicopters) that are generally associated with medical use to the ambient noise levels in the vicinity. However, the ambient noise level should not be increased in excess of currently recognized standards and impacts will not be significant. No significant impacts are anticipated..

**Population and Housing**

POPULATION AND HOUSING – Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Induce substantial population growth in the area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b.) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c.) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

The proposed project is an implementation of Hanford’s General Plan and Zoning Ordinance. Future urban development at the project site is consistent with the General Plan and has appropriate zoning. There are no significant impacts.

**Public Services**

PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**A. Fire Protection:** The project site receives fire protection service from the City of Hanford Fire Department. All buildings in the Medical Center will be fully fire sprinklered, and will be served out of both fire stations. The development is just outside the five-minute response time that the department has established. The department, which currently has a 21-man staff, has indicated that the proposed project will not have a significant impact on its ability to respond to emergencies with its current personnel and equipment. A future fire station will be constructed

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at Seventh Street and Campus Drive and when built will result in response times of less than 5 minutes. There are no significant impacts.

**B. Police:** The project site receives police protection service from the City of Hanford Police Department. The department currently has 36 "sworn" positions and 12 "non-sworn" positions and has indicated that they will be able to service the development. There are no significant impacts.

**C. Schools:** The proposed Medical Center will be subject to per sq. ft. development fee paid when building permits are obtained. No new environmental impacts other than those addressed in the General Plan Program E.I.R. will occur. The General Plan Program E.I.R. made a finding of overriding considerations concerning school impacts. The project will not generate additional school students.

**D. Parks or other recreational facilities:** The impact of this proposal on existing recreational opportunity facilities is not significant since a development will not generate additional park users.

**E. Maintenance of Public facilities including roads:** Public Works Department has reviewed the development and stated there are no significant impacts to public facilities due to the approval of the project.

**F. Other Governmental Services:** Other various public service departments and agencies have reviewed this proposal and stated that the development will not significantly affect their services.

**Recreation**

RECREATION	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b.) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				X

The combination of City parks and school sites provide open space and recreational opportunities within the planning area. The impact of this proposal on existing recreational opportunity facilities is not anticipated to be significant since a development will not generate additional park users. There are no impacts associated with this project.

**Transportation/Traffic**

TRANSPORTATION/TRAFFIC – Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		
b.) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?		X		
c.) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e.) Result in inadequate emergency access?			X	
f.) Result in inadequate parking capacity?			X	
g.) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	

As part of the Medical Center submittal, the City staff required a traffic study to be prepared for the project. Since the Medical Center project is phased the City will monitor the traffic conditions and will make the necessary improvements as required. The hospital will also include a Heliport designed to accommodate emergency medical service (EMS) helicopters.

**Utilities and Service Systems**

UTILITIES AND SERVICE SYSTEMS – Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b.) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause				X

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significant environmental effects?					
c.)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d.)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
e.)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
f.)	Comply with federal, state, and local statutes and regulations related to solid waste?				X

The development of the site will result in minimal long-term energy consumption. All private utility companies have acknowledged that the increase demand can be served without significant impact to their utilities. There are no significant impacts.

Existing water and sewer lines will be used. Once the developer installs/connects to the city's water and sewer system the monthly user fee charges will be used to maintain the city system. Previous computer modeling indicates that the existing downstream sewer line and sewer treatment plant can handle the development. There are no significant impacts.

The storm drainage run-off will be directed to a storm drainage basin located south of the project site. The applicant will be required to submit plans that will be reviewed and approved by the City Public Works Department. There are no significant impacts.

Development of the project site will generate additional solid waste. Waste collection for the City is provided by the City of Hanford. The Kings County Waste Management Authority was formed in September, 1989, by agreement between the cities of Hanford, Lemoore, Corcoran and the County of Kings in order to provide a reasonable approach to all waste management activities in Kings County. A materials recovery facility (MRF) was constructed at the southeast corner of Hanford-Armona Road and 8th Avenue, which serves the Hanford area. Hanford's General Plan EIR states that the Kings County Waste Management Authority is anticipating future growth and is responsible for disposal at landfill during the planning period of the General Plan. The applicant will be required to participate in the City recycling program. There are no significant impacts.

**Mandatory Findings of Significance**

MANDATORY FINDINGS OF SIGNIFICANCE		Potentially Significant Impact	Less Than Significant V/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b.)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c.)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

The proposed project was reviewed in the context of the General Plan Program EIR to determine if additional environmental documentation is required. This review was accomplished through the use of this Environmental Initial Study. Based upon the results of the initial study, the following findings have been made: (1) that in accordance with CEQA Guidelines Section 15162, no new effects will occur and no new mitigation measures are required as a result of this proposed project due to the required site development improvement conditions; (2) all environmental effects of this proposed project are within the scope and have been addressed in the General Plan Program EIR; (3) additional environmental review will not be required and (4) overriding considerations for agriculture, air quality and schools have been taken into account in the General Plan Program EIR.

The proposed construction will not degrade the quality of the environment, nor will it significantly impact any specific element of the environment except otherwise discussed within this initial study. No environmental element is known to exist on the site that could be adversely impacted by the project. The proposal will not create cumulative impacts that are disadvantageous to long-term environmental goals, nor cause any substantial impact to human beings, directly or indirectly. The project site and the surrounding area have been designated, and planned for Planned Commercial uses by the Hanford General Plan.

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**KINGS COUNTY PLANNING COMMISSION  
STAFF REPORT**

**2009-2014 Kings County Housing Element**

**May 3, 2010**

APPLICANT: Kings County - Community Development Agency  
1400 W. Lacey Blvd., Bldg 6  
Hanford, CA 93230

PROJECT: The 2009-2014 Kings County Housing Element, including the Initial Study/Negative Declaration

LOCATION: All land within Kings County under local government jurisdiction

**SUMMARY OF STAFF RECOMMENDATION:**

That the Planning Commission take the following actions

1. Adopt Resolution No. 10-04, recommending the Board of Supervisors to adopt the *2009-2014 Kings County Housing Element* and find the associated Initial Study/Negative Declaration adequate.

**SUMMARY:**

California Government Code Section 65302(c) mandates that each city and county shall include a Housing Element in its General Plan, and that the Housing Element be updated periodically to reflect current conditions and legal requirements. The County's previous Housing Element was adopted in 2003, and state law requires that the element be updated for the 2009 – 2014 planning period.

The Housing Element is required to identify and analyze existing and projected housing needs, and include statements of the County's goals, policies, quantified objectives, and programs for the preservation, improvement, and development of housing. In adopting its Housing Element, the County must consider local conditions and context, including economic, environmental, and fiscal factors, as well as community goals as set forth elsewhere in the General Plan.

In cooperation with the Kings County Association of Governments, the County and the cities of Avenal, Corcoran, Hanford, and Lemoore have collaborated to prepare a joint Housing Element document covering all five jurisdictions.

Housing Element Contents

The Housing Element is comprised of the following chapters:

- Introduction and overview of Housing Element contents and requirements (Chapter 1);
- Analysis of population, household and employment trends, characteristics of the housing stock, and a summary of current and projected housing needs (Chapter 2);
- Evaluation of resources and opportunities that will facilitate the development and preservation of housing for all economic segments of the community (Chapter 3);

- Review of potential constraints to meeting identified housing needs (Chapter 4);
- A Housing Plan to address identified needs, including housing goals, policies and programs (Chapter 5);
- Glossary of Terms (Chapter 6);
- Evaluation of housing accomplishments during the previous planning period (Appendix A);
- Inventory of potential sites for residential development (Appendix B); and
- Summary of public involvement during the Housing Element update process (Appendix C).

Legal Framework for the Housing Element

State law requires that Housing Elements comply with the statutory provisions of California Government Code Section 65580 et seq. The Housing Element is unique among General Plan elements in the extent to which state law prescribes local policies, and the legislature has granted the California Department of Housing and Community Development (HCD) the authority to review local governments' housing elements and issue findings regarding whether, in its opinion, the housing element substantially complies with the requirements of state law. Cities and counties are required to submit draft housing elements to HCD for review prior to adoption, and must also submit adopted elements for review. Failure to adopt a housing element that HCD finds to be in compliance with state law may result in the loss of eligibility for community development grant funds and jurisdictions may be required to prepare more frequent housing element updates in the future. Cities are also required to report annually to HCD regarding their progress in implementing the policies and programs contained in the Housing Element.

Relationship of the Housing Element to the General Plan

The Housing Element is one of the mandated elements of the General Plan under state law. While the time horizon for a General Plan is often 20 years or more, state law requires housing elements to be updated on a more frequent schedule. The new Housing Element covers the period 2009 – 2014.

State law also requires all elements of the General Plan to be internally consistent. The Housing Element contains policies and assumptions regarding housing development that are consistent with the land use patterns described in the Land Use Element. The programmatic actions called for in Chapter 5 of the Housing Element would not change the location or intensity of new residential development anticipated in the Land Use Element.

Key Issues

Since the Housing Element is revised periodically, this update represents a fine-tuning process rather than a wholesale overhaul. Many of the County's efforts have been successful and should be continued throughout the remainder of this planning period. Appendix A of the Housing Element includes a detailed review of previous policies and programs contained in the 2003 Housing Element, and identifies those components that are working well and those that should be revised to reflect changed circumstances or take advantage of new opportunities or lessons learned over the past few years.

Some new policies and programs contained in the draft Housing Element are the result of changes in state law or local conditions. The most significant of these proposed changes are summarized below:

A. REGIONAL HOUSING NEEDS ALLOCATION (RHNA) AND QUANTIFIED OBJECTIVES

The Regional Housing Needs Allocation (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the 7½-year period from January 2007 through June 2014. Communities must demonstrate how they will address this need through the process of updating the Housing Elements of their General Plans.

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In determining the housing allocation for the five jurisdictions within Kings County, the Kings County Association of Governments (KCAG) developed an allocation methodology with the assistance of the Kings Regional Housing Technical Advisory Committee (KRHTAC). This methodology takes into account local growth assumptions and considers certain criteria as specified in Government Code §65584(a). The criteria used in this methodology include an analysis of available data on local housing, population, economic, and other growth factors. One growth assumption deemed relevant to housing growth and demand within Kings County is the housing needs of Naval Air Station Lemoore personnel. Although the housing unit allocations in the RHNA are not required to take into account the military base, the Indian reservation, or prison populations, the Naval Air Station Lemoore is identified as a relevant factor. Using the assumptions and methodology detailed within the RHNA plan, KCAG in coordination with the KRHTAC derived the distribution of each jurisdiction’s share of the regional housing need and allocated the units according to the four income categories for housing affordability.

The goal of the RHNA Plan is to promote a fair distribution of attainable housing among the four cities and the unincorporated County in a way that also helps to meet the state’s housing goals. Attainable housing is defined as housing that is both sufficient in supply and affordably priced. The total housing units specified in the RHNA plan for each jurisdiction are not to be construed as quotas for development. The RHNA Plan only determines the number and affordability of housing units that jurisdictions need to plan for through land use policies, regulations, infrastructure plans, and other housing assistance programs. Construction and development of these allocations is not a requirement of the RHNA plan.

All new units built or preserved after January 1, 2007 are credited in the new RHNA period. A discussion of how each jurisdiction’s land inventory accommodates this growth need is provided in Chapter 3 of the Housing Element.

**Kings County Regional Housing Needs, 2007-2014**

Jurisdiction	Extremely Low*	Very Low*	Low	Moderate	Above Mod	Total
Avenal	40	40	126	214	291	711
Corcoran	40	40	160	295	370	905
Hanford	723	723	1,015	938	2,359	5,758
Lemoore	374	374	534	502	1,237	3,021
Unincorporated	69	68	193	316	448	1,094
<b>Kings County total</b>	<b>1,246</b>	<b>1,245</b>	<b>2,028</b>	<b>2,265</b>	<b>4,705</b>	<b>11,489</b>

\* 50% of VL units are assumed to be extremely-low per state law  
 Source: KCAG 2008

Cities must demonstrate that their land use plans and regulations provide realistic opportunities for development commensurate with the type and amount of housing identified in the RHNA during the new planning period. This is accomplished through a parcel-level analysis of vacant and “underutilized” sites with a potential for additional residential development or redevelopment (see Appendix B of the Draft Housing Element). State law provides guidance regarding how cities estimate development potential, with the two most important factors being zoning (especially allowable density and development standards) and previous experience with affordable housing. Recent amendments to state law specify that in Kings County and many other areas of the San Joaquin Valley, a “default” density of 20 units per acre is considered to be appropriate to facilitate construction of lower-income housing. However, state law also provides that jurisdictions may utilize other assumptions based on local conditions. As discussed in Chapter 4 of the Housing Element, all of the jurisdictions in Kings County allow multi-family development at densities greater than 20 units/acre, excluding density bonus, in at least one multi-family zone. In addition to multi-family zones, Lemoore allows mixed-use development at densities up to 20 units/acre. However, most new multi-family developments in Kings County – including affordable projects by non-profit developers – are built at densities significantly lower than the “default” density. Conversations with non-profits confirmed

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that densities in the range of 12-15 units/acre are typical and sufficient to make such projects feasible. This density range allows two-story projects with large units (3-4 bedrooms) as well as spacious community facilities such as play areas for children.

It is also important to note that the RHNA is a *planning target, not a development quota*. While state law requires cities and counties to demonstrate that their land use plans and regulations could accommodate the type and amount of housing identified in the RHNA, the law does *not* require that sites identified in the Housing Element as suitable for affordable housing be developed for that purpose. The law recognizes that local governments generally do not build housing, and development depends on many factors including property owner desires, interested builders, available financing, and prevailing market forces.

To determine whether Kings County jurisdictions have adequate sites with realistic capacity for development commensurate with the RHNA, an analysis of vacant and underutilized parcels was conducted (see Housing Element Chapter 3 and Appendix B). The analysis included a review of recent development trends and a thorough review of potential development sites. The most significant aspect of this analysis deals with the capacity of the County and cities to accommodate their need for new lower-income units. As described in Chapter 3, the Housing Element demonstrates that each jurisdiction has adequate sites to accommodate its RHNA.

State law also requires that the Housing Element establish “Quantified Objectives” for the maintenance, preservation, improvement and development of housing during the new planning period<sup>1</sup>. The quantified objectives for new construction set forth in the Draft Housing Element are consistent with existing General Plan and zoning land use designations in each jurisdiction.

In summary:

- The RHNA identifies each jurisdiction’s fair share of the region’s housing needs for the 2007-2014 period
- The RHNA is a planning target, not a development quota
- Jurisdictions must demonstrate the availability of adequate sites, either vacant or underutilized, with appropriate zoning and development standards to accommodate the new housing need identified in the RHNA
- Sufficient opportunities for new development exist within each of the five jurisdictions to accommodate their RHNA obligations, and no changes to existing General Plan and zoning land use designations are necessary
- The Quantified Objectives for new housing construction established in the Housing Element are consistent with both the RHNA and the level of development assumed in the General Plans for each jurisdiction

**For purposes of CEQA analysis, it is important to note that the amount of new housing development anticipated in the RHNA and the Housing Element is consistent with the land use designations in the 2035 General Plan (see Exhibit A-1). The General Plan was the subject of CEQA analysis which is incorporated herein by reference and available for review at the County Community Development Agency. The draft Housing Element would not alter the quantity of, or grant any additional entitlements for, anticipated development that was the subject of the CEQA evaluation in the 2035 General Plan EIR.**

<sup>1</sup> Government Code Sec. 65583(b)(1)



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While demonstrating the availability of adequate sites for residential development commensurate with the RHNA is one of the most noteworthy issues contained in the Draft Housing Element, other new policies and programs described below are proposed in response to changes in state law or local circumstances.

B. TRANSITIONAL AND SUPPORTIVE HOUSING

Transitional housing is a temporary (often six months to two years) facility for a homeless individual or family that is transitioning to permanent housing. Supportive housing may be longer term and includes a supportive services component (e.g. job skills training, rehabilitation counseling, assistance with daily necessities, etc.) to allow individuals to gain necessary life skills in support of independent living. Senate Bill (SB) 2 of 2007 requires that transitional and supportive housing be treated as residential uses that are subject to only those requirements that apply to other residential uses of the same type in the same zone. Transitional/supportive housing is not explicitly addressed in the Zoning Code, therefore the Housing Plan includes a commitment to amend the Code in conformance with SB 2 (see Program 5.9 in Chapter 5).

C. HOUSING FOR PERSONS WITH SPECIAL NEEDS

State law requires that jurisdictions review their zoning regulations, development standards and procedures as part of the Housing Element update to ensure that they do not pose undue constraints on the provision and use of housing by persons with disabilities or other special needs. The County's analysis indicated that some provisions of the Code may require revisions to ensure adequate provision for special needs housing in conformance with state law. Therefore, programs are included in the Housing Element to amend the Code in the following areas to remove constraints and facilitate the provision of housing for persons and families with special needs:

- Farmworker housing – amend the Code to define agricultural employee housing with up to 12 units or 36 beds as an agricultural use in compliance with Health & Safety Code Secs. 17021.5 and 17021.6 (Program 5.11).
- Large community care facilities – amend the Zoning Code to allow care facilities for 7 or more persons subject to a CUP (Program 5.12).
- Reasonable Accommodation – adopt procedures for reviewing and approving requests for modifications to zoning and building codes that are necessary to ensure reasonable accommodation for persons with disabilities (Program 5.12).
- Single Room Occupancy – adopt a definition and objective development standards to facilitate the establishment of SRO facilities (Program 5.17).

Environmental Review

An Initial Study was prepared to evaluate the environmental impacts associated with the adoption and implementation of the 2009-2014 Kings County Housing Element. No significant impacts were identified, therefore a Negative Declaration was prepared.

In assessing the environmental impacts of the 2009-2014 Housing Element update it should be recognized that the type, location and design of development projects are controlled primarily by the Land Use Element of the General Plan, the Zoning Ordinance, Community Plans and Specific Plans. The Housing Element is a policy document that reflects and anticipates development as described in other County plans and ordinances, and does not regulate development. No changes to the allowable intensity, quantity, or location of new housing development are proposed in the Housing Element. In some cases (such as for transitional/supportive housing or single-room-occupancy housing) the Housing Element identifies changes to land use policies or regulations that the County intends to implement, however those changes will require amendments to other documents such as the General Plan Land Use Element or Zoning Ordinance prior to implementation. The specific details of those changes to the

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documents is unknown at this time and is speculation at best. Therefore future proposed changes will be subject to a subsequent public review and approval process that includes CEQA analysis. While this Initial Study describes the general characteristics and potential impacts associated with development anticipated in the Housing Element, specific analysis of the potential impacts of future developments cannot be conducted until detailed development plans and/or regulations are prepared.

The proposed Code amendments regarding transitional/supportive housing, agricultural employee housing, single-room-occupancy (SRO) housing, and reasonable accommodation for persons with disabilities are required by state law. These Code amendments will be subject to a subsequent public review and approval process that includes appropriate CEQA documentation when the amendments are initiated by the County.

**STAFF RECOMMENDATION:** The staff recommends the Commission make the following findings:

- An Initial Study of the project has been conducted by the Lead Agency to evaluate the potential for any adverse environmental impact.
- There is no evidence in the record that indicates that the project has potential for adverse effect on wildlife, resources, or habitat for wildlife.
- The presumption that the project will have a potential for adverse effect on fish and wildlife resources or the habitat upon which wildlife depends is rebutted based on evidence in the record that:
  - The project does not involve any riparian land, rivers, streams, watercourses, or wetlands under State and Federal jurisdiction.
  - The project does not disturb any plant life required to sustain habitat for fish or wildlife.
  - The project does not disturb any rare or endangered plant or animals or the habitat in which they are believed to reside.
  - The project does not disturb any plants or animals that are subject to special management in the Fish and Game Code, Public Resources Code, the Water Code or any regulations thereto.
  - The project does not disturb any marine or terrestrial species which are subject to the jurisdiction of the Department of Fish and Game and ecological communities in which they reside.
  - The project will not degrade any air or water resources which will individually or cumulatively result in a loss of biological diversity among plants and animals residing in the air or water.
- The use should not be detrimental to public health and safety, nor materially injurious to properties in the vicinity. A Negative Declaration has been recommended for this project.

**BE IT FURTHER RESOLVED,** that:

- The Planning Commission recommends to the Kings County Board of Supervisors that the

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**Staff Report**

2009-2014 Kings County Housing Element (Exhibit A) and associated Initial Study/Negative Declaration (Exhibit B) be adopted as shown.

2. The 2009-2014 Kings County Housing Element (Exhibit A) constitutes a comprehensive planning document providing the County with the following:
  - Analysis of population, household and employment trends, the characteristics of the housing stock, and a summary of the present and projected housing needs (Chapter 2);
  - Evaluation of resources and opportunities that will further the development and preservation of housing (Chapter 3);
  - Review of potential constraints to meeting identified housing needs (Chapter 4);
  - Housing Plan to address housing needs, including housing goals, policies and programs (Chapter 5);
  - Evaluation of each jurisdiction's housing accomplishments during the previous planning period (Appendix A);
  - Inventory of potential sites for residential development (Appendix B); and
  - Summary of public involvement activities during the Housing Element update process (Appendix C).
3. The County only has jurisdiction over the unincorporated areas which are outside of the incorporated Cities. Therefore, the County's adoption of the 2009-2014 Housing Element excludes all portions of the Housing Element that pertain to the individual Cities.
4. The 2009-2014 Kings County Housing Element meets all the requirements for such plans as contained in the Planning and Zoning Law (Article 10.6 of the Government Code) and other laws.
5. As a result of the changes proposed in the 2009-2014 Kings County Housing Element, the 2035 Kings County General Plan needs to be amended to reflect the changes proposed. Chapter 6 is proposed to be replaced with the information contained in Exhibit A of this resolution.
6. The Planning Commission directs the Secretary of the Planning Commission to present this Resolution and its Exhibits, as approved by this Commission, to the Kings County Board of Supervisors for their consideration and adoption.

Prepared by the Kings County Community Development Agency (Jeremy Kinney) on April 22, 2010. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

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**BEFORE THE KINGS COUNTY PLANNING COMMISSION  
COUNTY OF KINGS, STATE OF CALIFORNIA**

<b>IN THE MATTER OF APPROVING THE "2009-2014 KINGS COUNTY HOUSING ELEMENT" OF THE 2035 KINGS COUNTY GENERAL PLAN AND RECOMMENDING ITS ADOPTION BY THE KINGS COUNTY BOARD OF SUPERVISORS</b>	<b>RESOLUTION NO. 10-04</b>  <b>RE: 2035 Kings County General Plan Amendment No. 1</b>
)	)
)	)
)	)
)	)
)	)
)	)
)	)
)	)
)	)

**WHEREAS**, the County of Kings has updated the General Plan Housing Element as necessary in order to conform with Government Code Section 65302(c), which mandates that each city and county shall include a Housing Element in its General Plan, and that the Housing Element be updated periodically to reflect current conditions, legal requirements, and the regional housing needs and allocations as identified by the Department of Housing and Community Development (HCD) and the Kings County Association of Governments (KCAG) for the 2009-2014 planning period; and

**WHEREAS**, KCAG has established a quantifiable future housing allocation for the County of Kings through the Regional Housing Needs Allocation (RHNA) process; and

**WHEREAS**, the 2009-2014 Kings County Housing Element contains within itself the goals, policies, objectives, and programs to meet the local RHNA allocation of the 2009-2014 planning period; and

**WHEREAS**, the Kings County Community Development Agency has reviewed the draft 2009-2014 Kings County Housing Element for consistency with current law and internal consistency with other elements of the 2035 Kings County General Plan including the Land Use Element, Resource Conservation Element, Open Space Element, Circulation Element, Health and Safety Element, and Noise Element; and

**WHEREAS**, extensive public outreach has been conducted; five public study sessions were held throughout the County to provide opportunities for all interested parties to learn about the Housing Element update process; and

**WHEREAS**, six public meetings were held throughout the County during August 2009 to review the Draft Housing Element prior to its submittal to the California Department of Housing and Community Development; and

**WHEREAS**, the draft 2009-2014 Kings County Housing Element has been prepared as a joint document by all local jurisdictions of Kings County including the Cities of Avenal, Corcoran, Hanford, Lemoore, and the County of Kings in accordance with the provisions of the California Government Code; and

**WHEREAS**, on August 31, 2009 the 2009-2014 Kings County Housing Element was submitted to HCD for their review and comment; and

**WHEREAS**, after a series of several reviews and revisions the Department of Housing and Community Development, on March 29, 2010, determined the revised 2009-2014 Kings County Housing Element to be in substantial compliance with State housing Element Law (Article 10.6 of the Government Code); and

**WHEREAS**: An Initial Study was completed per the requirements of the California Environmental Quality Act (CEQA) and the County's CEQA Guidelines. Based upon the whole record, there is no substantial evidence that the project will have a significant effect on the environment. A negative declaration has been prepared as required by law. The Negative Declaration reflects the County's independent judgment and analysis of the project; and

**WHEREAS**, the Planning Commission of Kings County, after mailed and published notice, held a public hearing on May 3, 2010, at which hearing public comments on the 2009-2014 Kings County Housing Element were taken; and

**WHEREAS**, this commission has duly reviewed the contents of the 2009-2014 Kings County Housing Element, written comments, and oral testimony from the public and interested governmental agencies; and

**WHEREAS**, the Planning Commission of Kings County, after considering all public testimony and all information relating to the project submitted to the Commission, closed the public hearing;

**NOW, THEREFORE, BE IT RESOLVED**, that this Commission finds that:

1. An Initial Study of the project has been conducted by the Lead Agency to evaluate the potential for any adverse environmental impact.
2. There is no evidence in the record that indicates that the project has potential for adverse effect on wildlife, resources, or habitat for wildlife.
3. The presumption that the project will have a potential for adverse effect on fish and wildlife resources or the habitat upon which wildlife depends is rebutted based on evidence in the record that:
  - A. The project does not involve any riparian land, rivers, streams, watercourses, or wetlands under State and Federal jurisdiction.
  - B. The project does not disturb any plant life required to sustain habitat for fish or wildlife.
  - C. The project does not disturb any rare or endangered plant or animals or the habitat in which they are believed to reside.
  - D. The project does not disturb any plants or animals that are subject to special management in the Fish and Game Code, Public Resources Code, the Water Code or any regulations thereto.
  - E. The project does not disturb any marine or terrestrial species which are subject to the jurisdiction of the Department of Fish and Game and ecological communities in which

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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they reside.

F. The project will not degrade any air or water resources which will individually or cumulatively result in a loss of biological diversity among plants and animals residing in the air or water.

- 4. The use should not be detrimental to public health and safety, nor materially injurious to properties in the vicinity. A Negative Declaration has been recommended for this project.

**BE IT FURTHER RESOLVED**, that:

- 1. The Planning Commission recommends to the Kings County Board of Supervisors that the 2009-2014 Kings County Housing Element (Exhibit A) and associated Initial Study/Negative Declaration (Exhibit B) be adopted as shown.
- 2. The 2009-2014 Kings County Housing Element (Exhibit A) constitutes a comprehensive planning document providing the County with the following:
  - Analysis of population, household and employment trends, the characteristics of the housing stock, and a summary of the present and projected housing needs (Chapter 2);
  - Evaluation of resources and opportunities that will further the development and preservation of housing (Chapter 3);
  - Review of potential constraints to meeting identified housing needs (Chapter 4);
  - Housing Plan to address housing needs, including housing goals, policies and programs (Chapter 5);
  - Evaluation of each jurisdiction's housing accomplishments during the previous planning period (Appendix A);
  - Inventory of potential sites for residential development (Appendix B); and
  - Summary of public involvement activities during the Housing Element update process (Appendix C).
- 3. The County only has jurisdiction over the unincorporated areas which are outside of the incorporated Cities. Therefore, the County's adoption of the 2009-2014 Housing Element excludes all portions of the Housing Element that pertain to the individual Cities.
- 4. The 2009-2014 Kings County Housing Element meets all the requirements for such plans as contained in the Planning and Zoning Law (Article 10.6 of the Government Code) and other laws.
- 5. As a result of the changes proposed in the 2009-2014 Kings County Housing Element, the 2035 Kings County General Plan needs to be amended to reflect the changes proposed. Chapter 6 is proposed to be replaced with the information contained in Exhibit A of this resolution.
- 6. The Planning Commission directs the Secretary of the Planning Commission to present this

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Kings County Exh. F

Resolution and its Exhibits, as approved by this Commission, to the Kings County Board of Supervisors for their consideration and adoption.

The foregoing Resolution was adopted on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held on May 3, 2010, by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSTAIN: COMMISSIONERS  
ABSENT: COMMISSIONERS

KINGS COUNTY PLANNING COMMISSION

\_\_\_\_\_  
Mark Cartwright, Chairperson

WITNESS, my hand this \_\_\_\_ day of May, 2010.

\_\_\_\_\_  
Gregory R. Gatzka  
Secretary to the Commission

cc: Kings County Board of Supervisors  
Kings County Counsel

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Kings County Exh. F

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**EXHIBIT A**

*2009-2014 Kings County Housing Element*

**2009 – 2014 HOUSING ELEMENT**

**Kings County  
City of Avenal  
City of Corcoran  
City of Hanford  
City of Lemoore**

**Revised Draft – March 2010**

Kings County Exh. F

Kings County Exh. F

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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**Acknowledgements**

The 2009-2014 Kings County Housing Element update is a cooperative effort of Kings County and the Cities of Avenal, Corcoran, Hanford and Lemoore. Coordination and administrative support was generously provided by the Kings County Association of Governments.

**County of Kings**

**Board of Supervisors**

Richard Valle, Chair  
Tony Barba, Vice Chair  
Richard Fagundes, Supervisor  
Joe Neves, Supervisor  
Tony Oliveira, Supervisor

**Planning Commission**

Mark Cartwright, Chair  
Riley Jones, Vice Chair  
R.G. Trapnell, Commissioner  
Jim Gregory, Commissioner  
Louise Draxler, Commissioner

**City of Avenal**

**City Council**

Harlin Casida, Mayor  
Jim Jepsen, Mayor Pro Tem  
Sid Craighead, Councilmember  
Dogberto Ovalle, Councilmember  
David Hedgecock, Councilmember

**Planning Commission**

Michael Beil, Chair  
Donna Elliott, Vice Chair  
Jack Horton, Commissioner  
Donna Curty, Commissioner  
Alvaro Preciado, Commissioner

**City of Corcoran**

**City Council**

Ray Lerma, Mayor  
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## Chapter 1. Introduction

### A. Planning Context

Kings County is located within the agriculturally rich San Joaquin Valley, with Fresno County to the north and west, Tulare County to the east, and Kern County to the south. Created in 1893, Kings County was carved from the western portion of Tulare County and later added another 100 square miles from Fresno County. The Kings River, from which the County derives its name, runs along the northern edges and flows south towards the center of the County. Historically, this river flowed farther south to what was once Tulare Lake. Now referred to as the Tulare Lake Basin, this area is extensively used for agricultural crop production.

Kings County is comprised of four cities (Avenal, Corcoran, Hanford, and Lemoore), four unincorporated community service areas (Armona, Home Garden, Kettleman City, and Stratford), and a few other smaller community pockets. According to the California Department of Finance, approximately 155,000 people lived in Kings County as of January 2009, with approximately 19,400 of those housed within the state prisons and Naval Air Station Lemoore. The Lemoore Naval Air Station houses over 7,300 naval personnel and dependents in approximately 1,600 housing units, while the Santa Rosa Rancheria is home to about 500 Tachi Yokut Indians on 1,535 acres of tribal land.

Access through the County and to other major outside destinations is provided by a network of highways and railroads. While Interstate 5 and State Route 99 provide routes to the Los Angeles and San Francisco Bay metropolitan areas, State Route 41 connects the valley with the Central Coast and Yosemite National Park. State Route 198 provides access to Sequoia National Park. The Burlington Northern Santa Fe Railroad connects Kings County to Sacramento and Bakersfield while the San Joaquin Valley Railroad connects to Huron to the west and Visalia and Porterville to the east. The County's transportation network has placed a key role in its economic development. Agriculture remains the predominant landscape of Kings County, with approximately 84% of its land area used for agriculture. While dairy products are the County's leading commodity, the agricultural industry is diversified with cotton, cattle, field crops, seeds, fruit & nuts, vegetables, apiary products, livestock & poultry, and other related products also having a significant presence.

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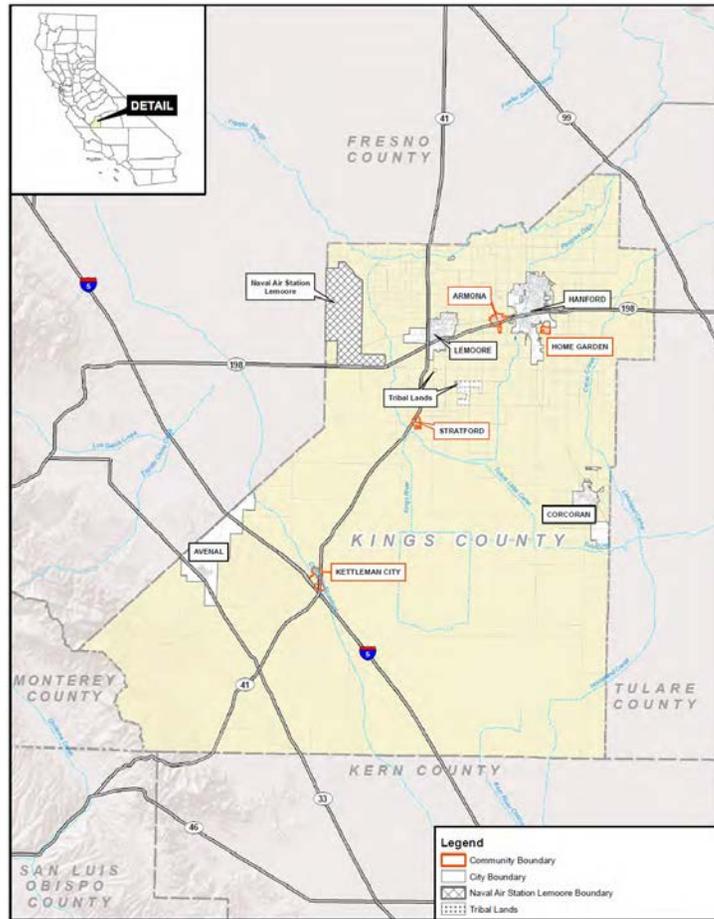


Figure 1 – Regional Location Map

2009-2014 Kings County and Cities of  
 Draft Housing Element 1-2 Avenal, Corcoran, Hanford and Lemoore  
 Kings County Exh. F

B. Methodology

B. Methodology

1. Purpose and Statutory Authority

The Housing Element is mandated by §§65580-65589 of the California Government Code. State Housing Element law requires that each city and county identify and analyze existing and projected housing needs within their jurisdiction and prepare goals, policies, programs and quantified objectives to further the development, improvement, and preservation of housing. To that end, state law requires that the housing element:

- Identify adequate sites to facilitate and encourage the development, maintenance and improvement of housing for households of all economic levels, including persons with special needs;
- Remove, as legally feasible and appropriate, governmental constraints to the production, maintenance, and improvement of housing for persons of all income levels;
- Assist in the development of adequate housing to meet the needs of low- and moderate-income households;
- Conserve and improve the condition of housing and neighborhoods, including existing affordable housing;
- Promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability; and
- Preserve lower-income publicly-assisted housing developments within each community.

The Housing Element is organized into the following major sections:

- Analysis of the demographic, housing, and special needs characteristics and trends in Kings County jurisdictions (Chapter 2).
- Analysis of land, financial, and organizational resources available to address the housing goals in Kings County (Chapter 3).
- Review of potential market, governmental, and environmental constraints that affect Kings County jurisdictions' ability to address their housing needs (Chapter 4).
- The Housing Plan to address identified housing needs, including housing goals, policies and programs (Chapter 5).
- Evaluation of each jurisdiction's accomplishments toward meeting the goals and objectives set forth in the previous Housing Element (Appendix A).
- A detailed land inventory of suitable sites for housing development (Appendix B).

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Chapter 1. Introduction

**2. Framework for the Joint Kings County Housing Element**

In California, it is typical for each city or county to prepare and maintain its own general plan and housing element. However, in Kings County the four cities and the County have chosen to collectively prepare a joint Countywide housing element with administrative support from the Kings County Association of Governments (KCAAG). While unusual, this collaborative approach to the housing element has a number of advantages, including the following:

- Over the past several decades, the trend in dealing with complex public policy issues has been toward a regional approach to problem-solving. Existing housing element law embodies this principle through the regional housing needs allocation (RHNA) process. Perhaps the most recent and far-reaching example of this regional approach is Senate Bill 375, the landmark global warming legislation. SB 375 establishes a framework for regional planning and “Sustainable Communities Strategies” intended to reduce greenhouse gas emissions through land use, housing and transportation policies.
- Housing markets are regional in nature and do not stop at jurisdictional boundaries. Coordinated regional strategies offer the potential to be more effective in addressing housing needs than when each jurisdiction operates individually.
- In difficult economic times such as these, economies of scale accruing from shared resources can result in significant cost savings to jurisdictions that jointly prepare housing elements.

**3. Data Sources**

In preparing the Housing Element, various sources of information were consulted. The 2000 decennial Census was used as the primary source of demographic information. However, other sources supplemented the Census data where available and relevant, including the following:

- Housing conditions surveys conducted by the jurisdictions;
- Population and housing data from the California Department of Finance (DOF);
- Employment data from the California Employment Development Department (EDD);
- Local economic data from the Kings County Economic Development Corporation;
- Housing market data from the Kings County Board of Realtors;
- Population and housing characteristics from Naval Air Station Lemoore;
- Point-in-time homeless data provided by Kings/Tulare Continuum of Care;
- Land use data based on the general plans and zoning ordinances of each jurisdiction; and
- Regional housing needs information prepared by the Kings County Association of Governments.

2009-2014 Draft Housing Element 1-4 Kings County and Cities of Avenal, Corcoran, Hanford and Lemoore Kings County Exh. F

**C. Community Involvement**

**4. Relationship to the General Plans**

State law requires that the Housing Element be consistent with other elements of jurisdictions’ general plans. Policies and programs set forth in this Housing Element are consistent with policies and programs in other elements of the respective general plans. However, if during the implementation of this Housing Element any inconsistencies with other portions of the General Plans are identified, appropriate amendments to maintain internal consistency will be proposed. For example, Government Code Sec. 65302.1 requires jurisdictions within the San Joaquin Valley to include in appropriate elements of the General Plan analysis, policies and feasible implementation measures to improve air quality. This Housing Element supports this provision of state law through its identification of sites for development of a variety of housing types in appropriate locations consistent with the regional growth forecast, regional housing needs plan, and regional transportation plans.

Recent changes to Government Code Sec. 65302 require amendments to the Safety and Conservation elements to include analysis and policies regarding flood hazard and management information upon the next revision of the Housing Element after January 1, 2009. If necessary, amendments to this Housing Element will be processed concurrently in order to maintain consistency between elements.

**C. Community Involvement**

State law requires local governments to make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element. To that end, each jurisdiction has provided opportunities for residents, interested parties, and local officials to participate in the update process and offer recommendations regarding housing needs and strategies to address those needs.

The public participation process for this 2009-2014 Housing Element involved four major stages:

1. Public workshops and meetings in each of the four cities and the unincorporated County during the preparation of the Draft Housing Element;
2. Publication of the Draft Housing Element and subsequent review by the California Department of Housing and Community Development (HCD);
3. Revisions to the Housing Element to address comments from HCD and publication of a revised Draft Housing Element;
4. Public hearings before the Planning Commission and City Council of each city and the Planning Commission and Board of Supervisors of Kings County prior to adoption of the final Housing Element.

For details regarding the public meetings and hearings, as well as a summary of issues raised during the update process, please refer to Appendix C.

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## Chapter 2. Housing Needs Assessment

The availability of decent and affordable housing for residents is an important housing goal. To accomplish this goal, a comprehensive assessment of housing needs provides the basis for developing responsive policies and programs. This chapter presents and analyzes demographic, economic, and housing characteristics and their impact upon housing needs in the cities of Avenal, Corcoran, Hanford, and Lemoore and unincorporated Kings County. The Housing Plan (Chapter 5) provides the policies and strategies to address identified housing needs.



### A. Population and Household Characteristics

Housing needs in Kings County are largely determined by population and employment growth, coupled with various demographic variables. Characteristics such as age, household size, occupation, and income combine to influence the type of housing needed and its affordability.

#### 1. Population Trends

Kings County is comprised of four incorporated cities (Avenal, Corcoran, Hanford, and Lemoore), four unincorporated community service areas (Armona, Home Garden, Kettleman City, and Stratford), and a few other smaller community pockets. According to the California Department of Finance, Kings County had a total population of 154,743 in 2009; however, approximately 15% of that is represented by persons in group quarters (primarily the state prisons at Avenal and Corcoran). Since 1990,

Kings County's non-institutional population has increased by nearly 50%, as shown in Table 2-1.

**Table 2-1  
 Kings County Population Growth, 1990-2009**

Jurisdiction	Total Population			Growth 1990-2009 <sup>2</sup>		
	Non-Group Quarters		Group Quarters <sup>1</sup>	Total	%	
	1990	2000				2009
Avenal	5,505	7,973	9,108	6,763	3,603	65%
Corcoran	8,309	9,539	13,067	12,826	4,758	57%
Hanford	29,927	40,839	51,839	848	21,912	73%
Lemoore	13,606	19,710	24,816	2	11,210	82%
Unincorporated	32,122	31,271	33,354	2,120	1,232	4%
<b>Kings County</b>	<b>89,469</b>	<b>109,332</b>	<b>132,184</b>	<b>22,559</b>	<b>42,715</b>	<b>48%</b>

Notes:

- Group quarters in 2009 (includes Avenal and Corcoran State Prisons and Naval Air Station Lemoore)
  - Excluding group quarters population
- Sources: 1990 and 2000 Census; Cal. Dept. of Finance, E5 & E8 Population & Housing Estimates, May 2009

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**Chapter 2. Housing Needs Assessment**

During the past two decades, the cities have received most of the growth. Hanford and Lemoore showed the highest growth, both in number of persons and percentage increase, although the populations of Avenal and Corcoran also more than doubled during this period.

According to the California Department of Finance (DOF)<sup>1</sup>, Kings County population is projected to reach 250,000 by the year 2030, a gain of more than 60% over 2009 levels. Unlike previous decades, however, the majority of population growth will be due to non-institutional population growth.

**2. Age Characteristics**

Although population growth strongly affects total demand for new housing, housing needs are also influenced by age characteristics. Typically, different age groups have distinct lifestyles, family characteristics, incomes, and housing preferences. As people move through each stage of life, their housing needs and preferences also change. Age characteristics are therefore important in planning for the changing housing needs of residents.

Coupled with housing prices, the homeownership rate is related to householder age. Homeownership rates tend to increase with the age and income of the householder. Countywide in 2000, 87% of all householders aged 65 and older, 75% of households between age 55 and 64, and 67% of householders 45 to 54 owned a home. In contrast, approximately 55% of householders aged 34 to 64 and only 29% of householders aged 34 years and younger owned a home.

Housing needs often differ by age group. For instance, most young adults (under 34) are single or starting families. Housing needs for younger adults are addressed through apartments or first-time homeownership opportunities. Middle-aged residents (34-64) may already be homeowners, are usually in the prime earning power of their careers, and thus tend to seek larger homes. Seniors often own a home but, due to limited income or disabilities, may need assistance to remain in their homes.

As shown in Table 2-2, Avenal and Lemoore had the highest percent of younger householders (age 15-34). Each community in the County had approximately the same percentage of middle-age householders (34-64 years). Corcoran, Hanford, and the unincorporated County areas had the highest percentage of seniors. While the large percentage of householders between 15 and 34 years old suggests continued demand for new entry-level housing, the aging of the baby boom generation combined with longer life expectancies will result in a dramatic increase in the number of senior citizens in the coming decade.

**Table 2-2  
 Age Characteristics of Householders**

Jurisdiction	Number of Householders	Percentage of Householders by Age Group				
		15-34	34-44	45-54	55-64	65+
Avenal	1,928	32%	27%	18%	10%	12%
Corcoran	2,769	25%	25%	19%	13%	18%
Hanford	13,931	26%	24%	19%	12%	19%
Lemoore	6,450	32%	27%	19%	10%	12%
Unincorporated	9,340	28%	24%	18%	13%	18%
Kings County	34,418	28%	25%	19%	12%	17%

Source: 2000 Census

<sup>1</sup> California, Department of Finance, Population Projections for California and Its Counties 2000-2050, 2007.

**A. Population and Household Characteristics**

**3. Race and Ethnicity**

As shown in Table 2-3, the largest racial/ethnic groups in Kings County in 2000 were Hispanics (44%) and Non-Hispanic Whites (43%). Asian, African American and other groups together comprised about 13% of the County total.

Race/ethnic composition of residents varied considerably among Kings County jurisdictions. In Avenal and Corcoran, Hispanics comprised the majority of residents, at 84% and 72%, respectively. Non-Hispanic Whites comprised the largest group in Hanford (50%), Lemoore (49%) and the unincorporated communities (46%).

**Table 2-3  
 Race and Ethnicity**

Jurisdiction	Non-Prison Population	Non-Hispanic White	Race/Ethnicity of Population			
			Hispanic	African American	Asian	Other
Avenal	8,113	13%	84%	1%	<1%	2%
Corcoran	9,522	22%	72%	3%	<1%	<1%
Hanford	41,686	50%	39%	5%	3%	4%
Lemoore	19,712	49%	31%	7%	8%	5%
Unincorporated	38,931	46%	41%	4%	3%	5%
Kings County	111,587	43%	44%	5%	4%	4%

Source: 2000 Census

**4. Household Type and Size**

A household refers to the people occupying a home, such as a family, a single person, or unrelated persons living together. Families often prefer single-family homes or condominiums to accommodate children, while single persons generally occupy smaller apartments or condominiums. Single-person households may include seniors living alone or young adults.

Table 2-4 displays household composition by community as reported by the 2000 Census. Families comprised nearly 80% of all households within Kings County. Avenal had the highest proportion of families (85.1%), followed by the unincorporated County areas (83.6%) and Corcoran (80.5%).

Countywide, the proportion of single households was approximately 17%. However, the percentage of single households varied by location. The cities of Hanford (20.5%) and Lemoore (17.4%) had the highest percentage of single-person households. "Other" households, which include unrelated people living together, comprised about 5% of all households in the County.

As noted earlier, Kings County has a significant population of people living in group quarters who are not counted as households. Avenal and Corcoran State Prisons are counted in the total population figures, but are not counted as households. The same is true for persons living on-base at Naval Air Station Lemoore.

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Chapter 2. Housing Needs Assessment

**Table 2-4  
 Household Characteristics**

Jurisdiction	Households	Average Size	Percentage of Households		
			Families	Singles	All Other
Avenal	1,928	4.14	85.1%	11.3%	3.6%
Corcoran	2,769	3.44	80.5%	15.9%	3.5%
Hanford	13,931	2.93	74.5%	20.5%	4.9%
Lemoore	6,450	3.06	76.4%	17.4%	6.2%
Unincorporated	9,340	3.35	83.6%	12.8%	5.1%
Kings County	34,418	3.18	78.4%	16.9%	4.6%

Source: 2000 Census

**a. Overcrowding**

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens; and to be severely overcrowded when there are more than 1.5 occupants per room. Overcrowded households are usually a reflection of the lack of affordable housing.

Table 2-5 details the percentage of households that live in overcrowded situations. With an average of 41%, Avenal had the highest overcrowding rate Countywide. At 25%, Corcoran also had a high prevalence of overcrowding living situations. Hanford and Lemoore had the lowest overcrowding rates (12%) of all jurisdictions in the County.

**Table 2-5  
 Housing Overcrowding by Tenure**

Jurisdiction	Overcrowded Renters		Overcrowded Owners		% of All Households Overcrowded
	No. of Households	% of All Renters	No. of Households	% of All Owners	
Avenal	949	45.4%	987	37.5%	41%
Corcoran	1,164	30.2%	1,558	20.5%	25%
Hanford	5,661	17.4%	8,252	7.5%	12%
Lemoore	2,987	16.7%	3,466	7.4%	12%
Unincorporated	4,407	21.7%	4,987	11.9%	16%
Kings County	15,168	21.2%	19,250	11.2%	16%

Source: 2000 Census

**A. Population and Household Characteristics**

**5. Household Income**

Along with housing prices and rents, household income is the most important factor affecting housing opportunities within Kings County. Housing choices such as tenure (owning versus renting), housing type, and location are dependent on household income. On the other hand, however, household size and type often affect the proportion of income that can be spent on housing. Table 2-6 shows the median household income of each community as reported in the 2000 Census.

**Table 2-6  
 Median Household Income**

Jurisdiction	Median Household Income	% of County
Avenal	\$ 29,710	83%
Corcoran	\$ 30,783	86%
Hanford	\$ 37,582	105%
Lemoore	\$ 40,314	113%
Unincorporated	N/A	N/A
Kings County	\$ 35,749	---

Source: 2000 Census

The median household income for the entire County was reported as \$36,000. Hanford and Lemoore had the highest median household incomes at approximately \$37,600 and \$40,300, respectively. This is likely due to the larger proportion of these cities' workforces with "white-collar" jobs.

Avenal and Corcoran had median households below the County average, at \$29,700 and \$30,800, respectively. In both communities, a larger proportion of the workforce held "blue-collar" jobs such as farming, construction, extraction, manufacturing, production, transportation, and material moving.

Although median household income is a common benchmark for comparison, the distribution of household income also provides a useful measure of housing needs in a community. In housing analysis, households are typically grouped into categories, expressed relative to the Area Median Income (AMI) and adjusted for family size. Using State of California income thresholds, the income groups analyzed were as follows:

- Extremely low income: Up to 30% of AMI
- Very low income: 31-50% of AMI
- Low income: 51-80% of AMI
- Moderate income: 81-120% of AMI
- Upper income: Above 120% of AMI

Table 2-7 estimates the number of households within each income category in each jurisdiction as reported in HUD CHAS data based on the 2000 Census. In comparison to other cities, Avenal and Corcoran had the highest percentage of extremely-low-, very-low- and low-income households, comprising 54% and 52% of their households, respectively. Countywide, 43% of all households had extremely-low, very-low and low incomes. Hanford and Lemoore had the highest proportion of residents with moderate and above-moderate incomes.

In 2006 state law was amended (Assembly Bill 2634) to add the Extremely-Low-Income category to the required analysis of household characteristics and housing growth needs. Due to their limited incomes, these households have the greatest difficulty finding suitable housing at an affordable price. Further discussion of housing costs and affordability, as well as housing growth needs by income category is provided later in this chapter.

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Chapter 2. Housing Needs Assessment

**Table 2-7  
 Household Income Distribution**

Jurisdiction	Income Distribution							
	Ex. Low		V. Low		Low		Mod/Above Mod.	
		%		%		%		%
Avenal	251	13%	359	19%	411	22%	840	45%
Corcoran	454	17%	381	14%	552	21%	1,290	48%
Hanford	1,416	10%	1,822	13%	2,414	17%	8,254	59%
Lemoore	606	9%	633	10%	1,088	17%	4,150	64%
Unincorporated	1,082	11%	1,347	14%	2,072	22%	4,970	52%
Kings County	3,809	11%	4,542	13%	6,537	19%	19,504	57%

Source: HUD/CHAS based on 2000 Census

**a. Housing Overpayment**

State and federal housing law defines *overpayment* as a household paying more than 30% of gross income for housing expenses. Housing overpayment is especially problematic for lower-income households that have limited resources for other living expenses.

As shown in Table 2-8, a significant portion of lower-income households in each community overpaid for housing according to HUD CHAS data (special tabulations based on the 2000 Census). However, the overpayment rate varied by tenure and income level. More than half of all very-low- and extremely-low-income households in all jurisdictions, both owners and renters, were reported to be overpaying. Few households with moderate and above-moderate incomes faced overpayment – often less than 10% of households.

**B. Employment Trends**

**Table 2-8  
 Housing Overpayment by Tenure**

Jurisdiction/ Income Category	Renter Households		Owner Households	
	Households	Percent Overpaying	Households	Percent Overpaying
<b>Avenal</b>				
Ex. Low	190	80.5%	61	68.9%
Very Low	237	67.9%	122	62.3%
Low	177	21.5%	234	22.6%
Moderate & Above	306	None	534	6.6%
<b>Totals</b>	<b>910</b>	<b>38.7%</b>	<b>951</b>	<b>21.7%</b>
<b>Corcoran</b>				
Ex. Low	320	79.1%	134	75.8%
Very Low	175	58.9%	206	57.5%
Low	240	19.6%	312	25.4%
Moderate & Above	403	3.7%	887	8.8%
<b>Totals</b>	<b>1,138</b>	<b>36.7%</b>	<b>1,539</b>	<b>25.9%</b>
<b>Hanford</b>				
Ex. Low	1,098	80.5%	318	63.8%
Very Low	1,234	75.0%	588	52.6%
Low	1,287	40.6%	1,127	52.6%
Moderate & Above	2,048	4.8%	6,206	12.1%
<b>Totals</b>	<b>5,667</b>	<b>42.9%</b>	<b>8,239</b>	<b>22.5%</b>
<b>Lemoore</b>				
Ex. Low	509	69.5%	97	79.4%
Very Low	455	77.1%	178	52.8%
Low	657	32.4%	431	60.6%
Moderate & Above	1,355	7.7%	2,750	14.5%
<b>Totals</b>	<b>2,976</b>	<b>34.4%</b>	<b>3,456</b>	<b>24.1%</b>
<b>Kings County</b>				
Ex. Low	2,764	76.2%	1,045	71.9%
Very Low	2,926	63.0%	1,616	50.2%
Low	3,680	26.6%	2,857	45.1%
Moderate & Above	5,778	4.4%	13,726	12.4%
<b>Totals</b>	<b>15,148</b>	<b>34.2%</b>	<b>19,244</b>	<b>23.7%</b>

Source: HUD/CHAS based on 2000 Census ([http://socds.huduser.org/chas/CHAS\\_java.odt](http://socds.huduser.org/chas/CHAS_java.odt))

**B. Employment Trends**

Kings County's economy has an important impact on housing needs. Employment growth typically results in increased housing demand in areas that serve as regional employment centers. Moreover, the type of occupation and income levels for new employment also affects housing demand. This section describes the economic and employment patterns in Kings County and how these patterns influence housing needs.

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1. Employment by Industry

Kings County supports a diversified economy as shown in Table 2-9. Government represents the largest sector (due in large part to state prisons) and provided 31% of all jobs in the County as of 2004. Farm employment represented 16% of jobs, while related food processing employment represented an additional 6%. Retail trade comprised 9% of jobs while education and health services (excluding public schools) comprised 8%.

Table 2-9  
 Industry Employment Projections 2004-2014, Kings County

NAICS Code	Industry Title	Annual Average Employment		Employment Change	
		2004	2014	Workers	Percent
	Total Employment	43,400	50,500	7,100	16.4
	Self Employment (A)	3,100	3,300	200	6.5
	Unpaid Family Workers (B)	200	200	0	0.0
11	Total Farm	7,100	8,100	1,000	14.1
	Total Nonfarm	32,900	38,900	6,000	18.2
1133,21,23	Natural Resources, Mining, & Const.	1,200	1,500	300	25.0
31-33	Manufacturing	3,800	4,200	400	10.5
	Durable Goods	600	700	100	16.7
	Nondurable Goods	3,300	3,500	200	6.1
	Food Beverage and Tobacco Mfg	2,800	3,000	200	7.1
	Residual-Textile Mills	500	500	0	0.0
22,42-49	Trade, Transportation, and Utilities	5,000	6,400	1,400	28.0
42	Wholesale Trade	700	800	100	14.3
44-45	Retail Trade	3,700	4,700	1,000	27.0
445	Food and Beverage Stores	900	1,000	100	11.1
452	General Merchandise Stores	1,000	1,400	400	40.0
	Residual-Miscellaneous Store Retailers	1,900	2,300	400	21.1
22,48-49	Transportation, Warehousing & Utilities	700	900	200	28.6
51	Information	300	400	100	33.3
52-53	Financial Activities	1,200	1,300	100	8.3
52	Finance and Insurance	600	700	100	16.7
53	Real Estate and Rental and Leasing	600	600	0	0.0
54-56	Professional and Business Services	1,300	1,500	200	15.4
61-62	Education and Health Services	3,300	4,200	900	27.3
71-72	Leisure and Hospitality	2,500	3,200	700	28.0
81	Other Services (excluding private household workers)	600	800	200	33.3
	Government	13,600	15,400	1,800	13.2
	Federal Government*	1,000	1,000	0	0.0
	State Government	5,400	5,500	100	1.9
	Local Government	7,200	8,900	1,700	23.6

Source: California Employment Development Department, March 2005 Benchmark

\*Does not include military personnel

Note: Industry detail may not add up to totals due to independent rounding.

The California Employment Development Department's job growth forecast for 2004-2014 estimated an increase in 7,100 new jobs during this 10-year period, or 16.4%. The industries estimated to gain the largest number of new jobs during this period are local government (1,700 jobs), trade/transportation/utilities (1,400 jobs), agriculture (1,000 jobs), retail trade (1,000 jobs), and

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B. Employment Trends

education/health services (900 jobs). It should be noted, however, that this forecast was prepared before the onset of the current recession in 2007. As in many counties in the Central Valley, unemployment has risen significantly in Kings County. According to the most recent report from the Bureau of Labor Statistics<sup>2</sup> (June 2009) the unemployment rate in Kings County rose to 15.3% in April 2009, up from 10.0% the previous year.

Table 2-10 summarizes the major employers for the cities of Kings County. Given the rural nature of the unincorporated communities, employment and economic activity is concentrated in the cities.

Table 2-10  
 Major Employers

City	Major Employers	Number of Employees
Avenal	Avenal State Prison	1,300
	Paramount Farms	600
	Reef Sunset USD	306
Corcoran	Corcoran Prisons	2,940
	JG Boswell Co.	375
	Corcoran USD	389
	Corcoran Hospital	103
Hanford	Adventist Health	857
	Del Monte Food	435
	Marquez Bro. Cheese	1,500
	Exopack	306
	Kings County	1,041
	Hanford Joint Union	740
	Hanford Elementary SD	520
The Sentinel	220	
Lemoore	NAS (military)	7,500
	NAS (civilian)	1,400*
	Leprino Foods	670
	S K Foods	300 (seasonal) 50 (year-round)
	Palace Casino	800

\*Excludes military personnel (civilian employees only)  
 Source: Kings County Economic Development Corporation, 2009

2. Occupations Held by Residents

Occupations held by residents determine the income earned by a household and their corresponding ability to afford housing. Higher paying jobs provide broader housing opportunities for residents, while lower-paying jobs limit housing options. Understanding employment and occupation patterns can thus provide insight into present housing needs. Table 2-11 describes the number and type of jobs held by residents in each community in 2000.

In Hanford and Lemoore, a higher proportion of residents held managerial, business or financial related employment. These types of "white-collar" jobs typically pay higher salaries and thus allow residents to afford a greater choice of housing opportunities. However, service occupations, sales/office positions, and "blue-collar" positions typically pay relatively lower wages. Residents in these occupations have more limited ability to afford housing and, in some cases, are in the greatest need of affordable housing and assistance.

According to the 2000 Census, a significantly larger percentage of Hanford and Lemoore residents held "white-collar" jobs, and a relatively smaller percentage held "blue-collar" jobs. Few workers in either city held agricultural jobs. As a result, the median household incomes of Hanford and Lemoore residents were the highest in the County. By the same token, the high prevalence of "blue-collar" and agricultural jobs held by residents in Avenal and Corcoran was responsible for a lower median household income.

<sup>2</sup> U.S. Dept. of Labor, Bureau of Labor Statistics, News Release, June 3, 2009.

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**Table 2-11**  
**Occupations Held by Civilians**

Jurisdiction	Avenal	Corcoran	Hanford	Lemoore	Unincorp.	Kings County
Management, business, and financial	5%	6%	10%	9%	13%	10%
Professional and related occupations	9%	12%	20%	18%	11%	16%
Service occupations	15%	18%	22%	22%	16%	20%
Sales and office occupations	16%	18%	23%	26%	23%	23%
Farming, fishing, and forestry occupations	33%	13%	4%	4%	14%	9%
Construction, extraction, and maintenance	9%	9%	8%	8%	10%	9%
Production, transport, material moving	14%	22%	13%	12%	13%	14%

Source: 2000 Census

**3. Jobs-Housing Balance**

Commuting patterns in Kings County have an important implication for housing needs. Larger employers in the County (e.g., three state prisons, Naval Air Station Lemoore, and agricultural industries) generate a significant number of jobs. However, the workforce employed at these institutions or in the agricultural industries may live in other communities for a variety of reasons, including preferences, the availability of suitable housing, or other reasons.

Table 2-12 summarizes commuting patterns of residents in Kings County. Countywide, 33% of residents lived and worked in the same community, 46% lived in the County but not in the jurisdiction where employed, and 21% worked outside the County. In contrast, 50% of the workforce of Corcoran and Hanford lived in their community. This residency-workplace balance was by far the highest of the jurisdictions in Kings County.

In contrast, only 24% of Avenal's residents and 30% of Lemoore's residents worked and lived in their communities. The difference was attributable to a variety of reasons. For instance, only 8% of the employees at Avenal State Prison lived in Avenal, while 40% lived in Hanford and Lemoore. Avenal also had a significant number of agricultural employees working outside the city. Many Lemoore residents also worked outside the community at the neighboring Naval Air Station Lemoore.

**Table 2-12**  
**Commuting Patterns in Kings County**

Jurisdiction	Workers 16 years and older	Place of Work		
		Place of Residence	Elsewhere in County	Outside County
Avenal	2,478	24%	21%	55%
Corcoran	2,902	50%	35%	15%
Hanford	16,067	51%	31%	18%
Lemoore	8,218	30%	50%	20%
Unincorporated	12,279	11%	70%	19%
<b>Kings County</b>	<b>41,944</b>	<b>33%</b>	<b>46%</b>	<b>21%</b>

Source: 2000 Census

Table includes all employment in civilian and military service

**C. Housing Characteristics**

As noted above, the creation of jobs within a particular community does not necessarily increase the demand for housing in that community since employees may choose to live in another area for a variety of reasons.

**C. Housing Characteristics**

This section describes the housing characteristics and conditions that affect housing needs in Kings County. Important housing stock characteristics include housing type, tenure, vacancy rates, age, condition, cost and affordability.



**1. Housing Type**

The California Department of Finance (DOF) provides annual estimates of the number of housing units by type for each jurisdiction based on reported building and demolition permits. DOF estimated that Kings County had a total of 42,484 housing units in 2009, representing a growth of 5,921 new units (16%) Countywide since 2000. As is typical in small towns and rural areas, the majority of housing stock in all jurisdictions is comprised of single-family detached houses. Single-family attached (condominium) units represent just 6% of all units Countywide. Meanwhile, approximately 18% of the County's housing stock consisted of multi-family projects, such as apartments and townhomes. The remaining 5% of housing units in Kings County were mobile and manufactured homes.

As shown in Table 2-13, Hanford and Corcoran had the highest proportion of single-family homes, while Avenal and Lemoore had the highest percentage of multi-family units. Unincorporated areas had the highest percentage of mobile homes.

**Table 2-13**  
**Housing Units by Type**

Jurisdictions	Housing Units	Percent of Housing by Type				
		Single-Family Detached	Single Family Attached	Multi-Family (2-4 units)	Multi-Family (5+ units)	Mobile homes
Avenal	2,265	67%	2%	14%	13%	4%
Corcoran	3,981	74%	5%	9%	8%	4%
Hanford	17,981	73%	5%	9%	12%	2%
Lemoore	8,266	67%	2%	7%	20%	4%
Unincorporated	9,991	69%	14%	2%	1%	13%
<b>Kings County</b>	<b>42,484</b>	<b>71%</b>	<b>6%</b>	<b>7%</b>	<b>11%</b>	<b>5%</b>

Source: California Department of Finance, E-5 Report, May 2009

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2. Housing Tenure and Vacancies

Housing tenure (owner vs. renter) influences several aspects of the local housing market. Residential mobility is influenced by tenure, with ownership housing evidencing a lower turnover rate than rental housing. The vacancy rate also indicates the match between the demand and supply of housing. Table 2-14 details housing tenure and vacancies in Kings County and incorporated communities according to the 2000 Census.

Vacancy rates of 5% to 6% for rental housing and 1.5% to 2.0% for ownership housing are generally considered to be optimum. A higher vacancy rate may indicate an excess supply of units, a softer market, and result in lower housing prices. A lower vacancy rate may indicate a shortage of housing and high competition for available housing, which generally leads to higher housing prices and diminished affordability.

Table 2-14  
 Household Tenure and Vacancy Rates

Jurisdiction	Housing Units	For-Sale Units		Rental Units	
		Percent Owners	Vacancy Rate	Percent Renters	Vacancy Rate
Avenal	2,061	51%	3.1%	49%	5.2%
Corcoran	3,016	57%	1.6%	43%	9.1%
Hanford	14,721	59%	2.1%	41%	6.0%
Lemoore	6,823	55%	1.8%	45%	6.9%
Unincorporated	9,945	50%	1.1%	50%	3.3%
<b>Kings County</b>	<b>36,563</b>	<b>56%</b>	<b>1.8%</b>	<b>44%</b>	<b>5.6%</b>

Source: 2000 Census

According to the 2000 Census, the housing vacancy rate in Kings County totaled 1.8% among for-sale units and 5.6% for rental units. However, the vacancy rate varied among communities. Corcoran had the highest rental vacancy rate at 9.1% yet the lowest vacancy rate among for-sale units at 1.6%. Avenal had the highest vacancy rates among for-sale units (3.1%). Meanwhile, the unincorporated areas had the lowest rental and for-sale vacancy rates overall.

All jurisdictions reported that more than 50% of households owned a home. Hanford and Corcoran had the highest homeownership rates, an expected pattern due to the higher percentage of single-family residences in those communities.

3. Housing Conditions

Housing conditions are an important indicator of quality of life in Kings County communities. Like any asset, housing ages and deteriorates over time. If not regularly maintained, structures can deteriorate and discourage reinvestment, depress neighborhood property values, and even become health hazards. Thus maintaining and improving housing quality is an important goal for communities.

Housing age can be an indicator of the need for housing rehabilitation. Shown in Table 2-15, the 2000 Census reported that 60% of all housing in Kings County has been built since 1970, reflecting

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C. Housing Characteristics

the significant housing growth in recent decades. Approximately 27% of the homes Countywide were 30 to 50 years old, while 13% of the homes exceeded 50 years of age.

Most homes require increased maintenance after 30 years. Common repairs include a new roof, painting, plumbing, appliances and fixtures. Lemoore reported the newest housing stock with a median housing age of just 23 years. Avenal and the unincorporated areas had the highest percentage of housing that was more than 50 years old.

Homes older than 50 years often require more substantial repairs (e.g., new siding, plumbing, or upgrades to electrical systems) in order to maintain the useful life and quality of the structure. Moreover, lead-based paint hazards are also more common in homes built before 1978 and particularly for homes built more than 50 years ago.

Table 2-15  
 Age of Housing Stock

Jurisdiction	Housing Units	Median Age	Age Distribution		
			Less than 30 years	30 to 50 years	50 or more years
Avenal	2,061	1974	56%	26%	18%
Corcoran	3,016	1971	51%	33%	16%
Hanford	14,721	1978	64%	25%	11%
Lemoore	6,823	1980	72%	22%	6%
Unincorporated	9,945	N/A	48%	32%	19%
<b>Kings County</b>	<b>36,563</b>	<b>1980</b>	<b>60%</b>	<b>27%</b>	<b>13%</b>

Source: 2000 Census

As part of the 2009-2014 Housing Element update process, each jurisdiction in Kings County conducted a comprehensive survey of housing conditions within their community. The surveys were based upon criteria developed by the California Department of Housing and Community Development. Housing was classified according to five categories – sound, minor repair, moderate repair, substantial repair, or dilapidated. Table 2-16 summarizes the results of these housing conditions surveys.

Lemoore found the fewest problems, with 82% of the housing stock reported in sound condition. This is not surprising since Lemoore also has the newest housing stock. Hanford reported over three-quarters of its housing stock in sound condition. Avenal and Corcoran reported the highest proportions of structures with problems. In Avenal, 42% were in need of repair (minor, moderate or substantial) and 9% were considered dilapidated. In Corcoran, 55% of homes required repairs and 8% were dilapidated.

The housing plans for each of the jurisdictions include programs to improve housing conditions. These programs provide grants or loans to assist low- and moderate-income households with housing repairs and rehabilitation.

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**Table 2-16  
 Housing Conditions**

Jurisdiction	Housing Conditions				
	Sound	Minor Repair	Moderate Repair	Substantial Repair	Dilapidated
Avenal	49%	7%	22%	13%	9%
Corcoran	37%	18%	28%	9%	8%
Hanford	73%	19%	8%	<1%	<1%
Lemoore	82%	15%	3%	<1%	<1%
Unincorporated Community Districts and Public Utility District	<1%	24%	47%	15%	14%

Source: Housing Conditions Reports for individual jurisdictions (2008-09)

**4. Housing Affordability**

State law establishes five income categories for purposes of housing programs based on the area (i.e., County) median income ("AMI"): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above-moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to HUD and the California Department of Housing and Community Development<sup>3</sup>, housing is considered "affordable" if the monthly housing cost is no more than 30% of a household's gross income.

Table 2-17 shows current (2009) affordable rent levels and estimated affordable purchase prices for jurisdictions in Kings County by income category. Based on state-adopted standards, the maximum affordable monthly rent for extremely-low-income households is \$419, while the maximum affordable rent for very-low-income households is \$698. The maximum affordable rent for low-income households is \$1,116, while the maximum for moderate-income households is \$1,674. Maximum purchase prices are more difficult to determine due to variations in mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, property insurance rates, etc. With this caveat, the maximum home purchase prices by income category shown in Table 2-17 have been estimated based on typical conditions in Kings County.

**Table 2-17  
 Income Categories and Affordable Housing Costs**

2009 County Median Income = \$55,800	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	\$16,750	\$419	\$70,000
Very Low (31-50%)	\$27,900	\$698	\$115,000
Low (51-80%)	\$44,650	\$1,116	\$180,000
Moderate (81-120%)	\$66,950	\$1,674	\$275,000
Above moderate (120%+)	\$66,950+	\$1,674+	\$275,000+

Assumptions:  
 -Based on a family of 4  
 -30% of gross income for rent or PITI  
 -10% down payment, 5.5% interest, 1.25% taxes and insurance  
 Source: Cal. HCD; Conexus

<sup>3</sup> HCD memo of 4/2/2009 (<http://www.hcd.ca.gov/hpd/hrc/rep/state/inc2k9.pdf>)

**C. Housing Characteristics**

**a. Housing Prices**

According to the Kings County Board of Realtors, median sales prices for single-family detached homes in Kings County during 2008 and the first quarter of 2009 ranged from \$106,000 in Corcoran to \$219,000 in Lemoore (Table 2-18). Hanford and Lemoore, the largest cities, also had the highest median prices. Sales prices at recent new home developments (Table 2-19) ranged from \$190,000 in Avenal to \$334,000 in Lemoore. Comparing these home sales prices with the affordability categories shown in Table 2-17 above shows that a significant portion of single-family detached homes were priced within the low-income range, with many homes affordable to very-low-income households, particularly in Avenal, Corcoran and unincorporated areas. Most new homes were sold at prices affordable to moderate-income households. In Avenal, some new homes were affordable to larger low-income families.



**Copper Valley - Hanford**

**Table 2-18  
 Single-Family Home Sales Price Distribution, 2008-09**

Price Range	Avenal	Corcoran	Hanford	Lemoore	Unincorporated
Under \$100,000	5	18	17	3	7
\$100,000 - \$124,999	0	5	30	3	4
\$125,000 - \$149,999	1	6	44	11	3
\$150,000 - \$174,999	4	7	58	23	10
\$175,000 - \$199,999	3	2	82	33	7
\$200,000 - \$224,999	0	0	49	45	4
\$225,000 - \$249,999	0	0	62	50	0
\$250,000 - \$274,999	0	1	25	23	0
\$275,000 - \$299,999	0	0	25	10	0
\$300,000 - \$324,999	0	0	25	8	0
\$325,000 - \$349,999	0	0	15	7	0
\$350,000+	0	0	15	2	0
Median	\$132,000	\$106,000	\$195,000	\$219,000	\$149,000

January 2008 - March 2009  
 Source: Kings County Board of Realtors, 4/2009

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Recent new home developments (Table 2-19) had sales prices ranging \$190,000 in Avenal to \$334,000 in Lemoore. Comparing these new home sales prices with the affordability categories shown in Table 2-17 above shows that most new single-family detached homes were priced within the moderate-income range. Real estate listings for recently built single-family homes (Table 2-20) show that most asking prices are in the moderate-income range of \$170,000 to \$275,000, with a few homes priced in the low-income range in Avenal, Corcoran and the unincorporated areas of the County. A few homes in Hanford and Lemoore have asking prices in the above-moderate category.



Larkspur - Corcoran

**Table 2-19**  
**Kings County New Home Prices 2008-2009**

Jurisdiction	Project/Builder	Price Range	Income Category
Avenal	Panda Koala Homes	\$190,000 - \$235,000	Moderate
Corcoran	Larkspur/K. Hovnanian	\$160,000 - \$213,000	Low/Moderate
Hanford	Villas at Copper Valley/Centex	\$204,000 - \$240,000	Moderate
Lemoore	Liberty/Lennar	\$229,000 - \$334,000	Moderate/Above
Lemoore	The Landing/Thorson-Flatley	\$289,000 - \$329,000	Above
Unincorporated	Aster Circle/Spradling Construction	\$161,000 - \$195,000	Low/Moderate

Source: Conexus, 2009

A relatively small but important component of the housing market is represented by mobile homes. As of 2009, Kings County had more than 2,100 mobile homes, located primarily in unincorporated, rural areas. According to the 2000 Census, senior households owned approximately one-half of the mobile homes. Typical sales prices for new mobile homes range from approximately \$24,000 for a small (600 to 800 square feet) single-wide economy model to \$72,000 or more for a large (1,800 to 1,900 square feet) double/triple wide model<sup>4</sup>, and represent an affordable homeownership option for many households.

<sup>4</sup> Source: <http://www.mh-quote.com>, 6/2009

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**Table 2-20  
 Kings County New Home Listings 2009**

Area (Zip Code)	Type	Price	Income Category	Year Built	Size	Bdrms.	Baths	Lot Size	Developer/Broker
<b>Avenal (93204)*</b>									
400 N First Avenue	SFD	219,000		2005	1,574	3	2.5	5,227	Fernandez Real Estate
1029 East Fresno St	SFD	180,000		2004	1,239	4	2	7,013	Mountain View Real Estate
828 East Shasta St	SFD	129,500		2003	1,330	4	1.5	6,643	London Properties-Lender Services
<b>Corcoran (93212)</b>									
1710 Orange Avenue	SFD	169,900		UC	1,614	3	2	6,500	Melissa Martinez Broker
2322 Bell	SFD	165,900		2007	2,048	4	3	8,280	All Estate Realtors
1022 Village Dr	PUD	76,000		2005	1,364	4	2	3,779	Century 21 Jordan-Link & Co
<b>Hanford (93230)</b>									
1430 W Norfolk Dr.	SFD	358,000		2007	3,100	3	2.5	10,480	Talkot Real Estate
2087 N Fitzgerald	SFD	300,000		2007	3,033	4	3	10,963	Coldwell Banker Premier Real Estate
1402 Muscat Court	SFD	288,651		2009	2,118	3	2	8,869	McMillin Homes
1447 W Castoro Way	SFD	268,085		2009	2,008	3	2.5	9,585	McMillin Homes
1459 W Castoro Way	SFD	258,228		2009	1,809	3	2	14,638	McMillin Homes
1895 W Tudor Lane	SFD	235,000		2007	2,046	4	2.5	8,500	Searchlight Realty
1382 W Semillon Street	SFD	194,990		2009	1,357	3	2	7,150	McMillin Homes
1310 N Green Street	SFD	184,000		2007	1,509	4	2	4,687	Mark Raeber
798 S Del Rio Court	SFD	175,000		2008	1,528	3	2	8,408	Coldwell Banker Premier Real Estate
11422 Jones Street	SFD	49,500		2009	600	2	1	10,454	Martella Real Estate
<b>Lemoore (93245)</b>									
1255 Paradise Loop	SFD	330,000		2007	2,694	4	3	10,615	Mark Raeber
1483 Atlantic Ave (The Landing - model home)	SFD	329,000		2009	2,707	4	2.5	13,000	Jan Banks Real Estate
12476 19 1/2 Avenue	SFD	325,000		2008	2,554	4	3	18 ac.	C21 The United Group
1467 Atlantic Avenue (The Landing)	SFD	279,000		2009	2,078	3	3	7,770	Jan Banks Real Estate
15888 18 <sup>th</sup> Avenue	SFD	274,900		2007	2,500	5	2.5	38,333	Schuil and Associates Diversified RE
1435 Atlantic Avenue (The Landing)	SFD	259,000		2009	1,769	4	2	7,770	Jan Banks Real Estate
1099 Fallenleaf Dr	SFD	249,000		2007	1,875	3	2	9,583	Century 21 Jordan-Link & Co
<b>Unincorporated (Armona 93202)</b>									
10636 Aster Circle (Armona North-Ph 4)	SFD	194,950		2006	1,662	4	2	5,259	Family Realty and Appraisal
10653 Honeysuckle Cir. (Armona North-Ph 4)	SFD	179,900		2009	1,200	3	2	n.a.	Family Realty and Appraisal
10739 Aster Cir (Armona North-Ph 4)	SFD	174,500		2006	1,662	4	2	10,258	American Dream Realty
10646 Hyacinth (Armona North-Ph 4)	SFD	164,500		2006	1,440	4	2	5,100	Coldwell Banker Premier Real Estate
10701 Aster Circle (Armona North-Ph 4)	SFD	161,370		2006	1,660	3	2	7,500	C21 Jordan-Link & Co

Source: Realtor.com, 6/30/2009

\*All home listings in Avenal all are resales 6 yrs old or less

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b. Rental Market

For many lower-income households, rental housing is an affordable option. Shown below in Table 2-21, all recently-built apartments in Kings County are affordable to lower-income households, including both income-restricted and market-rate units. Income-restricted projects also include units affordable at the very-low- and extremely-low-income level.



Market rate duplex - Hanford

1,500 units of affordable housing to extremely-low-, very-low- and low-income individuals, families, seniors, and disabled persons (see Table 2-32 on page 2-28).



El Palmar Apartments - Avenal

In addition to the newer market-rate apartment projects shown here, Kings County has a substantial number of assisted multi-family projects that were built prior to the last planning period. As discussed later in this chapter, Kings County has approximately 25 multi-family

projects financed with a variety of local, state, and federal funds. These projects provide approximately

Table 2-21  
Rents for Recently-Built Apartments, 2009

Jurisdiction/Project	Address	No. Units	Rent by Unit Size			
			1 Bdrm	2 Bdrms	3 Bdrms	4 Bdrms
<b>Avenal</b>						
El Palmar	1112 E. Whitney	81	--	\$425	\$611	\$762
Hearthstone Village	1217 S 7th Ave	81	--	\$425	\$611	\$762
Villa Esperanza	500 E Alpine	81	--	\$425	\$611	\$762
<b>Corcoran</b>						
Dairy Villas Apts.	1830 Dairy Ave.	69	--	\$342-685*	\$396-792*	\$441-883*
Kings Manor Apts.	1420 North Ave	80	--	\$326-660*	\$375-730*	--
Avalon Family Apts.	2502 Hanna Ave.	56	--	\$326-703*	\$375-810*	\$416-901*
<b>Hanford</b>						
Windgate Village Apts.	536 E. Grangeville	54	\$725-750	\$925-950	--	--
Lincoln Plaza Apts.	804 S. Harris St.	40	--	\$400-450*	\$450-500*	\$500-550*
Lomarey Apts.	1426 S. 11 <sup>th</sup> Ave.	4	--	\$750	--	--
(no project name)	109 E. Third St.	3	--	\$800	--	--
(no project name)	576 S. Douty St.	2	--	\$800	--	--
(no project name)	320-340 N. East St.	4	--	\$850	--	--
(no project name)	211 W. South St.	2	--	\$576	\$700	--
<b>Lemoore</b>						
College Park Apts.	899 Dogwood	120	\$790	\$975-990	--	--
Silva		48	--	\$905-935	\$1,005-1,035	--
Montgomery Crossings	1150 Tammy Lane	57	--	\$376-753*	\$435-870*	\$485-970*
Valley Oak (Butler)	1165 Hanford-Armona Rd.	73	\$675	\$750-850	\$950	--
<b>Unincorporated area</b>						
Railroad Ave. fourplex	10842 Railroad Av, Armona	4	--	\$700	--	--

\*Income-restricted affordable units  
Source: Conexus, 6/2009

D. Special Needs Groups

D. Special Needs Groups

Certain groups have greater difficulty in finding decent, affordable housing due to special circumstances. Special circumstances may be related to one's income, family characteristics, and disability status among others. In Kings County, persons and households with special needs include seniors, families with children (large households and single-parents with children) military personnel, agricultural employees, persons with disabilities, and the homeless. This section analyzes these special needs groups and identifies resources and programs designed to address these needs.

1. Seniors

According to the 2000 Census, the County had 9,557 seniors age 65 years and older. The majority of seniors lived in a home (as opposed to group quarters), with a total of 5,815 households. Hanford and the unincorporated County had the largest number of senior households.



Senior households have special housing needs primarily due to three concerns – physical disabilities or limitations, limited income, and higher medical costs. Table 2-22 provides a summary of key housing need indicators for seniors, including the percentage of seniors with a disability, median income, percent renters, and the percentage of senior renters overpaying for housing gleaned from the 2000 Census.

Table 2-22  
Senior Housing Needs in Kings County

Jurisdiction	Senior Households			Senior Housing Needs		
	No. of Households	Percent of All Households	Percent Renters	Percent of Seniors with a Disability	Median Income	Percent Renters Overpaying
Avenal	240	12%	20%	57%	\$15,909	37%
Corcoran	488	18%	26%	48%	\$25,868	53%
Hanford	2,633	12%	28%	46%	\$25,405	68%
Lemoore	788	19%	24%	42%	\$25,789	40%
Unincorporated	1,666	18%	17%	50%	N/A	46%
<b>Kings County</b>	<b>5,815</b>	<b>17%</b>	<b>24%</b>	<b>47%</b>	<b>\$25,456</b>	<b>58%</b>

Source: 2000 Census

Seniors require a variety of housing options, depending on their life circumstance. While 76% of seniors were homeowners, a variety of factors such as fixed retirement incomes, rising health care costs and physical disabilities can result in deferred home maintenance. Each jurisdiction's housing plan includes grant or loan programs to help seniors with repairs. Seniors with mobility disabilities may also require home modifications to improve accessibility and facilitate independent living. All jurisdictions have programs to ensure reasonable accommodation for persons with disabilities.

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Senior renters, while facing similar income and mobility limitations as homeowners, are often at greater risk due to housing costs. According to the Census, 58% of all senior renters overpaid for housing. To address these needs, the Housing Authority administers Section 8 rent subsidy vouchers for extremely-low- and very-low-income seniors. In addition, subsidized rental projects provide affordable housing options for many seniors.

The Kings/Tulare Area Agency on Aging and the Kings County Commission on Aging provide leadership at the local level in developing systems for home- and community-based services that maintain seniors in the least restrictive environment for as long as possible. Each jurisdiction also provides other types of supportive services for seniors. However, at some point in time, seniors may require a more supportive living environment. Congregate care facilities, residential care facilities, and skilled nursing facilities provide a wide range of housing, supportive, and medical services for seniors requiring additional care. The majority of independent and supportive residential environments are located in the most urbanized portions of the County in Hanford and Lemoore.

2. Female-Headed Households and Large Families

Female-headed households and large families with five or more members have special housing needs. Single-parents require affordable housing, accessible daycare, health care, and other supportive services. Large families have many of the same needs, but may have greater difficulty finding suitably-sized rental housing.

Female-headed households comprised a large percentage of households in Kings County. State law recognizes that these households face challenges due to a combination of income levels, child care expenses, and housing availability. As shown in Table 2-23, the proportion of female-headed households ranged from 18% in the unincorporated area to 29% in Hanford. Large families represented between 16% (Lemoore and the unincorporated County) and 40% (Avenal) of all households.

The Housing Authority helps address the needs of these families by providing rental assistance in the form of Section 8 vouchers for extremely-low- and very-low-income households. Vouchers provide the difference between the market rent charged for the unit and the amount of rent that can be afforded by the household, typically no more than 30% of household income.

Table 2-23  
 Female-Headed Households and Large Families

Jurisdiction	Female Headed Households		Large Families	
	No. of Households	Percent of All Households	No. of Households	Percent of All Households
Avenal	428	22%	767	40%
Corcoran	703	26%	737	27%
Hanford	4,124	29%	1,143	18%
Lemoore	1,817	28%	2,259	16%
Unincorporated	1,677	18%	2,177	16%
<b>Kings County</b>	<b>8,749</b>	<b>25%</b>	<b>7,083</b>	<b>21%</b>

Source: 2000 Census

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D. Special Needs Groups

Whereas providing rental assistance helps meet the needs of extremely-low- and very-low-income households, the underlying need for affordable housing units must also be addressed. As discussed in Table 2-32, Assisted Housing Units (page 2-28), Kings County has a total of over 2,500 units of subsidized affordable housing. The majority of these projects are located in Hanford and Lemoore. The Housing Plan (Chapter 5) sets forth programs to encourage the construction of additional affordable rental and ownership housing.

3. Military Personnel and Veterans

The U.S. Navy plays a critical role in Kings County economy and its housing market. Lemoore is home to the Naval Air Station Lemoore (NASL). Commissioned in 1961, NASL serves as the master training center for carrier-based fighter squadrons for the United States Pacific Fleet. According to NASL, military personnel at the base totaled approximately 7,500 enlistees and officers in 2009. Of those, approximately 40% were single and 60% had families.

There are currently (2009) 1,630 residential units on base, which is significantly fewer than the total housing need for base personnel and their families. In addition to Navy personnel, approximately 2,700 civilians are employed on-base. Because of the housing shortfall, military personnel and civilians must find accommodations in nearby communities.



The basic housing allowance provided to Navy personnel ranges from \$734 to \$1,461 for single individuals and from \$979 to \$1,756 for families. Single-service members, grade E-1 through E-4, are typically required to live on-base, while enlistees with their families must compete for remaining base family housing without any preference based on their pay grade.

In addition to active personnel, military veterans comprised a significant need group. According to the 2000 Census, approximately 10,500 military veterans lived within Kings County and actually comprised a significant percentage of adults in each community. Among incorporated cities, veterans comprised 9% of the adult population of Avenal and Corcoran, 14% of adults residing Hanford, and 17% of adults in Lemoore. Assuming one veteran per household, veterans comprised more than one of ten households.

Table 2-24  
 Leading Agricultural Crops, Kings County

Crop	Rank	Value
Milk	1	\$670,408,000
Cotton	2	\$140,628,000
Cattle and Calves	3	\$120,324,000
Alfalfa	4	\$104,889,000
Processed Tomatoes	5	\$101,083,000
Corn Silage	6	\$96,031,000
Wheat Grain	7	\$74,841,000
Pistachios	8	\$53,079,000
Wheat, Silage	9	\$40,177,000
Peaches	10	\$38,700,000

Source: 2008 Kings County Crop Report

4. Agricultural Employees

Kings County is one of the state's major agricultural areas, ranking 8th among California counties in total agricultural production. According to the Kings County Agricultural Commissioner, 84% of the total land area in the County is devoted to farm land. Table 2-24 shows the County's ten leading agricultural products.

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The 2000 Census reported 3,141 persons employed in farming, fishing and forestry occupations in Kings County. Of these, 43% were enumerated in unincorporated areas (Table 2-25). Other estimates of the farmworker population come from the Migrant Health Program, housed in the federal Bureau of Primary Health Care, Health Resources and Services Administration<sup>5</sup>. In their most recent study (2000), MHP researchers estimated that there were approximately 9,000 seasonal workers and 7,700 migrant farmworkers (those who establish temporary residences in connection with their work) in Kings County. The estimated total population for all farmworker households (including non-farmworker members) was nearly 30,000 (Table 2-26). The difficulty in enumerating farmworkers, and especially migrant farmworkers, helps to explain the large difference between the Census data and the Migrant Health Program statistics.

**Table 2-25  
 Farmworkers by Jurisdiction**

Jurisdiction of Residence	Number of Farmworkers	% of County Total
Avenal	647	21%
Corcoran	324	10%
Hanford	516	16%
Lemoore	288	9%
Unincorporated	1,366	43%
<b>Kings County</b>	<b>3,141</b>	<b>100%</b>

Source: 2000 Census, SF3 Table P50

**Table 2-26  
 Migrant and Seasonal Farmworkers, Kings County**

Jurisdiction	Farmworkers	Migrant Farmworkers	Seasonal Workers	Farmer Workers + Other Household Members
Kings County	16,592	7,682	8,910	29,526

Source: Bureau of Primary Health Care, Health Resources and Services Administration, 2000

Farmworkers have special housing needs due to their relatively low wages. According to California Employment Development Department<sup>6</sup>, the median wage for farmworkers is \$8.01/hour, which is equivalent to approximately \$16,000/year for full-time work. As a result, farmworkers often overpay for housing (in relation to their income) and/or live in overcrowded and substandard living situations.



The nature of agricultural work also affects the specific housing needs of farmworkers. For instance, farmworkers employed on a year-round basis generally live with their families and need permanent affordable housing much like other lower-income households. Migrant farmworkers who follow seasonal harvests generally need temporary housing only for the workers themselves.

<sup>5</sup> Migrant and Seasonal Farmworkers Enumeration Profile Study: California," Alice C. Larsen, Ph. D., Migrant Health Program, Bureau of Primary Health Care, Health Resources and Services Administration. September 2000.  
<sup>6</sup> <http://www.labormarketinfo.edd.ca.gov/?pageid=146>

D. Special Needs Groups

California has a statewide shortage of farmworker housing projects. For instance, the number of agricultural employee housing facilities registered with the State of California Department of Housing and Community Development (HCD) has dramatically declined since the 1950s. Between 1955 and 1982, grower-registered facilities declined from 9,000 to 1,414 camps. By 1998, only 500 camps were registered with HCD, none of which were in Kings County. According to growers, the dramatic decline in labor camps is due to the high cost of maintaining housing and the climate of litigation facing growers who maintain camps.

Although no farmworker camps exist in Kings County, the County does have a significant number of government-subsidized housing projects (e.g., Section 515 and public housing) which house farmworkers and their families. Many farmworkers also live in mobile homes on the farming site. A new farmworker housing project was completed in Hanford during the previous planning period (2003-2008). That project involved the renovation of an existing former motel into a temporary and/or long-term, permanent agricultural employee housing. The project included 24 units plus parking, courtyard, children's play areas and open space.

The Constraints analysis (Chapter 4) contains a discussion of each jurisdiction's land use policies and regulations regarding farmworker housing. In communities with large farmworker populations, such as Avenal and Corcoran, farmworker housing needs are met through City-funded homeownership assistance and rehabilitation loans. The majority of loans under both types of programs are issued to people working in the agricultural industry. Moreover, the majority of occupants of Section 515 projects and other subsidized projects also are employed in the farming industry. In Hanford and Lemoore, the farmworker population is significantly smaller, although many farmworkers also access standard homeownership and/or rehabilitation loans. The Housing Plan (Chapter 5) includes programs to address the housing and supportive services needs of farmworkers.

5. Persons with Disabilities

According to the Census Bureau, a "disability" is "... a long-lasting physical, mental, or emotional condition that can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business". The Census tracks six types of disabilities – sensory, physical, mental, self-care, go outside the home, and employment.

Disabilities are most common among senior citizens. In 2000, the proportion of people 65 years of age and over reporting some type of physical disability ranged from 29% in Hanford to 33% in the unincorporated area. The incidence of disabilities affecting employment among the working age population was considerably less, ranging from 7% in Avenal to 11% in Hanford (see Table 2-27).

For persons requiring a more supportive setting, Kings County has over 20 licensed care facilities. The Central Valley Regional Center is a private, nonprofit corporation that provides services to persons with developmental disabilities in Fresno, Kings, Madera, Mariposa, Merced, and Tulare Counties. The Center provides diagnosis, evaluation, and case management services. The Center also operates approximately 20 small group homes for mentally disabled clients and placement services to help clients find affordable, independent housing (typically Section 8 units). The Kings County Rehabilitation Center in Hanford also offers rehabilitation, vocational and life training, and operates four group homes for mentally and physically handicapped individuals.

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**Table 2-27**  
**Disabilities by Age**

Disability by Age	Avenal		Corcoran		Hanford		Lemoore		Unincorporated Area		County Total	
	Persons	Percent	Persons	Percent	Persons	Percent	Persons	Percent	Persons	Percent	Persons	Percent
<b>Age 5 to 15 - total persons</b>	<b>2,033</b>		<b>2,202</b>		<b>8,237</b>		<b>4,054</b>		<b>6,751</b>		<b>23,277</b>	
Sensory disability	17	0.8%	5	0.2%	113	1.4%	26	0.6%	97	1.4%	258	1.1%
Physical disability	10	0.5%	0	-	146	1.8%	22	0.5%	126	1.9%	304	1.3%
Mental disability	47	2.3%	68	3.1%	477	5.8%	194	4.8%	364	5.4%	1,150	4.9%
Self-care disability	0	-	19	0.9%	147	1.8%	46	1.1%	97	1.4%	309	1.3%
<b>Age 16 to 64 - total persons</b>	<b>11,347</b>		<b>10,326</b>		<b>25,686</b>		<b>12,358</b>		<b>26,573</b>		<b>86,290</b>	
Sensory disability	120	1.1%	131	1.3%	565	2.2%	244	2.0%	558	2.1%	1,618	1.9%
Physical disability	310	2.7%	485	4.7%	2,090	8.1%	720	5.8%	1,198	4.5%	4,803	5.6%
Mental disability	196	1.7%	311	3.0%	1,320	5.1%	482	3.9%	744	2.8%	3,053	3.5%
Self-care disability	115	1.0%	138	1.3%	648	2.5%	138	1.1%	343	1.3%	1,382	1.6%
Go-outside-the-home disability	454	4.0%	723	7.0%	1,921	7.5%	823	6.7%	1,458	5.5%	5,379	6.2%
Employment disability	759	6.7%	943	9.1%	2,859	11.1%	1,277	10.3%	2,048	7.7%	7,886	9.1%
<b>Age 65 and over - total persons</b>	<b>441</b>		<b>832</b>		<b>4,347</b>		<b>1,227</b>		<b>2,842</b>		<b>9,689</b>	
Sensory disability	91	20.6%	115	13.8%	616	14.2%	163	13.3%	441	15.5%	1,426	14.7%
Physical disability	136	30.8%	263	31.6%	1,272	29.3%	372	30.3%	934	32.9%	2,977	30.7%
Mental disability	53	12.0%	122	14.7%	485	11.2%	164	13.4%	290	10.2%	1,114	11.5%
Self-care disability	45	10.2%	107	12.9%	476	11.0%	101	8.2%	288	10.1%	1,017	10.5%
Go-outside-the-home disability	99	22.4%	211	25.4%	950	21.9%	241	19.6%	711	25.0%	2,212	22.8%

Note: Numbers in shaded rows represent persons, not disabilities. Persons may report more than one disability.  
 Source: 2000 Census, SF3 Tables P8 and P41

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**D. Special Needs Groups**

State and federal law mandate minimum accessibility standards for housing. For example, local governments that use federal housing funds must meet federal accessibility guidelines for new construction and substantial rehabilitation. At least 5% of the units must be accessible to persons with mobility impairments, and an additional 2% must be accessible to persons with sensory impairments. New multi-family housing must be built so that: 1) the public and common use portions of such units are readily accessible to and usable by disabled persons; 2) the doors allowing passage into and within such units can accommodate wheelchairs; and 3) all units contain adaptive design features. In addition, state law requires all jurisdictions to provide reasonable accommodation in the application of housing policies and regulations (see Chapter 4. Constraints for additional discussion). Programs to assist persons with disabilities in securing accessible housing include the adoption of Reasonable Accommodation ordinances and the Section 8 Program (see Chapter 5 – Housing Plan).

**6. Homeless**

Homelessness is usually the result of a multiple of factors that converge in a person's life. The combination of loss of employment, inability to find a job because of the need for retraining, and high housing costs lead to some individuals and families losing their housing. For others, the loss of housing is due to chronic health problems, physical disabilities, mental health disabilities or drug and alcohol addictions along with an inability to access the services and long-term support needed to address these conditions.

Obtaining an accurate assessment of the magnitude of the homeless population is difficult because many individuals are not visibly homeless but rather live with relatives or friends, in hotels/motels or shelters, and other temporary accommodations. In an attempt to address the needs of homeless people in Kings County, the Kings/Tulare County Continuum of Care Coordinating Group conducted a Point-in-Time survey of homeless people in these two counties in January 2009.

Based on a survey of 261 persons, the following portrait of homeless people emerged.

- 44% have been homeless for one year or more; 20% are chronic homeless
- 60% are of Hispanic origin and 41% are female
- 20% are employed
- 19% are families with children
- 16% are victims of domestic violence
- 53% have a physical disability
- 8% are veterans

As of 2009, 62% of the homeless population is housed in temporary living arrangements. Of this total, 49% lived with friends or relatives, 6% lived in transitional housing, 3% in emergency shelters, and 4% in hotels/motels. About one-third were living on the streets or in a car.

Currently, a significant shortage of services exists for the homeless population in Kings County. Religious and nonprofit service organizations provide some services, but the overall service network is fragmented. The Kings/Tulare County Continuum of Care Group was created to provide a forum for

**Table 2-28  
Homeless Persons**

Jurisdiction	Estimated Total Homeless
Avenal	104
Corcoran	25
Hanford	237
Lemoore	1
Unincorporated area	54
<b>Kings County totals</b>	<b>421</b>

Source: Kings/Tulare County Continuum of Care, 2009

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identifying needs, coordinating service delivery to homeless people, and applying for state and federal grants.

Kings Community Action Organization (KCAO) is a private, nonprofit organization established in 1967 that provides various assistance programs to low income individuals, including emergency food, shelter, utility assistance, and rental assistance. The KCAO operates a 38-bed shelter in Hanford for women and children (Table 2-29). In addition, 86 transitional housing beds are located in Hanford and Lemoore (Table 2-30).

**Table 2-29  
Emergency Shelter Facilities**

Provider	Target Population	Family Beds	Individual Beds	Total Beds
Kings Community Action Organization (Barbara Saville Women's Shelter)	Single females and females w/ children	30	8	38
<b>Total Year-Round Capacity</b>		<b>30</b>	<b>8</b>	<b>38</b>
Seasonal Facilities	N/A	N/A	N/A	N/A
Total Seasonal Capacity	N/A	N/A	N/A	N/A
Total Capacity		<b>30</b>	<b>8</b>	<b>38</b>

Sources: Barbara Saville Women's Shelter, United Way of Tulare, 2009

**Table 2-30  
Transitional and Supportive Housing Facilities**

Provider	Target Population	Family Beds	Individual Beds	Total Beds	Location
Foster care transitional home	Aged-out foster girls	0	6	6	Lemoore
Foster care transitional home	Aged-out foster boys	0	6	6	Hanford
Champions Recovery Alternatives Program (Hannah's House)	Single females and households w/children	6	9	15	Hanford
Cornerstone Men's Recovery*	Single males	-	29	29	Hanford
Cornerstone Women's Recovery*	Single females and households w/children	8	22	30	Hanford
<b>Total Transitional and Supportive Housing</b>		<b>14</b>	<b>72</b>	<b>86</b>	

\*The Cornerstone Men's and Women's Recovery facilities are not accepting new clients into their facilities because of funding cuts. All Cornerstone shelters may be completely converted into an outpatient treatment program because of funding cuts.  
 Sources: Housing Authority of Kings County, United Way of Tulare County, 2009

Additional emergency assistance is provided by the Salvation Army in Hanford, which provides short-term assistance in the form of food, financial assistance for rent and utility bills, motel vouchers and bus or plane tickets. Corcoran Christian Aid provides food, vouchers and other types of emergency financial assistance within Corcoran.

Despite these services, a significant shortage in emergency shelters and transitional housing remains. In 2007 the State Legislature passed Senate Bill (SB) 2, which strengthened the planning and zoning

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E. Analysis of At Risk Housing

requirements for emergency shelters and transitional housing. SB2 requires that all jurisdictions adopt zoning regulations that allow emergency shelters by-right in at least one zone, subject to objective development standards, or as an alternative, the jurisdiction may meet the need through a multi-jurisdictional agreement with up to three adjacent jurisdictions. In response to SB2, the Housing Plan (Chapter 5) includes a program to update Zoning Ordinances in conformance with state law.

E. Analysis of At Risk Housing

State law requires that all housing elements include an analysis of existing assisted housing projects that are eligible to change from low-income housing to market rate housing during the next ten years due to termination of subsidy contracts, mortgage prepayment, or expiration of affordability restrictions. Assisted housing developments include multi-family rental housing that receives assistance under certain federal and state programs, as well as local programs (e.g., redevelopment, in-lieu fees, inclusionary and/or density bonus program).



1. Inventory of Affordable Housing

Kings County and its four incorporated cities have over 40 projects providing more than 2,400 affordable rental units subsidized through local, state, and federal programs. Covenants and deed restrictions are used to maintain the affordability of publicly assisted housing as affordable to low- and moderate-income households. Over time, however, these covenants and use restrictions expire and must be renewed or renegotiated to ensure continued affordability of housing. Table 2-32 shows the assisted rental projects in Kings County for which affordability controls are currently in place. Three projects with 117 deed-restricted units have affordability covenants that could expire within the next 10 years – one each in Corcoran, Hanford, and Lemoore (Table 2-31). These projects are considered “at-risk.”

Table 2-31  
At-Risk Housing Projects, 2009-2019

Project	Jurisdiction	Affordable Units
Saltair Place	Corcoran	40
Cedarbrook	Hanford	70
Lucerne Hotel	Lemoore	7
<b>Kings County totals</b>		<b>117</b>

Source: Kings County, 2009

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Table 2-32  
Assisted Housing Units

Project/Jurisdiction	Year Built	Total Units	Low Income Units	Assistance Program	Covenant Expires
<b>Avenal</b>					
El Palmar Apartments	2004	81	80	TCAC, RDA, CCRC (Large Family)	2059
Hearthstone Village	2005	81	80	TCAC (Large Family)	2060
Pleasant Valley Manor Apts	1986	40	39	USDA Rural Dev, Section 515 (Family)	2036
Villa Esperanza	2008	81	80	TCAC (Large Family)	2063
Wien Manor	1983	40	38	HUD, Section 515 (Family)	2032
<b>Totals - Avenal</b>		<b>323</b>	<b>317</b>		
<b>Corcoran</b>					
Avalon Family Apartments	N/A	56	55	TCAC (Large Family)	2035
Carolyn Apartments	1983	40	38	HUD, Section 515 (Family)	2032
Corcoran Family Apartments	2009	69	68	TCAC (Large Family)	2064
Corcoran Garden Apartments	2002	38	38	TCAC, Section 515 (Large Family)	2032
Corcoran Station Senior Apts	1997	44	44	CHRRP, RDA, HOME (Elderly)	2047
Kings Manor	2004	81	80	TCAC, Bonds (Large Family)	2059
<b>Saltair Place</b>	<b>2004</b>	<b>42</b>	<b>40</b>	<b>TCAC (Large Family)</b>	<b>2014</b>
Valley View Village	1966	100	100	HUD	N/A
Westgate Manor	1985	45	44	Section 515 (Elderly, Disabled)	2035
Whitley Gardens I	1979	63	62	TCAC (Non Targeted)	2029
Whitley Gardens II	1984	24	24	TCAC (Non Targeted)	2035
<b>Totals - Corcoran</b>		<b>602</b>	<b>593</b>		
<b>Hanford</b>					
Amberwood I	1996	48	42	USDA Rural Dev, Sec. 515 (Family)	2030
Amberwood II	1981	40	39	USDA RD and HUD, Sec 515 (Family)	2031
Cameron Commons	1982	32	32	RHCP	perpetuity
Casa Del Sol Apartments	1997	80	79	TCAC (Large Family)	2052
<b>Cedarbrook</b>	<b>1999</b>	<b>70</b>	<b>70</b>	<b>TCAC (Large Family)</b>	<b>2014</b>
Hanford Senior Villas	1982	48	47	TCAC (Senior)	2032
Heritage Park at Hanford	1997	81	80	TCAC (Senior)	2047
Kings View Apartments Inc	N/A	N/A	10	N/A	N/A
Kings View Hanford	N/A	10	10	HUD	2021
Lincoln Plaza	2006	40	39	TCAC (Large Family)	2061
Sunside Village	1969	150	150	HUD	perpetuity
View Road Apartments	1983	121	120	USDA Rural Development (Elderly)	2031
<b>Totals - Hanford</b>		<b>720</b>	<b>718</b>		
<b>Lemoore</b>					
Alderwood	1996	80	79	TCAC (Large Family)	2051
Antlers Hotel	2003	10	10	CDBG/RDA	2058
Brookfair Manor	1968	72	72	FDIC Affordable Housing Prog (Family)	2052
Country Club Apartments	1965	108	55		
Kings River Apartments	1986	44	43	USDA, Section 515	2034
Lemoore Elderly	1987	23	23	USDA, Section 515	2032
Lemoore Villa	1979	28	28	USDA, Section 515	2032
<b>Lucerne Hotel</b>	<b>2001</b>	<b>7</b>	<b>7</b>	<b>RDA</b>	<b>2015</b>
Montclair Apartments	1999	80	79	TCAC (Large Family)	2054
Montgomery Crossing	2009	57	56	TCAC (Large Family)	2064
Mountain View Apartments	1988	39	38	HUD, Section 515	2037
Villa San Joaquin	1975	36	35	TCAC, Section 515 (Non Targeted)	2059
Westberry Square Apartments	1998	100	99	TCAC (Large Family)	2053
<b>Totals - Lemoore</b>		<b>684</b>	<b>624</b>		
<b>Unincorporated Area</b>					
Armona Village	1986	33	32	USDA Rural Development, Section 515	2033
Kettleman City Apartments	1983	40	40	USDA Rural Development, Sec 514/516	2032
Single Family Homes (various)	1980s	7	7	Public Housing	perpetuity
Sycamore Court	1966	118	118	HUD	perpetuity
<b>Totals - Unincorporated Area</b>		<b>198</b>	<b>197</b>		
<b>Grand Total - Kings County</b>		<b>2,527</b>	<b>2,449</b>		

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**E. Analysis of At Risk Housing**

**2. Analysis of At-Risk Projects**

Projects in Kings County are financed under four basic loan programs. These loan programs include USDA Rural Development Section 514/515/516, HUD Section 202/811, HUD Section 236(j)(1), and Low Income Housing Tax Credits. All three of the at-risk projects were assisted with Low Income Housing Tax Credits (LIHTC).

The LIHTC Program is a tool for financing the construction or rehabilitation of affordable rental units for low- and very-low-income persons. The program provides an annual federal tax credit ranging from 4% to 9% (the lower amount is for federally funded projects) of project costs. Eligible costs include acquisition, construction, or rehabilitation (but not land costs). Tax credits can be used to offset income tax liability on a dollar-for-dollar basis for 10 years or provide additional project equity through syndication of the credits. The three at-risk projects currently provide 117 units of deed-restricted affordable housing.

**3. Preservation Options**

Jurisdictions can utilize three major strategies to ensure that affordable units remain affordable to the intended income group: 1) transfer of ownership to a nonprofit; 2) providing rental assistance; or 3) replacement of at-risk housing with new units.

**a. Transfer of Ownership to a Nonprofit**

Transferring ownership of an at-risk project to a nonprofit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable. By transferring ownership to a nonprofit organization, low-income restrictions can be secured indefinitely and the project becomes eligible for a greater range of governmental assistance. Table 2-33 shows the estimated market value of the three at-risk projects based on typical current apartment prices. Based on these estimates, the total cost of transferring ownership of these projects would be approximately \$5.8 to \$8.2 million.

**Table 2-33  
 Market Value of At-Risk Projects**

Project	No. Units	Est. Market Value*	Type
Saltair Place	40	\$2.0 - 2.8 million	Multi-family
Cedarbrook	70	\$3.5 - 4.9 million	Multi-family
Lucerne Hotel	7	\$350,000 - 490,000	Mixed use

\*Based on average per-unit value of \$50,000 - \$70,000

**b. Rental Assistance**

Rental assistance could be structured in a similar fashion to Section 8 where the tenant pays 30% of gross income for housing with the balance paid by rental assistance. The feasibility of this alternative is highly dependent on the availability of funding sources necessary to provide the rental subsidies and the willingness of the owners to accept the subsidies if they are provided. The amount of subsidy required is estimated to be the difference between what a three-person very-low-income household can afford to pay per month<sup>7</sup> (\$628 in 2009) versus the fair market rent<sup>8</sup> determined by HUD for a

<sup>7</sup> California Department of Housing and Community Development, 2009 Income Limits.

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two bedroom unit (\$766), times the 117 at-risk units. Taken together, the total cost for rental subsidies would be \$16,146 per month, which equates to \$193,752 annually for the three at-risk projects.

**c. Construction of Replacement Units**

Constructing new low-income housing units is another means of replacing at-risk units that convert to market-rate use. The cost of developing the new housing depends upon a variety of factors, including density, unit size, location, land costs, and type of construction. Local non-profit developers indicate that total development costs (including "soft" costs) for recent multi-family developments has been approximately \$180 per square foot. Based on this average, construction of 117 replacement units would cost approximately \$16.8 million, assuming an average unit size of 800 square feet. Factoring in land costs would make this amount much higher, and would vary depending on the number of sites used to construct the housing as well as the location of the sites. Even without factoring in the land costs, the cost of constructing replacement units exceeds the cost of acquisition or rental assistance. Factoring in land costs would likely make replacement units the least feasible among the three alternatives unless a significant amount of public subsidies (e.g., tax credits) were provided.

**F. Housing Growth Needs**

**1. Overview of the Regional Housing Needs Allocation**

The Regional Housing Needs Allocation (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the 7½-year period from January 2007 through June 2014. Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans.

In determining the housing allocation for the five jurisdictions within Kings County, the Kings County Association of Governments (KCAG) developed an allocation methodology with the assistance of the Kings Regional Housing Technical Advisory Committee (KRHTAC). This methodology takes into account local growth assumptions and considers certain criteria as specified in *Government Code* §65584(a). The criteria used in this methodology include an analysis of available data on local housing, population, economic, and other growth factors. One growth assumption deemed relevant to housing growth and demand within Kings County is the housing needs of Naval Air Station Lemoore personnel. Although the housing unit allocations in the RHNA are not required to take into account the military base, the Indian reservation, or prison populations, the Naval Air Station Lemoore is identified as a relevant factor. Using the assumptions and methodology detailed within the RHNA plan, KCAG in coordination with the KRHTAC derived the distribution of each jurisdiction's share of the regional housing need and allocated the units according to the four income categories for housing affordability.

The goal of the RHNA Plan is to promote a fair distribution of attainable housing among the four cities and the unincorporated County in a way that also helps meet the state's housing goals. Attainable housing is defined as housing that is both sufficient in supply and affordably priced. The

<sup>8</sup> Kings County Housing Authority, <http://www.hakc.com/HCV/fmrua.htm>.

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**F. Housing Growth Needs**

total housing units specified in the RHNA plan for each jurisdiction are not to be construed as quotas for development. The RHNA Plan only determines the number and affordability of housing units that jurisdictions need to plan for through land use policies, regulations, infrastructure plans, and other housing assistance programs. Construction and development of these allocations is not a requirement of the RHNA plan.

**Table 2-34  
 Regional Housing Needs, 2007-2014**

Jurisdiction	Extremely Low*	Very Low*	Low	Moderate	Above Mod	Total
Avenal	40	40	126	214	291	711
Corcoran	40	40	160	295	370	905
Hanford	723	723	1,015	938	2,359	5,758
Lemoore	374	374	534	502	1,237	3,021
Unincorporated	69	68	193	316	448	1,094
<b>Kings County total</b>	<b>1,246</b>	<b>1,245</b>	<b>2,028</b>	<b>2,265</b>	<b>4,705</b>	<b>11,489</b>

\* 50% of VL units are assumed to be extremely-low per state law  
 Source: KCAG 2008

All new units built or preserved after January 1, 2007 are credited in the new RHNA period. A discussion of how each jurisdiction's land inventory accommodates this growth need is provided in Chapter 3.

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### Chapter 3. Resources and Opportunities

This chapter analyzes the resources available for the development, rehabilitation, and preservation of housing in Kings County and the cities of Avenal, Corcoran, Hanford, and Lemoore. This includes an evaluation of the extent to which vacant or underutilized land compares to the regional housing needs allocation, and the financial and administrative resources available to support housing activities and implement the housing programs described in Chapter 5.

#### A. Land Resources

California law (*Government Code* §65584) requires that each city and county, when preparing its state-mandated housing element, develop local housing programs designed to address housing needs for all income groups in their community. This concept seeks to ensure that each jurisdiction, to the extent feasible and appropriate, plans for a variety of housing for population growth expected in the region as well as people who might reasonably be expected to reside within the jurisdiction if a variety of housing accommodations appropriate to their needs were available. This section analyzes the capacity for residential development in each jurisdiction and how that capacity compares to the regional housing needs allocation (RHNA) identified in the previous chapter.

The current RHNA covers the period January 1, 2007 through June 30, 2014. Housing units built since 2007 are credited in the new planning period. Jurisdictions must demonstrate that there is adequate capacity to achieve the remainder of their RHNA for all income categories during the planning period based on an analysis of realistic development potential on vacant or underutilized sites.

It is important to recognize that the RHNA is a *planning target, not a construction mandate*. Since local governments do not build housing, their responsibilities are to create opportunities for residential development through appropriate land use plans and regulations, and through implementation of programs designed to facilitate housing development. The focus of these responsibilities is on the provision of housing for lower-income households and persons with special needs since these groups have the greatest difficulty in obtaining adequate and affordable housing. It is an unfortunate reality that in difficult economic times, it is unlikely that the level of housing need identified in the RHNA will be achieved.

#### 1. Housing Production Since 2007

Housing built since January 2007 (the beginning of the current RHNA period) is credited toward each jurisdiction's total RHNA need. Table 3-1 summarizes housing development during 2007-08 for each jurisdiction by affordability level. A detailed analysis of new units built during this time period is provided in Appendix A.

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### Chapter 3. Resources and Opportunities

**Table 3-1**  
**Housing Development, 2007 - 2008**

Jurisdiction	New Units by Affordability Category				Total
	Very Low	Low	Mod	Above-Moderate	
Avenal	-	-	14	-	14
Corcoran	66	67	99	1	233
Hanford	-	181	154	22	357
Lemoore	21	135	146	145	447
Unincorporated	-	-	101	-	101

Source: Kings County and the Cities of Avenal, Corcoran, Hanford and Lemoore

Table 3-2 summarizes the net remaining regional housing needs allocation for each jurisdiction, after accounting for housing production during 2007-08. The next section discusses how jurisdictions will address this need through the availability of suitable sites for development.

**Table 3-2**  
**Remaining Regional Housing Needs, 2009-2014**

Jurisdiction	New Units by Affordability Category				Total
	Very Low	Low	Moderate	Above-Moderate	
Avenal	80	126	200	291	697
Corcoran	14	93	196	369	672
Hanford	1,446	834	784	2,337	5,401
Lemoore	727	399	356	1,092	2,574
Unincorporated	137	193	215	448	993

Source: Tables 2-33 and 3-1

#### 2. Inventory of Sites to Accommodate the Remaining RHNA

To fully address RHNA requirements, jurisdictions must demonstrate that there are adequate sites with appropriate zoning and development standards to accommodate their remaining housing need at all affordability levels. To that end, a parcel-specific inventory was prepared by each jurisdiction. The resulting inventory consists of vacant sites or underutilized sites with potential for additional development or redevelopment. Chapter 4 provides an analysis of the appropriateness of zoning regulations and development standards for each jurisdiction to facilitate housing development at all income levels. The detailed parcel listings and identification of potential development constraints for each jurisdiction is provided in Appendix B. Sites with Farmland Security Zone or Williamson Act contracts were eliminated from the analysis. The results of the land inventory analysis for each jurisdiction are summarized below.

##### a. Avenal Sites Inventory Analysis

Avenal has over 500 acres of vacant land zoned for single-family residential development and over 46 acres zoned for multi-family development. Because housing costs in Avenal are among the lowest

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**A. Land Resources**

in the County, all of the multi-family sites can accommodate lower-income housing and all of the single-family sites can accommodate moderate-income housing. The City's multi-family zoning allows densities up to 29 units/acre, although typical densities are in the 13 to 15 units/acre range due to low land costs. All of the sites included in the parcel inventory (Appendix B, Table B-1a) can be served by infrastructure and those parcels with constraints such as flood hazards were removed from the inventory.

This analysis demonstrates that Avenal's land inventory is significantly greater than the net remaining RHNA in the lower- and moderate-income categories, although there is a shortfall in the above-moderate category. However, the surplus of single-family sites assigned to the moderate category exceeds the above-moderate shortfall; therefore the intent of the RHNA is satisfied (Table 3-3).

**Table 3-3  
 Land Inventory Summary – City of Avenal**

	Potential Units by Affordability Category			Total
	Lower	Moderate	Above-Moderate	
Single-Family Sites	-	2,423	-	2,423
Multi-Family Sites	655	-	-	655
Total	655	2,423	0	3,078
Net Remaining RHNA	206	200	291	697
<b>Surplus (Shortfall)</b>	<b>449</b>	<b>2,223</b>	<b>(291)</b>	<b>2,381</b>

Source: Tables 3-2 and B-1a

**b. Corcoran Sites Inventory Analysis**

Corcoran has approximately 250 subdivided single-family lots plus over 427 acres of vacant land zoned for single-family residential development, and over 7 acres of vacant land zoned for multi-family development. In addition, there is approximately 3.5 acres of underutilized land suitable for multi-family development. Because housing costs in Corcoran are among the lowest in the County, most of the single-family sites can accommodate moderate-income housing, although half of the single-family development potential on larger parcels has been allocated to the above-moderate category in light of the City's desire to encourage move-up housing. The City's multi-family zoning allows densities up to 15 units/acre (Medium Density) and 29 units/acre (High Density), although typical densities are substantially lower due to modest land costs. All of the multi-family sites can accommodate lower-income housing based on the market analysis and recent development experience discussed in Chapter 2 and Appendix A. All of the sites included in the parcel inventory (Appendix B, Table B-1b) can be served by infrastructure and those parcels with constraints that would restrict development, such as flood hazards or sites affected by airport flight paths, were adjusted to reflect their realistic development potential.

This analysis demonstrates that Corcoran's land inventory is significantly greater than the net remaining RHNA in all income categories (Table 3-4).

**Chapter 3. Resources and Opportunities**

**Table 3-4  
 Land Inventory Summary – City of Corcoran**

	Potential Units by Affordability Category			Total
	Lower	Moderate	Above-Moderate	
Single-Family Sites	-	1,017	846	1,863
Multi-Family Sites	124	-	-	124
Underutilized Sites	76	-	-	70
Total	200	1,017	846	2,063
Net Remaining RHNA	107	196	369	672
<b>Surplus</b>	<b>93</b>	<b>821</b>	<b>477</b>	<b>1,391</b>

Source: Tables 3-2 and B-1b

**c. Hanford Sites Inventory Analysis**

Hanford has approximately 57 acres of vacant land designated for very-low-density single-family residential development and over 400 vacant acres designated for low-density single-family development. These parcels were assigned to the above-moderate- and moderate-income categories, respectively, based on recent new home sales prices (see Table 2-17, page 2-14). Along with Lemoore, Hanford has the highest home prices in the County, with new single-family home sales in 2009 ranging in price from \$204,000 to \$240,000.

Approximately 70 acres of vacant land is designated for Medium Density (up to 15 units/acre), and approximately 60 acres is designated for High-Density residential development (up to 22 units/acre).

This analysis demonstrates that Hanford's land inventory can accommodate its net remaining RHNA in all income categories (Table 3-5).

**Table 3-5  
 Land Inventory Summary – City of Hanford**

	Potential Units by Affordability Category			Total
	Lower	Moderate	Above-Moderate	
Single-Family Sites	--	2,139	2,469	4,608
Multi-Family Sites	2,431	--	--	2,431
Mixed-Use Sites	3	--	--	3
Total	2,434	2,139	2,469	7,042
Net Remaining RHNA	2,280	784	2,337	5,401
<b>Surplus (Shortfall)</b>	<b>154</b>	<b>1,355</b>	<b>132</b>	<b>1,641</b>

Source: Tables 3-2 and B-1c

**d. Lemoore Sites Inventory Analysis**

Lemoore completed a comprehensive General Plan update in 2008, and revisions to the Zoning Code are currently underway to bring zoning designations into conformance with the new General

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**A. Land Resources**

Plan land use designations (see Program 4.7 in Chapter 5, the Lemoore Housing Plan). During the interim period until the Zoning Code update is completed, the General Plan is the controlling land use designation. In cases where an inconsistency between the new General Plan and zoning exists for a proposed development project, the City will process a zone change concurrently with other development applications (e.g., subdivision map) at no additional cost to the applicant, and the project must conform to the General Plan. Any proposed development that conforms to the old zoning but is inconsistent with the new General Plan designation would require a General Plan amendment. The land inventory (Appendix B) is based on new General Plan designations.

Lemoore has approximately 190 acres of vacant land designated for very-low-density single-family residential development and over 500 vacant acres designated for low-density single-family development. These parcels were assigned to the above-moderate- and moderate-income categories, respectively, based on recent new home sales prices (see Table 2-17, page 2-14). Along with Hanford, Lemoore has the highest home prices in the County, with new single-family home sales in 2009 ranging in price from \$229,000 to \$334,000.

Over 160 acres of vacant land is designated Low-Medium Density Residential (up to 12 units/acre), which allows small-lot single-family, attached single-family, duplexes, triplexes, fourplexes and townhomes to encourage home ownership. Lot sizes range from 3,000 to 7,000 square feet per unit.

Seventy-seven acres of vacant land are designated Medium Density (up to 17 units/acre), and two parcels are designated for high-density residential development (up to 25 units/acre). In addition, 111 acres of land are designated for mixed-use (up to 20 units/acre). These sites were assigned to the lower-income category.

The potential units shown in the land inventory (Appendix B) do not assume any development in the 190-acre residential area added to the FEMA 100-year flood hazard zone in June 2009, although development may be feasible on these sites with appropriate mitigation.

All of these sites in the land inventory are within the City boundary; however, land within the Blueprint Urban Growth Boundary Area has the capacity for an additional 71 lower-income multi-family units, over 2,000 moderate-income single-family homes and about 2,600 above-moderate single-family homes.

This analysis demonstrates that Lemoore's land inventory is significantly greater than the net remaining RHNA in the lower- and moderate-income categories, although there is a shortfall in the above-moderate category. However, the surplus of single-family sites assigned to the moderate category exceeds the above-moderate shortfall, therefore the intent of the RHNA is satisfied (Table 3-6).

**Chapter 3. Resources and Opportunities**

**Table 3-6  
 Land Inventory Summary – City of Lemoore**

	Potential Units by Affordability Category			Total
	Lower	Moderate	Above-Moderate	
Single-Family Sites*	-	1,584	778	2,362
Multi-Family Sites*	561	-	-	561
Mixed-Use Sites*	800	-	-	800
Underutilized Sites	210	147	72	429
Total	1,571	1,731	850	4,152
Net Remaining RHNA	1,126	356	1,092	2,574
<b>Surplus (Shortfall)</b>	<b>445</b>	<b>1,375</b>	<b>(242)</b>	<b>1,578</b>

\*Sites within City boundaries only  
 Source: Tables 3-2 and B-1d

**e. Kings County Sites Inventory Analysis**

The unincorporated area of Kings County has approximately 350 acres of vacant land zoned for Very-Low-Density single-family residential development and over 134 vacant acres zoned for Low-Density single-family development. These parcels were assigned to the above-moderate-income category since large lots can accommodate larger, more expensive homes.

The Low-Medium zone encompasses 289 acres of vacant land while the Medium zone represents 175 acres. These parcels were assigned to the moderate-income category since they represent standard-lot subdivisions.

The Medium-High zone contains approximately 90 acres of vacant land. This zone calls for multi-family development at densities ranging from 7 to 11 units/acre. These sites were allocated to the lower-income category.

The County's High-Density residential zone allows development up to 24 units/acre and includes 28 acres of vacant land. An additional 5.74 acres are designated Very-High-Density, which allows a density of up to 30 units/acre. These sites were allocated to the lower-income category.

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**B. Financial and Administrative Resources**

**Table 3-7**  
**Land Inventory Summary – Kings County Unincorporated**

	Potential Units by Affordability Category			Total
	Lower	Moderate	Above-Moderate	
Single-Family Sites		1,317	500	
Multi-Family Sites	1,099			
Mixed-Use Sites	510			
<b>Total</b>	<b>1,609</b>	<b>1,317</b>	<b>500</b>	<b>3,426</b>
Net Remaining RHNA	330	215	448	993
<b>Surplus (Shortfall)</b>	<b>1,279</b>	<b>1,102</b>	<b>52</b>	<b>2,433</b>

Source: Tables 3-2 and B-1e

In addition, there are 70 acres of land designated for mixed-use (up to 20 units/acre). These sites were assigned to the lower-income category.

This analysis demonstrates that the unincorporated County's land inventory is significantly greater than the net remaining RHNA in all income categories (Table 3-7).

**B. Financial and Administrative Resources**

Kings County jurisdictions have access to a variety of local, state, federal, and private resources to assist in the production of affordable housing for extremely-low, very-low, low- and moderate-income households. In addition, various nonprofit and for-profit agencies may have the administrative capacity to help the jurisdictions further their housing goals. The following section describes the most significant funding sources currently used by cities and the County, and the agencies that can help achieve the housing goals described in Chapter 5.

**1. Financial Resources**

**Home Investment Partnership (HOME):** The federal HOME Program offers funding for local jurisdictions to improve and/or expand the supply of affordable housing opportunities for lower-income households. All projects and programs funded with HOME funds must be targeted to very-low- and low-income households and may have requirements for matching funds from non-federal resources equal to 25% of the requested funds. All of the jurisdictions in Kings County must apply to state HCD for HOME funds annually on a competitive basis. Recently, the cities of Avenal and Hanford received HOME grants for first-time homebuyer loans and housing rehabilitation loans. Lemoore received first-time homebuyer grant funds while Kings County and Hanford received Rental New Construction grant funding.

**Community Development Block Grant (CDBG):** The federal CDBG program is designed to maintain viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, especially for persons of low- and moderate-income. CDBG funds can be used for a variety of activities, including housing acquisition, housing

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**Chapter 3. Resources and Opportunities**

rehabilitation, new construction, public works, and community facilities. Each year, jurisdictions may apply for up to \$800,000 under both the General Allocation and Economic Development components of the CDBG programs. The maximum amount per application is \$500,000. In addition, grants of up to \$70,000 per year from the General Planning and Technical Assistance allocation and \$70,000 per year for the Economic Development Planning and Technical Assistance are awarded and do not count toward the \$800,000 cap.

**Redevelopment Set-Aside:** Jurisdictions with redevelopment agencies are required to allocate at least 20% of tax increment revenues into a housing fund, which is used to assist in the development of low- and moderate-income (LMI) housing. All four cities and the County have redevelopment agencies. Each agency must complete a redevelopment implementation plan, which details how LMI housing funds are to be expended. Housing developed under this program must remain affordable to the targeted income group for at least 55 years for rentals and 45 years for ownership units.

**Table 3-8**  
**Redevelopment LMI Fund Revenues, Expenditures and Planned Uses 2009-2014**

Jurisdiction	Est. Revenues	Est. Expenditures	Planned Uses
Avenal	\$770,000	\$770,000	Retirement of bond for infrastructure improvements
Corcoran	\$1.14 million	\$1.14 million	Rehabilitation (minor and substantial), homebuyer assistance
Hanford	\$2.60 million	\$2.58 million	Neighborhood conservation, affordable housing developer incentives, paint programs, housing rehabilitation, matching HOME grants, first-time homebuyer assistance, graffiti control, smoke detector funding
Lemoore	\$8.1 million	\$9.9 million	Minor rehabilitation, home buyer assistance, infill housing, solar energy retrofits, historic rehab/preservation, deferred loans for multi-family housing development
Kings County	\$62,500	\$62,500	Low- and moderate-income housing rehabilitation and preservation

Source: Redevelopment Implementation Plans for each jurisdiction

**The Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C),** is a \$2.85 billion bond measure passed by California voters in 2006, to provide housing and infrastructure investment to produce an estimated 118,000 housing units, 2,350 homeless shelter spaces, and infrastructure projects that help infill housing development such as water, sewer, parks, and transportation improvements. Prop 1C funds support the following programs:

- **Multifamily Housing** - low-interest loans for affordable housing development where units are reserved for low-income renters, usually for 55 years.
- **Supportive Housing** - low-interest loans for housing projects that provide health and social services for residents, including homeless youth.

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**B. Financial and Administrative Resources**

- **Down Payment Assistance (California Housing Finance Agency (CalHFA))** - deferred low-interest loans for up to three percent of a home purchase price for low- and moderate-income first-time homebuyers.
- **CalHome** - homeownership programs for low income households.
- **Building Equity & Growth in Neighborhoods (BEGIN)** - grants to local governments to fund homebuyer assistance in high-density developments.
- **Self-Help Construction Management** - grants to organizations that assist low- and moderate-income households in building their own homes.
- **Farmworker Housing** – low-interest loans and grants for construction of housing for farmworkers.
- **Migrant Farmworker Housing** – low-interest loans and grants for projects that serve migratory workers.
- **Emergency Housing Assistance** - grants for the construction and operation of homeless shelters.
- **Transit-Oriented Development Implementation Program** - funding for infrastructure and housing to help cities and counties develop higher-density housing near transit stations.
- **Infill Incentives Grant Program** - grants for development of public infrastructure projects that facilitate or support infill housing construction.
- **Affordable Housing Innovation Fund** - funds for pilot programs to demonstrate innovative, cost-saving approaches to creating or preserving affordable housing.
- **Housing Related Parks** - grants for the development of housing related parks.

**2. Administrative Resources**

Described below are the major public and non-profit agencies that have been involved in housing activities or are interested in housing activities in Kings County. These agencies play important roles in meeting the housing needs of the community. In particular, they are involved in the improvement of the housing stock, provision of affordable housing, homeownership assistance, and rental assistance to households in need.

**Self Help Enterprises:** Incorporated in 1965, Self-Help Enterprises of Visalia is a non-profit housing developer that assists low-income residents of rural areas with housing and related services. "Self-help" housing refers to housing built in part by the future occupants of the home by allowing families to use their "sweat equity" as the down payment on the new home they might otherwise not be able to afford. Self-Help Enterprises is actively involved in helping farm laborers and other low-income families in becoming homeowners through both training and supervision as self-help builders, and assembling public and private funds in support of new construction. Self-Help Enterprises also develops multi-family housing and administers housing programs for all jurisdictions in Kings County on a contract basis.

**Housing Authority of Kings County (HAKC):** The Housing Authority's mission is to promote decent, safe, and affordable housing and economic opportunity to low-income families throughout Kings County and its four incorporated cities. The Housing Authority operates three public housing projects

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**Chapter 3. Resources and Opportunities**

providing 268 units of affordable housing and 32 state housing apartments. The Housing Authority also provides 688 Section 8 Housing Choice Vouchers. Finally, the Authority manages 45 farm labor residences, a Rental Housing Construction program apartment complex, a 44-unit California Housing Rehabilitation Program-Rental (CHRP-R) senior citizen project, and two transitional housing projects with 12 spaces for foster youth.

**C. Opportunities for Energy Conservation**

**Avenal**

The City of Avenal is developing a Partnership with Pacific Gas & Electric to provide homeowners and renters with energy audits and to provide them with resources to obtain low energy products such as lights and insulation. The partnership should be in place early in 2010.

**Corcoran**

The City of Corcoran provides expedited permit processing for residential solar energy equipment installations. The City's Rehabilitation Program also encourages energy-efficient improvements when equipment or construction will involve items eligible for such upgrades. The City is also working with ARRA funds to install electrical retrofits on City-owned buildings/equipment, and entered into a Lease Agreement for a Solar Farm. In addition, the Housing Plan includes a new program (2.16) to refer lower-income households to the Kings Community Action Organization and other community services agencies that provide financial assistance to offset the cost of home weatherization, heating (including solar photovoltaic water heater systems) and cooling.

**Hanford**

The City of Hanford will be incorporating the policies and requirements of recent amendments to state law (AB32 and SB375). In addition, the City requires or encourages the following in residential developments:

- Street trees which reduce heat generated from pavement
- Landscaping in new development to shade parking lots
- Solar photovoltaic panels as options
- Require developers to exceed Title 24 Standards (Heat & Energy) by 10%
- Increased residential densities
- High Albedo (light-colored roofs are often required)

**Lemoore**

The Community Design Element of the City's new General Plan incorporates several policies and implementation actions that support energy conservation and green development. These include:

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**C. Opportunities for Energy Conservation**

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- Requiring new development to incorporate passive heating and natural lighting where feasible
- Incorporate green building standards into the Zoning Ordinance and Building Code to ensure a high level of energy efficiency in new development, including requiring the use of Energy Star appliances in new development and substantial renovations, requiring all new development to qualify for the equivalent of “LEED Silver” rating or better, requiring all new residential development to be pre-wired for optional photovoltaic energy systems and/or solar water heating, and requiring all new projects that will use more than 40,000 kilowatt-hours per year of electricity to install photovoltaic energy systems.

**Kings County**

The Community Development Agency recently adopted a new program (Chapter 5, Program 5.15) which provides expedited plan check and permit processing for residential projects designed to comply with the voluntary residential requirements of the California Green Building Standards Code. Expedited plan check/permit processing is also given to photovoltaic systems that provide energy for residential uses.

In addition, the Housing Plan includes a new program (5.16) to refer lower-income households to the Kings Community Action Organization and other community services agencies that provide financial assistance to offset the cost of home weatherization, heating (including solar photovoltaic water heater systems) and cooling.

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## Chapter 4. Constraints

The Kings County jurisdictions recognize that adequate and affordable housing for all income groups strengthens the community. Government policies and regulations can impact the price and availability of housing and, in particular, the provision of affordable housing. Likewise, non-governmental constraints such as land and construction costs, and environmental and infrastructure constraints can also affect housing cost and availability.

This chapter of the Housing Element discusses potential governmental and non-governmental constraints focusing primarily on those constraint areas that may be mitigated through the policies and programs discussed in Chapter 5.

### A. Governmental Constraints

Local policies and regulations can impact the price and availability of housing and, in particular, the provision of affordable housing. Land use controls, residential development standards, and permit processing procedures may present constraints to the maintenance, development, and improvement of housing.

#### 1. Land Use Plans and Regulations

The jurisdictions' General Plan Land Use Elements contain the primary policies that guide residential development. These policies are implemented through several types of ordinances, including the Zoning and Subdivision ordinances. Zoning regulations establish the amount and distribution of different land uses within the jurisdictions, while subdivision regulations establish requirements for the division and improvement of land.

##### a. General Plan Land Use Designations

Each city and county in California must prepare a comprehensive, long-term General Plan to guide its future. The land use element of the General Plan establishes the basic land uses and density of development within each jurisdiction. Under state law, the General Plan elements must be internally consistent, and each jurisdiction's zoning must be consistent with its General Plan. Thus, the land use plan must provide suitable locations and densities to implement the policies of the Housing Element.

Table 4-1 shows the residential General Plan land use categories for the Kings County jurisdictions. The land use designations support a variety of housing types, ranging from very low density development, which generally includes single-family homes on large lots to high-density development, which includes multi-family development ranging from 14 to 29 units per acre.

### Chapter 4. Constraints

**Table 4-1**  
**General Plan Residential Land Use Categories**

Designation	Density Range	Description
<b>Avenal</b>		
Residential Estate	0-2	Single-family detached with lot sizes greater than 20,000 sf
Low Density Residential	2-10	Single-family detached with lot sizes greater than 6,000 sf
Medium Density Residential	10-15	Duplex, triplex and fourplex development
High Density Residential	15-29	Multi-family apartments and condominiums
Downtown Commercial	n.a.	Residential use allowed in conjunction with commercial
Community Commercial	n.a.	Residential use allowed in conjunction with commercial
<b>Corcoran</b>		
Very Low Density Residential	0-2	Single-family estate lots greater than 20,000 sf
Low Density Residential	4.5 – 7.5	Single-family detached in traditional subdivisions or clustered planned developments. Lot sizes generally are 6,000 sf.
Medium Density Residential	10-15	Duplex, triplex and fourplex development.
High Density Residential	15-29	Multi-family apartments and condominiums.
<b>Hanford</b>		
Very Low Density Residential	0-3	Single-family estate lots with 12,000 sf or more.
Low Density Residential	2-9	Single family detached with lot sizes from 6,000 sf to 10,000 sf.
Medium Density Residential	7-15	Duplexes, zero lot lines, patio homes, and townhomes on lot sizes from 4,500 sf. to 7,500. 6,000sf min. for new subdivision.
High Density Residential	10-22	Multi-family apartments and condominiums development.
<b>Lemoore</b>		
Agriculture/Rural Residential	0-1	Single-family detached in rural and semi-rural areas with lot sizes greater than 40,000 sf
Very Low Density Residential	1-3	Single-family detached in semi-rural area with lot sizes between 15,000 sf to 40,000 sf
Low Density Residential	3-7	Single-family detached in typical residential subdivision with lot sizes from 7,000 to 15,000 sf
Low Medium Density Residential	7-12	Small lot single-family, attached single-family and duplexes, triplexes, fourplexes and townhomes.
Medium Density Residential	12-17	Apartments and townhomes.
High Density Residential	17-25	Multi-family apartments and townhomes.
Mixed Use	8-20	Multi-family and commercial uses.
<b>Kings County</b>		
Very Low Density	0-1	Single-family detached in unincorporated rural areas with lot sizes greater than 20,000 sf
Low Density	1-2	Single-family detached in unincorporated rural communities and city fringe areas with lot sizes greater than 20,000 sf
Low-Medium Density	2-4	Single-family detached in unincorporated rural communities and city fringe areas with lot sizes between 12,000 sf and 20,000 sf
Medium Density	4-5	Single family detached in unincorporated rural communities and city fringe areas with 8,000 sf minimum lot size.
Medium High Density	5-15	Multi-family apartments and condominiums in unincorporated rural communities and city fringe areas
High Density	15-22	Multi-family apartments and condominiums in unincorporated rural communities and city fringe areas
Very High Density	22-29	Multi-family apartments and condominiums in unincorporated rural communities and city fringe areas

Source: General Plans of Kings County Jurisdictions

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**A. Governmental Constraints**

**b. Zoning Designations and Housing Opportunities**

Each jurisdiction in Kings County regulates the type, location, density, and scale of residential development through local zoning ordinances. The zoning regulations serve to implement each jurisdiction's general plan and are designed to protect and promote the health, safety, and general welfare of residents. Housing Element law requires that jurisdictions facilitate and encourage a range in types and prices of housing for all economic and social groups in the community. This includes single-family and multi-family housing, manufactured housing, licensed care facilities, emergency shelters, transitional housing, and other housing.

A summary of the residential development permitted by each King County jurisdiction is provided in Table 4-2 through Table 4-6.

**Table 4-2  
 Permitted Residential Development by Zoning District, City of Avenal**

Housing Type	A-I A-E	R-E	R-1	R-2	R-3	D-C	S-C	P-F
Single-Family Detached	P	P	P	P	P			P
Single-Family Attached				P	P			
Multi-Family				P	P	C		
Mobile or Manufactured Home	P	P	P	C	C			
Second Units	C	P	P	P	P			
Farmworker Housing	C <sup>1</sup>			P	P			
Emergency Shelters								C
Transitional and Supportive Housing								
Residential Care Facility (6 or less)		P	P	P	P			
Residential Care Facility (7 or more)		C	C	C	C			
Senior Housing/Assisted Living <sup>2</sup>		C	C	C	C			
Single Room Occupancy						C	C	

Notes:  
 P=permitted use C=conditional use  
 1. Farmworker housing conditionally permitted in conjunction with a primary permitted use.  
 2. Conventional senior housing is permitted under the same regulations as multi-family. "Retirement or Rest Home" and "Convalescent Hospital/Nursing Home" are conditionally permitted uses.  
 Source: City of Avenal Zoning Ordinance

**Chapter 4. Constraints**

**Table 4-3  
 Permitted Residential Development by Zoning District, City of Corcoran**

Housing Type	A	RA	R-1	RM	CD	CC, CN, CS, CO
Single-Family Detached	P <sup>1</sup>	P	P	P	P	
Single-Family Attached				P	P	
Multi-Family (under 20 units)				P	P <sup>3</sup>	
Multi-Family (20 or more units)				C	P <sup>3</sup>	
Mobile or Manufactured Home	P <sup>2</sup>	P	P	P		
Second Units		P	P			
Farmworker Housing	C <sup>4</sup>		P <sup>4</sup>	P <sup>4</sup>		
Emergency Shelters						
Transitional and Supportive Housing						
Residential Care Facility (6 or less)			P	P		
Residential Care Facility (7 or more)			C	C		
Senior Housing/Assisted Living			C	C		
Single Room Occupancy					C	C

Notes:  
 P=permitted use C=conditional use  
 1. One family dwelling permitted when incidental to a permitted use.  
 2. Mobile home as a residence or as farmworker housing incidental to a permitted or conditional use.  
 3. Multi-family permitted as a secondary use (not to exceed 50% of the total square feet of the existing building).  
 4. CUP required for farmworker housing in excess of 5 dwelling units per parcel or 7+ occupants.  
 Source: City of Corcoran Zoning Ordinance

**Table 4-4  
 Permitted Residential Development by Zoning District, City of Hanford**

Housing Type	AG	R-1 20	R-1 6, 8, 12	RM	OR	CC	DC	MC
Single-Family Detached	P	P	P	P	P			P
Single-Family Attached				P	P			P
Multi-Family				P	P	C <sup>1</sup>	P	P
Mobile or Manufactured Home	P	P	P	P	P			
Second Units		P	P	P	P			
Farmworker Housing (3 or less)	P							
Farmworker Housing (4 or more)	C							
Emergency Shelters					P <sup>2</sup>			
Transitional and Supportive Housing				C <sup>3</sup>	P <sup>2</sup>			
Residential Care Facility (6 or less)		P	P	P	P			
Residential Care Facility (7 or more)				C	C			
Senior Housing/Assisted Living				C	C			
Single Room Occupancy				C <sup>4</sup>	P <sup>4</sup>			

Notes:  
 P=permitted use C=conditional use  
 1. Dwellings over a permitted use.  
 2. Subject to Site Plan Review  
 3. Domestic violence shelters and housing for persons on a temporary basis that do not require personal supervision or rehabilitation services  
 4. Listed as "Boarding and Rooming Houses"  
 Source: City of Hanford Zoning Ordinance

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**A. Governmental Constraints**

**Table 4-5  
 Permitted Residential Development by Zoning District, City of Lemoore**

Housing Type	RA	R	RM	C-C	PO
Single-Family Detached	P	P	P		P
Single-Family Attached		P	P		P
Multi-Family			P	P <sup>1</sup>	P
Mobile or Manufactured Home	P	P	P		
Second Units	P	P	P		
Farmworker Housing					
Emergency Shelters					
Transitional and Supportive Housing					
Residential Care Facility (6 or less)		C	C		C
Residential Care Facility (7 or more)					
Senior Housing/Assisted Living					
Single Room Occupancy					

Notes:  
 P=permitted use C=conditional use  
 1. Apartments over a permitted commercial use, in accordance with design standards of the General Plan.  
 Source: City of Lemoore Zoning Ordinance

In 2008 the City of Lemoore adopted a new General Plan, which emphasizes the principles of “smart growth” including more compact development and mixed use. Chapter 2 of the Land Use Element (pp. 2-11 and 2-20 through 2-24) describes the policies that apply to mixed-use development, both in the downtown and in other designated mixed-use centers. While the General Plan provides the guiding policy regarding mixed-use, specific implementing regulations and guidelines will be established in the new Zoning Code, which is currently underway. In the interim period until the Zoning Code update is completed, applications must be found consistent with the General Plan and if necessary, zone changes will be processed concurrently with the application at no additional cost to the applicant. Development standards will be applied consistent with the new zoning designation. For mixed-use projects, development standards will be determined based on the type of use proposed and the applicable development standards for that use.

Among the General Plan policies supporting mixed use are the following:

- LU-I-26 Establish an incentive program for mixed-use development including FAR bonuses for uses that contribute to public benefit and shared parking arrangements
- LU-I-27 Create guidelines and a Best Practices Manual for mixed-use development to educate local builders and developers about the types of mixed-use areas the City desires
- LU-I-28 Establish Downtown Mixed Use Zones (DMX1, DMX2 and DMX3) in the Zoning Ordinance with the following land use requirements:
  - DMX1 will allow retail, commercial, professional office, second-story residential, public and institutional uses, provided retail and restaurant uses are retained as a primary use at the site. Typical new buildings will require a minimum height of at least 20 feet or two-story, with exceptions for uses with special needs (e.g. cinemas). Service Commercial types of uses may be allowed when deemed appropriate through a Conditional Use Permit.

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**Chapter 4. Constraints**

- DMX2 will allow retail, commercial, professional office, high-density residential or live/work studios, public and institutional uses.
- DMX3 will allow professional office and medium-density residential, with small-scale support commercial uses, with bed-and-breakfast use an option.

Under the new General Plan, projects with up to 49% residential use may be allowed in the DMX1 district while 100% residential use is allowable in the DMX2 and DMX3 districts. In addition, a significant portion of the downtown mixed-use area is within the In-Lieu Parking Fee Exemption Zone where no on-site parking is required.

The residential capacity for mixed-use parcels has been estimated at 9 units/acre (see Appendix B, Table B-1d). The new General Plan allows residential development at up to 20 units/acre in mixed-use areas, therefore this assumption is very conservative and accounts for a non-residential development component of these sites. One project, Antlers Apartments, was recently developed in the mixed-use area at a density over 50 units/acre. Since the estimated capacity is less than half the allowable density, and is far less than actual project experience, it is considered quite reasonable.

**Table 4-6  
 Permitted Residential Development by Zoning District, Kings County**

Housing Type	A	RR	R	RM	C	PO	PF
Single-Family Detached	P	P	P	P	C <sup>2</sup>	P	
Single-Family Attached				P	C <sup>2</sup>	C	
Multi-Family				P	C <sup>2</sup>	C	
Mobile or Manufactured Home	P <sup>1</sup>	P	P	P			
Second Units			P	P			
Farmworker Housing (5 or less)	P						
Farmworker Housing (6 or more)	C						
Emergency Shelters					C <sup>3</sup>		P
Transitional and Supportive Housing			C	P			
Residential Care Facility (6 or less)	P	P	P	P			
Residential Care Facility (7 or more)	C						
Senior Housing/Assisted Living							
Single Room Occupancy							

Notes:  
 P=permitted use C=conditional use  
 1. Mobile home or manufactured housing permitted when used as farm employee housing incidental to a permitted or conditional use.  
 2. Single-family and multi-family uses allowed by conditional use permit in the CC zone. One-family dwelling over or to rear of a permitted use allowed by-right in the CN, CC and CR zones.  
 3. Emergency shelters allowed by conditional use permit in the CC, CHL, and CH zones.  
 Source: Kings County Zoning Ordinance

As shown in Table 4-2 through Table 4-6 above, Kings County jurisdictions allow for a wide variety of housing types, including single-family and multi-family residences at a variety of densities that facilitate market rate and affordable housing projects. Mixed use is encouraged in the downtown areas of Lemoore and Hanford and is also allowed in Avenal and Corcoran. The City of Lemoore General Plan, which was updated in 2007, calls for the creation of three new mixed-use zoning overlays for the Downtown area. The mixed-use zoning overlays, expected to be completed by Fall of 2011, will increase height and residential densities for mixed-use development.

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**A. Governmental Constraints**

All jurisdictions allow for the development of manufactured housing and mobile homes, providing a valuable source of affordable housing for seniors, families, and farmworkers. In accordance with state law, all jurisdictions allow second units as a permitted use in all single-family zones. Low-income housing can be accommodated in all districts permitting residential use in Kings County jurisdictions including mixed-use districts.

**c. Special Needs Housing**

To further fair housing opportunities, Kings County jurisdictions provide for a range of housing opportunities for persons with special needs, including those in residential care facilities, persons with disabilities, the elderly, farmworkers, persons needing emergency shelter or transitional living arrangements, and single-room-occupancy units. Many of these groups also fall under the category of extremely-low-income households. Table 4-2 through Table 4-6 above show the current requirements for each jurisdiction with respect to permitted and conditionally permitted special needs housing types. Chapter 5, the Housing Plan, sets forth programs for each jurisdiction to revise its Zoning Ordinance to comply with state law with respect to special needs housing. Each jurisdiction’s provisions for these housing types are discussed below.

**Extremely-Low-Income Households**

Many of the persons and households discussed in this section under the topic of special needs fall within the *extremely-low-income* category, which is defined as 30% or less of area median income, or up to \$16,750 per year for a 4-person household in Kings County (2009).

A variety of policies and programs described in Chapter 5 address the needs of extremely-low-income households, including persons with disabilities and those in need of residential care facilities. Such programs include housing rehabilitation, preservation of existing affordable units, Section 8 vouchers, provision of adequate sites for new multi-family housing, administrative, regulatory and financial assistance to affordable projects, zoning to encourage and facilitate farmworker housing, emergency shelters, transitional and supportive housing, single room occupancy (SROs) and second units. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies, and the level of need is greater than can be met due to funding limitations, especially during these times of declining public revenues.

**Residential Care Facilities**

Residential care facilities refer to any family home, group home, or rehabilitation facility that provides non-medical care to persons in need of personal services, protection, supervision, assistance, guidance, or training essential for daily living. *Health and Safety Code* §§1267.8, 1566.3, and 1568.08 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other single-family residential uses. “Six or fewer persons” does not include the operator, the operator’s family, or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use, and may not require licensed residential care facilities for six or fewer clients to obtain conditional use permits or variances that are not required of other single-family dwellings.

For all Kings County jurisdictions the development standards for licensed residential care facilities of six or fewer persons are no different than for other residential uses in the same zone. A conditional

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use permit is required in some jurisdictions for residential care facilities of more than six persons. A deviation in site planning requirements and reduction in parking may be granted through the conditional use process. A discussion of each jurisdiction’s regulations for residential care facilities is provided below:

- **Avenal** – In compliance with the 2003-2008 housing plan, the City amended its zoning code to allow residential care facilities that serve six or fewer persons as a permitted use in the R-E, R-1, R-2, and R-3 zones. Facilities serving more than six persons are conditionally permitted in the same zones. These requirements are consistent with state law and do not pose a constraint on the establishment of such facilities.
- **Corcoran** – Under current zoning regulations, residential care facilities that serve six or fewer persons are a permitted use in the R-1 zone only. Residential care facilities serving more than six persons are not expressly permitted in the zoning ordinance. In order to comply with the *Health and Safety Code*, the Corcoran Housing Plan (Chapter 5, Program 2.14) provides that the City will amend the Zoning Code to allow licensed residential care facilities for six or fewer persons in any residential zone as a permitted use and to allow residential care facilities for more than six persons by conditional use permit in the R-1 and RM zones. With these changes, Corcoran’s Zoning Code would not pose a significant constraint on the establishment of residential care facilities.
- **Hanford** – Under current zoning regulations, residential care facilities that serve six or fewer persons are a permitted use in the R-1-20, R-1-6, R-1-8, R-1-12, RM and OR zones. Larger state- or county-licensed care facilities that provide housing on a temporary basis and that do not require personal supervision or rehabilitation services are conditionally permitted in the RM zones. The Hanford Housing Plan (Chapter 5, Program 3.14) provides that the City will amend the Zoning Code to allow residential care facilities for more than six persons by conditional use permit in the R-1, RM and OR zones. With these changes, Hanford’s Zoning Code would not pose a significant constraint on the establishment of residential care facilities.
- **Lemoore** – Under current zoning regulations, residential care facilities that serve six or fewer persons are permitted by conditional use permit in the R, RM, and PO zones. Residential care facilities serving more than six persons are not expressly permitted in the Zoning Ordinance. To comply with the *Health and Safety Code*, the Lemoore Housing Plan (Chapter 5, Program 4.18) provides that the City will amend the Zoning Code to allow licensed residential care facilities for six or fewer persons in any residential zone as a permitted use and to allow residential care facilities for more than six persons by conditional use permit in the RM, PO, and CC zones. With these changes, Lemoore’s Zoning Code would not pose a significant constraint on the establishment of residential care facilities.
- **Kings County** – Under current zoning regulations, residential care facilities that serve six or fewer persons are a permitted use in the A, RR, R and RM zones. Residential care facilities serving more than six persons are permitted by conditional use permit in the A zone only. The Kings County Housing Plan (Chapter 5, Program 5.12) provides that the County will amend the Zoning Code to allow residential care facilities for more than six persons by conditional use permit in the RR, R, and RM zones. With these changes, the

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County's Zoning Code would not pose a significant constraint on the establishment of residential care facilities.

**Housing for Persons with Disabilities**

Both the federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. Additionally, §65008 of the *Government Code* requires localities to analyze potential and actual constraints, and include programs to accommodate housing for disabled persons.

Building codes adopted by all Kings County jurisdictions incorporate accessibility standards contained in Title 24 of the California *Code of Regulations*. Compliance with building codes and the Americans with Disabilities Act (ADA) may increase the cost of housing production and can also impact the viability of rehabilitation of older properties required to be brought up to current code standards. However, these regulations provide minimum standards that must be complied with in order to ensure the development of safe and accessible housing.

Because many homes in Kings County jurisdictions were built before modern accessibility standards, an important housing issue facing people with disabilities is retrofitting existing homes to improve access. For retrofitting homes, all jurisdictions administratively permit unenclosed ramps to protrude into required setbacks without a variance. Each jurisdiction allows a property owner to build a ramp to allow people with disabilities access into a single-family home upon securing a building permit and payment of local building permit and inspection fees. Each jurisdiction also administers a Housing Rehabilitation Program that provides federally funded loans to eligible homeowners or rental property owners to make accessibility improvements.

Key planning requirements for each jurisdiction related to housing persons with disabilities are described below:

**Avenal**

- Definition of "family" – The Avenal Zoning Code defines family as: "An individual, or 2 or more persons related by blood or marriage or legal adoption, or a group of not more than 6 persons who are not so related living together as a single housekeeping unit." In order to comply with state Fair Housing Law, Chapter 5, Program 1.15 provides that the City will amend its Zoning Code to revise the definition of "family."
- Separation requirements – The City's Zoning Code does not impose any separation requirements between group homes or residential care facilities.
- Site planning requirements – The site planning requirements for residential care facilities are no different than for other residential uses in the same zone.
- Reasonable accommodations – The City's Zoning Code does not currently include administrative procedures for reviewing and approving requests for modifications to building or zoning requirements in order to ensure reasonable

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accommodations for persons with disabilities. Program 1.15 in the Housing Plan (Chapter 5) includes a commitment to address this issue.

**Corcoran**

- Definition of "family" – The Corcoran Zoning Code defines family as: "One or more persons living as a bona fide single nonprofit relatively permanent housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or club suitable for group use". This definition is consistent with current housing law.
- Separation requirements – The City's Zoning Code does not impose any separation requirements between group homes or residential care facilities.
- Site planning requirements – The site planning requirements for residential care facilities are no different than for other residential uses in the same zone.
- Reasonable accommodations – Currently the City's Zoning Code does not contain a reasonable accommodations ordinance. Chapter 5, Program 2.14 provides that the City will amend the code to include administrative procedures for reviewing and approving requests for modifications to building or zoning requirements in order to ensure reasonable accommodations for persons with disabilities.

**Hanford**

- Definition of "family" – The Hanford Zoning Code defines family as: "A single residential unit or person or group of persons living together as a domestic unit in a single residential unit". This definition is consistent with current housing law.
- Separation requirements – The City's Zoning Code does not impose any separation requirements between group homes or residential care facilities.
- Site planning requirements – The site planning requirements for residential care facilities are no different than for other residential uses in the same zone.
- Reasonable accommodations – The City's Zoning Code (Chapter 17.72) includes administrative procedures for reviewing and approving requests for modifications to building or zoning requirements in order to ensure reasonable accommodations for persons with disabilities. Requests for reasonable accommodation are reviewed and approved administratively by the Community Development Director within 30 days of receiving an application. There is no fee associated with a reasonable accommodation application.

Program 3.14 is included in the Housing Plan (Chapter 5) to ensure that City regulations and procedures are reviewed and updated as necessary to encourage and facilitate accessible housing for persons with disabilities.

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**Lemoore**

- Definition of “family” – The Lemoore Zoning Code defines family as: “An individual, two (2) or more persons who are related by blood or marriage or a group of not more than five (5) persons not necessarily related by blood or marriage living together in a dwelling unit.” In order to comply with state Fair Housing Law, Chapter 5 Program 4.18 provides that the City will amend its Zoning Code to revise the definition of “family” consistent with current law.
- Separation requirements – The City’s Zoning Code does not impose any separation requirements between group homes or residential care facilities.
- Site planning requirements – The site planning requirements for residential care facilities are no different than for other residential uses in the same zone.
- Reasonable accommodations – Currently, the City’s Zoning Code does not contain a reasonable accommodations ordinance. Chapter 5, Program 4.18 provides that the City will amend the code to include administrative procedures for reviewing and approving requests for modifications to building or zoning requirements in order to ensure reasonable accommodations for persons with disabilities.

**Kings County**

- Definition of “family” – The Kings County Zoning Code defines family as: “One or more persons living as a bona fide single nonprofit relatively permanent housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or club suitable for group use. A family shall not include a fraternal, social or business group.” This definition is consistent with current housing law.
- Separation requirements – The County’s Zoning Code does not impose any separation requirements between group homes or residential care facilities.
- Site planning requirements – The site planning requirements for residential care facilities are no different than for other residential uses in the same zone.
- Reasonable accommodations ordinance – Currently, the County’s Zoning Code does not contain a reasonable accommodations ordinance. Chapter 5, Program 5.12 provides that the City will amend the code to include administrative procedures for reviewing and approving requests for modifications to building or zoning requirements in order to ensure reasonable accommodations for persons with disabilities.

**Farmworker Housing**

Housing for agricultural employees occurs in two types of settings: housing accommodations located on farmland that is exclusively for farmworkers; or traditional housing that is intended for lower-income households but is not restricted to farmworkers.

It is estimated that approximately 9,000 farm laborers in Kings County are permanent non-migrant and seasonal laborers. The housing needs of these farmworkers are primarily addressed through the provision of permanent affordable housing, such as apartments, lower-cost single-family homes, and

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mobile homes. The remaining farm laborers are migrant farmworkers who are not permanent residents of Kings County. To provide housing for migrant farmworkers, various jurisdictions within the County allow migrant farm labor camps and other types of housing subject to conditional use permits. Such housing is typified by (but not exclusively) dormitory style structures designed for temporary occupancy by migrant workers.

The California Employee Housing Act<sup>9</sup> regulates farmworker housing and generally requires that facilities with no more than 36 beds or 12 units be treated as an agricultural land use that is not required to obtain any conditional use permit or other approval that is not required of other agricultural uses in the same zone.

Each jurisdiction’s policies regarding farmworker housing are described below.

- **Avenal** – Currently farmworker housing is a permitted use in the R-2 and R-3 zones and is conditionally permitted in the AI and AE zones in conjunction with a primary permitted use (see concluding note below). Development standards of the underlying district apply to proposals for farmworker housing. Since Avenal has some of the lowest housing prices and apartment rents in California, the need for farmworker housing is largely met by traditional housing. The City of Avenal actively assists farmworker housing needs: the majority of homeownership loans are made to farmworkers, and a majority of units in assisted multi-family projects are occupied by farmworkers.
- **Corcoran** – Corcoran permits mobile homes as farmworker housing, and conditionally permits farm employee housing in excess of five units per parcel in the A Zone (see concluding note below). Corcoran has some of the lowest housing prices and apartment rents in California and can meet its needs for farmworker housing through traditional housing. The City actively assists farmworker housing needs: farmworkers receive the majority of homeownership and home rehabilitation loans each year and occupy a larger share of units in assisted multi-family projects.
- **Hanford** – Hanford currently allows farmworker housing in the AG zone. Permitted (by-right) uses include a one-family dwelling related to agricultural use, a mobile home on a permanent foundation used as employee housing, and farm employee housing up to 3 units per parcel. Farm employee housing exceeding 3 units per parcel requires a conditional use permit (see concluding note below). As the most urbanized city in Kings County, Hanford has few resident farmworkers.
- **Lemoore** – As a more urbanized community, the City of Lemoore has no farmland within its boundaries and no agricultural zoning. Farmworker housing is not a permitted or conditional use within any of the City’s zones. However, the City’s overall efforts to provide and maintain affordable housing opportunities will help to support the few permanent non-migrant and seasonal laborers who may choose to reside in the city.
- **Kings County** – Kings County currently permits mobile homes as farm employee housing and farmworker housing not exceeding 5 units per parcel in the AL-10, AG-20, AG-40, and AX zones. Farmworker housing in excess of 5 units per parcel requires a conditional use permit (see concluding note below). Although no farm labor camps currently are present in Kings County, the County routinely permits mobile homes used as employee housing and smaller farmworker housing units.

<sup>9</sup> California Health and Safety Code §17021.5 and §17021.6

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- **Conclusion** – To comply with the California Employee Housing Act, the Housing Plans (Chapter 5) for the jurisdictions of Avenal, Corcoran, Hanford, and Kings County include commitments to process Code amendments with respect to agricultural employee housing. With these amendments none of the Kings County jurisdictions’ zoning ordinances would pose unreasonable constraints to farmworker housing.

**Emergency Shelters, Transitional and Supportive Housing**

An *emergency shelter* is a facility that provides shelter to homeless families and/or individuals on a limited short-term basis. *Transitional housing* is temporary (often six months to two years) housing for a homeless individual or family who is transitioning to permanent housing. Transitional housing often includes *supportive services* (e.g., job training, rehabilitation counseling) to allow individuals to gain necessary life skills in support of independent living.

The passage of SB2 in 2007 amended the requirements for local governments’ regulations regarding emergency shelters and transitional/supportive housing. Unless a city has sufficient existing shelter facilities to accommodate its need, land use regulations must identify at least one zoning district where shelters are a permitted use (i.e., do not require a conditional use permit or other discretionary review). Additionally SB2 requires that transitional and supportive housing be treated as a residential use subject to only those requirements that apply to other residential uses of the same type in the same zone.

Each jurisdiction’s policies regarding emergency shelters, transitional and supportive housing are described below.

- **Avenal** - Currently, emergency shelters are permitted by conditional use permit in the R-1, R-2, R-3 and PF zones. Transitional and supportive housing is conditionally permitted in the R-1, R-2, and R-3 zones. In order to comply with state law Program 1.13 includes a commitment to amend the Zoning Code to comply with SB 2 within one year of Housing Element adoption. This action will also ensure that transitional and supportive housing is treated as a residential use subject only to those requirements that apply to other residential uses of the same type in the same zone.
- **Corcoran** - Currently, emergency shelters are not expressly permitted “by right” or by conditional use permit within any zone. Transitional and supportive housing are also not expressly permitted or conditionally permitted in the City’s Zoning Code. In order to comply with state law Program 2.12 includes a commitment to amend the zoning code to comply with SB 2 within one year of Housing Element adoption. This action will also ensure that transitional and supportive housing is treated as a residential use subject only to those requirements that apply to other residential uses of the same type in the same zone.
- **Hanford** – Emergency shelters and transitional housing are permitted subject to site plan review in the OR (Office Residential) zone. The OR zone encompasses approximately 166 acres, is located near transit and commercial services, and can accommodate at least one emergency shelter. Program 3.13 in the Hanford Housing Plan (Chapter 5) includes a provision to amend the Zoning Code regarding emergency shelters and transitional/supportive housing in conformance with SB 2.
- **Lemoore** – Currently, emergency shelters are not expressly permitted “by right” or by conditional use permit within any zone. Transitional and supportive housing are also

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not expressly permitted or conditionally permitted in any zone. In order to comply with state law Program 4.16 in the Housing Plan includes a commitment to amend the Zoning Code to comply with SB 2 within one year of Housing Element adoption. This action will also ensure that transitional and supportive housing is treated as a residential use subject only to those requirements that apply to other residential uses of the same type in the same zone.

- **Kings County** – The Zoning Ordinance allows emergency shelters through a ministerial site plan review process in the RM and PF zones and subject to a conditional use permit in the R, CC, CHL, and CH zones, and is therefore consistent with SB 2. RM and PF zones contain approximately 151 and 325 acres, respectively, and have the capacity to accommodate additional shelters. Transitional and supportive housing are not expressly permitted or conditionally permitted in any zone. In order to comply with state law Program 5.9 includes a commitment to amend the Zoning Code to ensure that transitional and supportive housing is treated as a residential use subject only to those requirements that apply to other residential uses of the same type in the same zone.

**Conclusion**

With the program commitments described above, none of the Kings County zoning ordinances would pose unreasonable constraints to emergency or transitional/supportive housing.

**Single Room Occupancy (SRO)**

Single room occupancy (SRO) facilities are small studio-type apartment units, typically occupied by extremely-low-income persons. Currently, only the cities of Avenal and Corcoran permit SROs by conditional use permit within the D-C and S-C zones (Avenal) and the CC, CH, CD, CO, and CS zones (Corcoran). Hanford permits “boarding and rooming houses” with administrative approval in the OR zone and subject to a conditional use permit in the RM zones. The Housing Plans (Chapter 5) for Hanford, Lemoore, and Kings County include programs to amend the zoning codes to explicitly define (or clarify) and designate appropriate zones for SRO facilities with appropriate development standards.

**d. Development Standards**

The Kings County jurisdictions regulate the type, location, density, and scale of residential development primarily through their zoning ordinances. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents, as well as preserve the character and integrity of neighborhoods. The Zoning Ordinance sets forth the specific residential development standards, described below and summarized in Table 4-7.

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**Table 4-7  
 Residential Development Standards**

Jurisdiction	Development Standard	RR/RRE	R-1-20, R1-12	R-1-8, R-1-6	RM-3, RM-2, RM-1.5
Kings County	Min. Lot Size (sf)	20,000	12,000	6,000	6,000
	Max. Density (du/ac)	2	2-3.6	5.4-7.3	14.5-29
	Lot Coverage (%)	40%	40%	40%	50%, 60%, 70%
	Max. Height (ft.)	30	30	30	30
	Parking (spaces/unit)	1	1	1	1.5
	<b>Development Standard</b>	<b>RE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
Avenal	Min. Lot Size (sf)	20,000	6,000	7,000	6,000
	Max. Density (du/ac)	2	7.3	12.4	21.8
	Lot Coverage (%)	40%	50%	60%	60%
	Max. Height (ft.)	35	35	35	35
	Parking (spaces/unit)	2	2	2	2
	<b>Development Standard</b>	<b>R-A</b>	<b>R-1-12, R-1-10, R-1-6</b>	<b>RM-2.5</b>	<b>RM-1.5</b>
Corcoran	Min. Lot Size (sf)	20,000	6,000	6,000	6,000
	Max. Density (du/ac)	2	3.6-7.3	17.4	29
	Lot Coverage (%)	40%	40%	60%	70%
	Max. Height (ft.)	35	35	35	35
	Parking (spaces/unit)	2	2	1.5-2	1.5-2
	<b>Development Standard</b>	<b>R-1-20</b>	<b>R-1-12, R-1-8 R-1-6</b>	<b>RM-3</b>	<b>RM-2</b>
Hanford	Min. Lot Size (sf)	20,000	6,000	6,000	6,000
	Max. Density (du/ac)	3	3.6-7.3	14.5	21.8
	Lot Coverage (%)	40%	40%	50%	50%
	Max. Height (ft.)	40	35	35	35
	Parking (spaces/unit)	2	2	1.5-2	1.5-2
	<b>Development Standard</b>	<b>RA-20 RA-40</b>	<b>R-1-10</b>	<b>R-1-7</b>	<b>RM-2, RM-2.5, RM-3</b>
Lemoore	Min. Lot Size (sf)	14,520 40,000	10,000	5,000	2,000/2,500/ 3,000
	Min. Density (du/ac)	1	3	5	12
	Max. Density (du/ac)	3	4	7	25
	Lot Coverage (%)	25%	40%	40%	80%
	Max. Height (ft.)	30	30	30	35
	Parking (spaces/unit)	2	2	2	1-2

Source: Zoning Ordinances for Avenal, Corcoran, Hanford, Lemoore, and Kings County

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**Structural Standards**

The permitted density of residential development varies between jurisdictions and zones. The maximum allowable density ranges from 22 units per acre in Avenal and Hanford up to 29 units per acre in Corcoran and Kings County. The wide range of densities allowed in Kings County jurisdictions facilitates a variety of housing types ranging from single-family homes to multi-family apartment complexes.

Minimum lot sizes range from 5,000 square feet to 12,000 square feet for single-family residential zones and from 2,000 to 7,000 square feet per unit for multi-family residential zones. The zoning ordinances also regulate the size of residential structures through lot coverage and height limits. All Kings County jurisdictions have reasonable structural limits, with maximum heights ranging from 30 to 35 feet. Multi-family lot coverage requirements are generous, ranging from 50% to 80%. The single-family zones allow lot coverage ranging from 40% to 50%. Agricultural zones have a lower lot coverage limit due to the predominant non-residential nature of these areas. These development standards are typical of other cities in the San Joaquin Valley and are not considered to be a constraint to development.

**Parking Requirements**

The parking requirements for Kings County jurisdictions are relatively consistent for all residential uses. For instance, most residential units require 2 parking spaces per unit, with the exception of Kings County, which requires 1 space per single-family unit and 1.5 spaces for multi-family units. In addition, all jurisdictions require only 1.5 spaces for multi-family units with fewer than 2 bedrooms. In all communities, multi-family residential projects with 2 or more bedrooms are required to provide 2 parking spaces. In Lemoore, only one space per unit is required for senior housing regardless of unit size.

Providing adequate parking is necessary to facilitate the sale or rental of a unit. Allowing too few spaces limits the potential occupants of a unit. These parking requirements are designed to accommodate multiple vehicles for households most likely to own more than one vehicle – households in single-family homes and in apartments with two or more bedrooms. According to the 2000 Census, 69% of owner-occupied units and 38% of renter units have 2 or more vehicles. Therefore, requiring two spaces per residence is a reasonable requirement and does not constrain development in Kings County.

**e. Secondary Dwelling Units**

Secondary dwelling units are attached or detached units that provide complete independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, and sanitation, located on the same lot as the primary structure. Second units often provide affordable housing for extremely-low-, very-low- and low-income households, including seniors. *Government Code* §65852.2 (AB 1866) requires jurisdictions to allow second units by-right (as permitted uses) in all single-family zones unless specific findings are made. As shown in Table 4-2 (page 4-3) Table 4-6 (page 4-6), second units are permitted in single-family zones in all five jurisdictions.

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Specific requirements for secondary units for each jurisdiction are summarized below.

- **Avenal** – The City of Avenal requires a ministerial permit review for second units to ensure consistency with the following standards set forth in the zoning code: 1) the floor area of the second unit shall not exceed 1,200 square feet or 30% of the primary structure, 2) the height shall not exceed the height of the main dwelling, 3) one additional parking space shall be provided, 3) the unit shall be used only by the occupants of the main dwelling, their non-paying guests, or domestic employees and may not be rented, and 4) the unit shall not cause a high concentration of such units sufficient to change the character of the surrounding residential neighborhood. These provisions may pose a constraint upon second units; therefore, Program 1.12 in the Housing Plan includes a provision to review the Zoning Ordinance with respect to AB 1866.
- **Corcoran** – The City of Corcoran requires an administrative permit for all second units. The Zoning Code does not impose specific development standards for second units but does require that the unit be consistent with the applicable development standards for the zone. These regulations are consistent with AB 1866 and do not pose a constraint on second units.
- **Hanford** – The City of Hanford requires an administrative application for second units to ensure consistency with development standards set forth in the Zoning Code. These standards include: 1) a floor area limit of 1,200 square feet or 30% of the primary structure, 2) owner occupancy of the primary residence or the second unit, 3) at least one additional parking space, and 4) compliance with the other regulations for the R, RM and OR districts, except as provided in the second housing units standards. These regulations are consistent with AB 1866 and do not pose a constraint on second units.
- **Lemoore**– The City of Lemoore requires an administrative permit for all second units to ensure consistency with development standards set forth in the zoning code. These standards include: 1) a floor area limit of 30% of the existing living area (interior habitable area) of the existing dwelling if attached and 1,200 square feet if detached, 2) a prohibition on second units in planned unit developments unless approved as part of the project, 3) height limited to the height of the existing unit and 4) compliance with the height, building setbacks, lot coverage and zoning requirement generally applicable to the zone in which the property is located. These regulations are consistent with AB 1866 and do not pose a constraint on second units.
- **Kings County** – Kings County requires ministerial site plan review for second units to ensure consistency with develop standards set forth in the zoning code. These standards include: 1) a floor area limit of 30% of the existing living area if attached and 1,200 square feet if detached, 2) owner occupancy of the primary residence or the second unit, 3) at least one additional parking space, and 4) compliance with the other regulations for the R district. These regulations are consistent with AB 1866 and do not pose a constraint on second units.

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**f. Density Bonus**

Under current state law (SB 1818 of 2004), cities and counties must provide a density increase up to 35% over the otherwise maximum allowable residential density under the Municipal Code and the Land Use Element of the General Plan (or bonuses of equivalent financial value) when builders agree to construct housing developments with units affordable to low- or moderate-income households. The density bonus policies for each jurisdiction are discussed below.

- **Avenal** – In response to program requirements in the previous housing plan and SB 1818, the City of Avenal adopted a local ordinance that provides density bonus incentives in conformance with state law. Use of the density bonus has been limited, however, since allowable densities are sufficient to facilitate affordable housing without requiring a density bonus.
- **Corcoran** – The City of Corcoran adopted a density bonus ordinance in conformance with state law in 2008.
- **Hanford** – The City of Hanford adopted a density bonus ordinance in conformance with state law in 2008.
- **Lemoore** – The City has not yet completed the comprehensive update to the Zoning Code; therefore, Program 4.9 is included in the Housing Plan to adopt a density bonus ordinance by 2010.
- **Kings County** – The County has not yet adopted a density bonus ordinance in compliance with SB 1818; therefore, Program 5.5 is included in the Housing Plan to update its density bonus ordinance by 2010.

**g. Mobile Homes/Manufactured Housing**

There is often an economy of scale in manufacturing homes in a plant rather than on site, thereby reducing cost. State law precludes local governments from prohibiting the installation of mobile homes on permanent foundations on single-family lots. It also declares a mobile home park to be a permitted land use on any land planned and zoned for residential use, and prohibits requiring the average density in a new mobile home park to be less than that permitted by the Municipal Code.

As described below, all jurisdictions allow for the development of manufactured housing and mobile homes, providing a valuable source of housing for seniors, families, as well as farmworkers.

- **Avenal** – The City of Avenal permits mobile homes and manufactured housing by right in the A-I, A-E, R-E and R-1 zones and by conditional use in the R-2 and R-3 zones. Although the Zoning Ordinance includes a Mobile Home Park (MHP) district, there is no land designated as such in the city. All existing MHPs are zoned R-1.
- **Corcoran** – The City of Corcoran permits mobile homes and manufactured housing by right in the S, RA, R-1, and RM zones. Existing MHPs are located in single-family, multi-family, or service commercial zones.
- **Hanford** – The City of Hanford permits mobile homes and manufactured housing by right in the AG, R-1-20, R-1, RM, and OR zones. Mobile home parks are permitted in the RM-2 and RM-3 zones subject to a Conditional Use Permit.

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- **Lemoore** – The City of Lemoore permits mobile homes and manufactured housing by right in the RA, R, and RM zones subject to design criteria.
- **Kings County** – Kings County permits mobile homes and manufactured housing by right in the A, RR, R, and RM zones. The RM Multi-Family Residential District allows manufactured housing communities or mobile home parks with a conditional use permit.

**2. Residential Permit Processing and Environmental Review**

Development review procedures exist to ensure that proposals for new residential development comply with local regulations and are compatible with adjacent land uses. As shown in Table 4-8, processing times for Kings County jurisdictions are relatively quick: single-family projects require one to eight weeks, while multi-family projects typically require one to six months.

**Table 4-8  
 Development Review Processing**

Permitting Requirements and Timeframes	Jurisdiction				
	Avenal	Corcoran	Hanford	Lemoore	Kings County
Tentative Tract Map	2 mo.	3 mo.	45-60 days	45-60 days	2-3 mo.
Parcel Map	3 mo.	2 mo.	30-45 days	45 days	4-6 weeks
<b>Required Permits</b>					
Conditional Use Permit for Housing in Residential Zones	MF projects exceeding 19 du 45-60 days	Req. for projects > 5 du 60 days	Not Required for Housing; 30-45 days	Required for PUDs only; 60 days	Not Required for Housing; 120 days
Architectural Review for Housing in Residential Zones	Administrative as part of SPR	Only PUDs 30-45 days	Only PUDs 30-45 days	Downtown Projects Only 30-45 days	Not Required
Administrative Site Plan Review for Apartments	Required 30 days	Required 30-45 days	Required 30 days	Required 45 days	Required 5 Weeks
<b>Time Frame from plan submittal to approval</b>					
- Single-family project	1 week	14 days	45-60 days	60 days	4-6 weeks
- Multi-Family project	45-60 days	1 to 3 mo.	30-45 days	60-90 days	4-6 weeks

du=dwelling unit  
 \* Exception is for Planned Unit Developments (PUD)  
 Source: Cities of Avenal, Corcoran, Hanford, and Lemoore; Kings County.

State planning and zoning law provides permit processing requirements for residential development. Within the framework of state requirements, each jurisdiction has structured its development review process in order to minimize the time required to obtain permits while ensuring that projects receive careful review. A description of each jurisdiction's permit and environmental review process is described below.

- **Avenal** – Generally, residential projects can be built by-right in all residential zones provided that the project's site plan conforms to the Zoning Ordinance. Multi-family projects larger than 19 units require a conditional use permit due to traffic concerns. The conditional use permit has standard findings applicable to all uses, is processed

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expeditiously, and facilitates affordable housing. The Planning Commission approves projects where: 1) the site is adequate in size, shape, and location for the use; 2) the use is consistent with the General Plan; 3) adequate CEQA documentation has been considered; and 4) the use will not be detrimental to the public health, safety, or welfare of persons residing or working in that neighborhood and the use will not be injurious or detrimental to property or improvements. The Zoning Ordinance for the City of Avenal requires a Conditional Use Permit when a multi-family project exceeds 19 units. A recent permit for an 81-unit low-income complex for Amcal Housing took just three months from application filing to final approval from the Planning Commission. The purpose of the CUP process for a large multi-family project is to allow the Planning Commission to review parking, landscaping and other project design features to ensure that adequate amenities such as playground equipment and barbeques are included in the project. While the CUP process has not been a significant constraint to the production of lower-income housing, in order to improve development certainty a program has been included in the Housing Plan (Chapter 5) to replace the CUP requirement in favor of site plan review by the Planning Commission.

- **Corcoran** – Single-family homes can be built by right in residential zones. Multi-family projects with less than 20 units are permitted by-right while projects of 20 or more units are required to obtain a conditional use permit. The conditional use permit is required because larger projects usually have a potentially significant traffic impact on a small community the size of Corcoran. The conditional use permit does not constrain the timing, certainty or location of multi-family housing since the findings are the same as for all conditionally permitted uses. Since October 2008 the City has received 3 applications for multi-family apartment complexes ranging in size from 56 to 81 units, all of which were approved within 2 to 16 months. The Avalon Apartments CUP took 16 months due to lack of proper easements and road issues. Dairy Villas took 10 months because of several changes submitted by the developer and an incomplete easement agreement with Corcoran Irrigation District. Kings Manor took 2 months from CUP application submittal to approval. While the CUP process has not been a significant constraint to the production of lower-income housing, in order to improve development certainty a program has been included in the Housing Plan (Chapter 5) to replace the CUP requirement in favor of site plan review by the Planning Commission.
- **Hanford** – Residential projects can be built by-right in their respective zones via an approved site plan review and applicable CEQA requirements without a conditional use permit or a design review. For multi-family projects, a site plan review is required to enable the City to determine whether a proposed project conforms to the intent and provisions of the Zoning Ordinance, to guide the Building Official in the issuance of building permits, and to provide for the expeditious review of environmental impact assessments. The Community Development Department makes findings for approval provided the project complies with the following City policies: 1) traffic safety, street dedications, street improvements, and environmental quality, 2) zoning, fire, police, building and health codes, and public works construction standards; and 3) any other applicable federal, state or local requirements. Architectural review is required only for Planned Unit Development (PUD) overlays, and only one parcel in Hanford is designated as such. Developers follow objective guidelines and the Planning Commission approves the project.

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- Lemoore** – Residential projects can be built by right in their respective zones via an approved site plan review and applicable CEQA requirements. Architectural review is only required in the downtown district. City staff provides a standard checklist of items to developers at the outset of a project. Individual homes are approved administratively with only a building permit and no requirement for a public hearing. Site plan review is required for multi-family and PUD projects to enable the City to determine whether a project conforms to the intent and provisions of the Zoning Ordinance, to guide the building official in permit issuance, and to provide for expeditious review of environmental assessments. For projects with 5 or more units, a public hearing is required. The Planning Commission reviews and approves planned developments (minimum five acres for multi-family sites; ten acres for single-family sites) and modifications to development standards. The PUD process has not resulted in any project denials.
- Kings County** – Kings County allows single-family and multi-family residential projects by right in residential zones. No conditional use permits are required for residential uses. Moreover, Kings County does not require architectural review or design review. However, the County does require a standard site plan review for multi-family housing to enable the County to determine whether a proposed project conforms to the intent and provisions of the Zoning Ordinance, to guide the Building Official in the issuance of building permits, and to provide for the expeditious review of environmental impact assessments. Processing times are largely a function of compliance with CEQA requirements.

These procedures help to ensure that each jurisdiction's development process meets all legal requirements without causing a significant unwarranted constraint to housing development.

**3. Developer Fees, Improvement Requirements and Building Codes**

State law limits fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Various fees and assessments are charged by Kings County jurisdictions and other public agencies to cover the costs of processing permit applications and providing services and facilities such as schools, parks and infrastructure. Almost all of these fees are assessed through a pro rata share system, based on the magnitude of a project's impact or on the extent of the benefit that will be derived.

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, cities and counties have faced increasing difficulty in providing public services and facilities to serve their residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on land developers. Kings County jurisdictions require developers to provide on-site and off-site improvements necessary to serve their projects. Such improvements may include water, sewer and other utility extensions, street construction and traffic control device installation that are reasonably related to the project. Dedication of land or in-lieu fees may also be required of a project for rights-of-way, transit facilities, recreational facilities, and school sites, consistent with the Subdivision Map Act.

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State law prohibits the imposition of building standards that are not necessitated by local geographic, climatic or topographic conditions, and requires that local governments making changes or modifications in building standards must report such changes to the Department of Housing and Community Development along with a finding with justification that the change is needed. Kings County jurisdictions' building codes are based upon the California Building, Plumbing, Fire, Mechanical, Electrical, Housing, Building Conservation and Energy Codes, and the International Property Maintenance Code. These are considered the minimum necessary to protect the public's health, safety and welfare. Although minor amendments have been incorporated to address local conditions, no additional regulations have been imposed that would unnecessarily add to housing costs.

Additional information regarding development fees, improvement requirements, and building codes is provided below.

**a. Planning and Development Fees**

Housing construction imposes short- and long-term infrastructure costs on communities. Short-term costs include staffing for planning services and inspections. In addition, new residential developments can result in significant long-term costs to maintain and improve infrastructure, public facilities, parks, and streets. In response to the taxing constraints imposed by Proposition 13, many California cities have relied increasingly on planning and development fees to fund services needed by new housing.

In Kings County, all jurisdictions collect planning and building fees for new development, as well as impact fees to assist in the construction of new schools as necessary. In addition, the cities of Avenal, Hanford, Corcoran, and Lemoore collect impact fees to help fund infrastructure improvements. The impact fees include public safety (police and fire), water system supply and distribution, wastewater collection/treatment, streets/thoroughfares, parks and recreation, and various others. Kings County does not charge impact fees. Development within special districts (either a community service district or public utility district) requires connection fees to be paid to the respective special district where services were provided.

Table 4-9 presents the development processing and impact fees charged in each jurisdiction. According to a statewide fee study<sup>10</sup>, Kings County jurisdictions' fees were lower than half of all jurisdictions in the state. Based on current conditions, fees (both processing and impact) range from approximately 3% to 13% of the total cost of housing in Kings County. Given the current realities of local government fiscal conditions, this is considered very modest and is not an unreasonable constraint to housing.

<sup>10</sup> Pay to Play: Residential Development Fees in California Cities and Counties. HCD, August 2001.

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**A. Governmental Constraints**

**Table 4-9  
 Residential Development Fees**

Jurisdiction	Single Family Projects <sup>1</sup>					Multi-Family Projects <sup>2</sup>				
	Avenal	Corcoran	Hanford	Lemoore	County	Avenal	Corcoran	Hanford	Lemoore	County
<b>Processing Fees</b>										
Building Plan Check & Permit	\$1,332	\$2,635	\$2,588	\$2,100	\$2,450	\$826	\$925	\$2,043	\$700	\$650
Site Plan Review/CUP	--	\$74	NA	\$235	--	\$200	\$74	\$145	\$250	\$52
Tent. & Final Subdivision Maps	\$550	\$1,269	\$5,998	\$1,380	\$3,245	NA	NA	NA	NA	NA
CEQA Review <sup>3</sup>	--	\$422	\$306	\$38	\$630	--	\$422	\$153	\$19	\$630
<b>Total Planning/Building Fees</b>	<b>\$1,882</b>	<b>\$4,400</b>	<b>\$8,892</b>	<b>\$3,753</b>	<b>\$6,325</b>	<b>\$1,026</b>	<b>\$1,421</b>	<b>\$2,341</b>	<b>\$969</b>	<b>\$1,332</b>
<b>Impact Fees</b>										
Water	\$742	\$1,163	\$1,843	\$1,647	\$350-5,900 <sup>4</sup>	\$490	\$1,163	\$1,419	\$1,726	\$350-5,900 <sup>4</sup>
Wastewater	\$629	\$3,137	\$2,272	\$831	\$0-6,637 <sup>4</sup>	\$504	\$3,137	\$2,074	\$508	\$0-6,637 <sup>4</sup>
Roads	--	--	\$2,476	\$1,046	--	--	--	--	\$670	--
Parks	\$1,311	\$923	\$2,787	\$1,543	--	\$1,050	\$923	\$2,452	\$2,500	--
Drainage	--	\$300	--	\$658	--	--	\$300	--	\$475	--
Fire (County)	\$882	\$882	\$158	\$882	\$882	\$700	\$700	\$139	\$147	\$700
Library (County)	\$323	\$323	\$323	\$323	\$323	\$256	\$256	\$256	\$256	\$256
Criminal justice (County)	\$1,207	\$1,207	\$1,207	\$1,207	\$1,207	\$957	\$957	\$957	\$957	\$957
Sheriff (County)	\$342	--	--	--	\$342	\$271	--	--	--	\$271
Police (City)	--	\$466	\$302	\$198	--	--	\$466	\$266	\$295	--
Animal control (County)	--	\$4	\$4	\$4	\$4	--	\$3	\$3	\$3	\$3
PFF compliance (County)	\$69	\$69	\$69	\$69	\$69	\$55	\$55	\$55	\$55	\$55
Refuse	--	--	\$310	--	--	--	--	--	--	--
General govt. (City)	\$657	\$733	--	\$626	--	\$526	\$733	--	\$778	--
<b>Total Impact Fees<sup>5</sup></b>	<b>\$6,162</b>	<b>\$9,207</b>	<b>\$11,752</b>	<b>\$8,152</b>	<b>\$3,177-15,364</b>	<b>\$4,809</b>	<b>\$8,693</b>	<b>\$7,621</b>	<b>\$8,370</b>	<b>\$2,592-14,779</b>
<b>Total Processing &amp; Impact Fees</b>	<b>\$8,044</b>	<b>\$13,607</b>	<b>\$20,644</b>	<b>\$11,905</b>	<b>\$9,502-21,689</b>	<b>\$5,835</b>	<b>\$10,114</b>	<b>\$9,963</b>	<b>\$9,339</b>	<b>\$3,924-16,111</b>
<b>Approx. % of Total Housing Cost<sup>6</sup></b>	<b>4%</b>	<b>7%</b>	<b>10%</b>	<b>6%</b>	<b>5-11%</b>	<b>5%</b>	<b>8%</b>	<b>8%</b>	<b>7%</b>	<b>3-13%</b>

Notes:

1. Per-unit fee based on a 10-lot subdivision with typical unit sizes
  2. Per-unit fee based on a typical 20-unit apartment project
  3. Assumes Negative Declaration
  4. Applies only within Community Service Districts
  5. Excluding school fees which range from \$2.97 to \$4.06 per sq. ft. depending on school district
  6. Based on a single-family detached sales price of \$200,000 and a multi-family unit value of \$125,000
- Source: Kings County jurisdictions, 12/2009

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Residential projects may sometimes require the extension of water, sewer, and roads. In these cases, the off-site improvements are more costly than traditional infill development. In Kings County, cities often require the developer to pay for extending water and sewer infrastructure, but then allow the developer to recapture up to 50% of the costs if infill projects developed within ten years are served by that infrastructure extension that was oversized.

Developer impact fees are charged in some cases for certain improvements. In addition to paying impact fees, a developer may provide needed public facilities and services through the creation of a special assessment or infrastructure financing district, annexation to existing public utilities or community services district, or raising of private capital to complete the needed improvements. These costs are passed on to residents through prices or rents charged for new housing. In rural communities, new development is required to be annexed into a city or community services district in order to obtain water and sewer services.

**b. Site Improvement Requirements**

For new housing developments, all jurisdictions require installation of curbs, gutters, sidewalks, and street lighting. Developments must also provide connections to water and wastewater systems, or provide wells and septic tanks. Where roadways are not present, developers are required to construct all internal roadways for a subdivision, and provide connections to existing roadways. Table 4-10 summarizes typical improvements.

**Table 4-10  
 On-Site and Off-Site Improvements**

Permit Type	Standard Improvements		
	Internal Streets	On-site Landscaping and Open Space	Curb, Gutters, Sidewalk, Utilities
Avenal	ROW includes local street width of 36' for streets, plus 4' for sidewalk, and none for landscaping. For collectors, ROW 60' with 5' sidewalks on both sides	Front yard setback and lot coverage (see Table 3-8). Park dedications are not required. City requires two trees per residential lot.	Requires curb, gutters, sidewalks, and roads where they do not exist. Also must connect to utilities and provide street lights.
Corcoran	ROW includes local street width of 60', plus 4' sidewalk on either side. Requires 6' landscaping. Collector ROW is 68 feet with same requirements	Front yard setback and lot coverage (see Table 3-8). Park dedications are not required. City requires two trees per residential lot.	Requires curb, gutters, sidewalks, and roads where they do not exist. Also must connect to utilities and provide street lights.
Hanford	ROW includes street width of 40' plus 5' for sidewalk, and 5' for utility easement. Collector has 80' ROW, with same easements.	Front yard setback and lot coverage (see Table 3-8). Yard must be landscaped with 4 trees per lot. Apartments must have 160 sq ft of open space per unit	Must provide curb, gutters, sidewalks, street lights, as well as sewer and water hookups, and fire hydrants
Lemoore	58' ROW includes local street width of 34', 5' sidewalks, 7' landscaping on each site. Street trees are placed every 40 feet. Most collectors and arterials have 74'-84' ROWs, respectively, and 6' sidewalks	Front yard setback and lot coverage (see Table 3-8). 10,000 sq ft. of open space required (can include recreation bldg) if apartment project exceeds 25 units	Must provide curb, gutters, sidewalks, street lights, as well as sewer and water hookups, fire hydrants, and undergrounding of utilities up to 70 kv

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**Table 4-10  
 On-Site and Off-Site Improvements**

Permit Type	Standard Improvements		
	Internal Streets	On-site Landscaping and Open Space	Curb, Gutters, Sidewalk, Utilities
Kings County	For minor street, ROW is 36' for streets plus 5' sidewalk and 5' landscape. For collector, ROW is 40' plus 6' each for sidewalk and landscaping	Standard lot coverage requirements of 40% for single-family residences and 70% for multi-family residences. No standards for open space required, just landscaping.	Curbs and gutters are required for lot sizes less than 20,000 square feet. Street lights are not required. Sewer and water hookups required for lot sizes less than one acre.

ROW=right of way  
 Source: Cities of Avenal, Corcoran, Hanford, and Lemoore; Kings County

While site improvement requirements increase housing costs, they are typical for most jurisdictions. Moreover, site improvements are necessary to maintain the quality of life desired by residents, and ensure the availability of needed public services and facilities. Jurisdictions can mitigate the cost of these improvement requirements by assisting affordable housing developers in obtaining state and federal financing for their projects, or providing regulatory and financial incentives. In several jurisdictions, the Redevelopment Agency also plays an active role in financing the construction and improvement of infrastructure.

**c. Building and Construction Codes**

All Kings County jurisdictions have adopted the Uniform Building Code and uniform Housing Code. The City of Lemoore requires new homes to be pre-wired to facilitate aftermarket solar energy installations. No other additional regulations have been imposed by the jurisdictions that would unnecessarily add to housing costs.

Code enforcement programs are implemented through each jurisdiction's Building Department, Planning Department, Public Works Department or Redevelopment Agency. Code enforcement staff investigates violations of building code and property maintenance standards as well as other complaints. When violations are identified, eligible property owners are referred to appropriate rehabilitation programs providing grants or low-interest loans for property and building improvements. Each jurisdiction is committed to increasing public awareness of rehabilitation and home improvement programs and to coordinating these programs with code enforcement efforts. This commitment is reflected in Program 1 (Code Enforcement) of each jurisdiction's Housing Plan. In addition, all Housing Plans for Kings County jurisdictions have a housing rehabilitation program.

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**B. Non-Governmental Constraints**

**1. Environmental and Infrastructure Constraints**

Environmental and infrastructure issues affect the amount, location, and timing of new residential development. New housing opportunities create challenges regarding public infrastructure extensions and expansions, and encroachment into agricultural land. In addition, the availability of adequate water, public infrastructure such as wells and wastewater treatment facilities, and other public services and facilities can impact the feasibility of new residential development. This section analyzes the potential environmental and infrastructure constraints to housing in Kings County.

**a. Agricultural Lands**

The California Land Conservation Act, (commonly referred to as the "Williamson" Act) was adopted by the state legislature in 1965 to protect agricultural, wetland, and scenic areas of the state from unnecessary or premature conversion to urban uses. The Williamson Act explicitly pronounces the State's responsibility for protecting its agricultural industry from stagnation and recession. The agricultural industry is critical to the economy of Kings County, and its agricultural preserve program was first implemented in 1969.



To that end, Kings County has several mechanisms that serve to protect farmland from premature urbanization. Conservation or Farmland Security Zone Contracts provide that property may not be used by the owner, or their successors, for any purpose other than the production of agricultural products for commercial purposes. The minimum timeframe of a Land Conservation Contract cannot be less than 10 years. Farmland Security Zone contracts cannot be less than 20 years. Both contracts automatically renew one additional year and the automatic renewal continues indefinitely unless a notice of non-renewal is filed.

As discussed in Chapter 3 and Appendix B – Land Inventory, the sites identified for housing development are not encumbered with Williamson Act contracts, nor are any sites located within Farmland Security Zones. Thus, all sites proposed for development are not constrained by agricultural land use conservation contracts.

**b. Wastewater Infrastructure**

Wastewater service for residential development in King County is provided by public sewers in the incorporated cities and community service districts. In rural areas of the County, wastewater service is not provided and residential developments rely on individual septic systems. An analysis of sewer capacity in Kings County jurisdictions and the capacity to accommodate growth commensurate with the RHNA for 2009-2014 is provided below.

- **Avenal** – The City of Avenal provides sewer service to its urbanized areas and the Avenal State Prison. The City's sewage collection system includes two major trunk lines in Laneva Boulevard that extend from the urban area to the sewage treatment plant located in southeast Avenal. Based on projected population growth the City's portion

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of treatment plant reserve capacity will not be fully utilized until the year 2024 under average flow conditions. Even under peak flow conditions, however, the plant's reserve capacity will not be fully utilized until the year 2014. No expansion is proposed at this time.

- **Corcoran** – Corcoran's wastewater is collected and conveyed to the City's treatment plant, located at the intersection of King Avenue and Pueblo Avenue, in the southeastern portion of the City. This facility provides secondary level treatment. Corcoran State Prison has its own wastewater treatment facility. The City's wastewater treatment plant has been expanded in recent years to accommodate population growth as outlined in the General Plan. The City continues to plan for expansion of the wastewater treatment facility as part of its Capital Improvement Program and Wastewater Collection Master Plan as necessary to include alternative analysis of water reclamation facilities. New development is responsible for construction of all sewer lines serving the development. Adequate treatment plant capacity is projected through the planning period.
- **Hanford** – Hanford's wastewater treatment plant was recently expanded to provide additional capacity for city growth through 2016. To allow for growth east of the City's boundaries, either a major new interceptor line will be installed to connect this area with the wastewater treatment plant or a satellite tertiary wastewater treatment plant must be built. These improvements will either be funded through impact fees or provided by developers to ensure adequate capacity to accommodate development. Thus, adequate capacity will be available to serve new residential development commensurate with the regional housing production goals.
- **Lemoore** – Lemoore requires all new developments to connect to the City's sewer system. Single-family homes on lots of at least one-acre, which were previously allowed to use private septic systems, are now required to connect to sewer systems to prevent groundwater contamination. Lemoore's wastewater system has adequate capacity to serve projected development through the end of the planning period. New trunk lines and collectors must be planned in areas of the city where growth is expected to occur. Such improvements will be funded through wastewater impact fees.
- **Unincorporated County** – Wastewater treatment capacity is more limited in unincorporated communities than in the cities. In most of the unincorporated areas, wastewater treatment services are not provided, and residential development relies on individual septic systems. However, the Armona, Kettleman City and Stratford areas are served by wastewater treatment systems. The Stratford Public Utility District is only able to service existing connections. The community districts of Armona, Home Garden, and Kettleman City have adequate wastewater treatment capabilities. Home Garden contracts with the City of Hanford for wastewater treatment.

**c. Water Availability and Infrastructure**

The availability of water to serve residential development is an important prerequisite for determining the ability of sites to accommodate housing commensurate with the regional housing needs production goals during the 2009-2014 planning period. The availability of water to serve additional growth in each jurisdiction is discussed below.

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- **Avenal** – The City of Avenal uses imported water supplied from the San Luis Canal as part of the California Water Project. Based on the Avenal Water Master Plan, the City is projected to have sufficient supply of imported water to meet growth demands through the planning period, although it is difficult to predict future water supplies with certainty due to the current drought.
- **Corcoran** – Corcoran relies upon five groundwater wells located in a well field northeast of the City to meet all domestic, commercial, and industrial water demands. To prevent aquifer overdrafting, Corcoran participates in groundwater recharge activities, has adopted water conservation ordinances, and treats/reuses wastewater effluent for irrigation at Corcoran State Prison. The City has sufficient existing and planned groundwater supply to serve the City’s maximum population projected at buildout of the General Plan without depletion of the aquifer.
- **Hanford** – Hanford and surrounding urban areas rely on local groundwater from the San Joaquin Valley Groundwater Basin to meet all domestic, commercial, and industrial water demand. The City also maintains drainage basins to percolate storm water and excess domestic water year-round to recharge the aquifer. Approximately half of the water consumed by urban uses is used to recharge the aquifer and half is used as irrigation. Current forecasts project that adequate water will be available through the planning period to serve anticipated growth.
- **Lemoore** – The City of Lemoore provides water service within its corporate limits from 7 wells. According to the 2008 General Plan, projected average day demand is expected to be within the current supply capacity. As the City grows in accordance with General Plan projections, demand will eventually exceed the supply available from existing wells. At that time, the City may need to drill additional wells. Lemoore is not located within an adjudicated water basin, so there is no restriction on the number of wells that may be drilled inside the City limits. The City also encourages conservation measures to decrease demand. Because the City lies above a semi-confined aquifer, groundwater recharge is accomplished by up-basin stream recharge.
- **Unincorporated County** – The Kettleman City Community Services District (KCCSD) provides water to the unincorporated community of Kettleman City from two groundwater wells. The KCCSD has established a moratorium on new commercial and residential development until water system improvements or an imported water source is identified.
  - The Armona Community Services District (ACSD) provides water services in the unincorporated community from two groundwater wells. The ACSD has established a moratorium on new commercial and residential development until water system improvements or an imported water source is identified.
  - Neither the KCCSD nor the ACSD are restricted in the amount of groundwater wells that can be drilled. The KCCSD and ACSD Capital Facilities Plans include the provision of new wells and additional water storage capacity to accommodate buildout of the General Plan land use policies. As demand for water supply increases with population growth, these community service districts will drill new wells and construct additional water storage facilities in accordance with their Capital Facilities Plans.

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- Home Garden Community Service District (HGCS) can support limited infill development and currently has undetermined capacity for future water connections. However, a new water treatment plant is anticipated to come online by the end of 2009. This water treatment facility will bring the HGCS into compliance with EPA standards as well as provide service to new growth.
- Stratford Public Utility District (SPUD) has three existing wells and can support limited infill development. However, existing capacity will not support large scale development within the community and new sources of potable water will be needed.

All of the incorporated cities and unincorporated communities in Kings County have indicated sufficient water supply to support projected populations at buildout of the General Plans without depleting groundwater aquifers.

2. Land and Construction Costs

Land and construction costs contribute to the cost and affordability of housing. However, these market factors are largely beyond the control of local jurisdictions.



While land costs are primarily controlled by regional location, cities and counties can influence per-unit land costs through allowable densities. As discussed in the Governmental Constraints section, all of the jurisdictions in Kings County allow residential development at sufficient densities to accommodate market demand.

Like land costs, construction costs are not significantly affected by local policies. The price of materials and labor are affected by regional, national and international forces. Construction costs depend on the type of home as well as amenities, materials used, and quality of construction. Jurisdictions have several means to reduce the cost of housing construction, improve housing affordability, and expand housing opportunities for more residents. Using prefabricated or manufactured housing is one way to reduce construction costs. All Kings County jurisdictions have policies to facilitate the use of manufactured housing.

Local building code requirements could also affect the cost of new housing. All Kings County jurisdictions have adopted the Uniform Building Code and no local amendments have been adopted that would significantly increase the cost of construction.

In some portions of Lemoore, mitigation is needed to comply with FEMA flood hazard regulations or to provide noise insulation in homes impacted by aircraft overflight from the Naval Air Station Lemoore. While these measures will increase constructions costs, they at least partially offset by creating additional areas for residential development, thereby increasing the potential supply of housing.

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Chapter 4. Constraints

3. Cost and Availability of Financing

Kings County jurisdictions are similar to most other communities with regard to private sector home financing programs. The recent (2007-2009) financial crisis has affected the availability of real estate loans, although the long-term effects are unpredictable. The “sub-prime” lending industry made it possible for families or others who could not qualify for standard mortgages to become home owners even though they might not have had the credit history and income to support repayment of the loans. The problem typically occurred with adjustable rate mortgages (ARMs) after the initial fixed interest rate period expired (often two to three years) and the interest rate converted to market rate. Because ARMs often offer “teaser” initial interest rates well below market for the first few years, monthly payments may increase by several hundred dollars when the loan converts to market rate. When property values were increasing, as was the case from 2000 to 2006, homeowners had the option of refinancing to a new loan when the initial rate expired. However, when property values are declining, homeowners may owe more than the resale value of their home, making refinancing impossible. As a result of these conditions, there has been a significant rise in foreclosure rates, and changes in mortgage underwriting standards are likely to have greater impacts on low-income families than other segments of the community.

Under state law, it is illegal for real estate lending institutions to discriminate against entire neighborhoods in lending practices because of the physical or economic conditions in the area (“redlining”). In monitoring new construction sales, re-sales of existing homes, and permits for remodeling, there is no evidence of redlining in Kings County.

C. Fair Housing

State law prohibits discrimination in the development process or in real property transactions, and it is each jurisdiction’s policy to uphold the law in this regard. In Kings County, fair housing complaints are referred to different agencies depending on the jurisdiction. The cities of Corcoran, Hanford and Lemoore refer fair housing complaints to the HUD Fair Housing Enforcement Center in San Francisco. The cities of Corcoran and Lemoore also refer housing complaints to Tulare/Kings County Legal Aid. Kings County and Lemoore refer fair housing complaints to the Human Rights/Fair Housing Commission office in Fresno. The City of Avenal does not refer housing complaints to a fair housing agency.

Since this approach may be confusing to residents and because some of the agency offices are far removed and may be difficult to access, the Housing Plan includes a commitment for the cities to coordinate with Kings County to select a local fair housing agency to provide landlord/tenant mediation, fair housing investigations and testing. Each jurisdiction will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate information, these brochures will be distributed at City Halls, libraries, post offices, and posted on each jurisdiction’s website.

Chapter 5. Housing Plan

The earlier chapters of the Housing Element describe the housing needs, resources and constraints for the five jurisdictions in Kings County. This five-year Housing Plan sets forth a comprehensive strategy and program of actions to address the housing issues identified within the cities of Avenal, Corcoran, Hanford, Lemoore, and the unincorporated areas of Kings County.

Section A highlights the major housing issues identified in Kings County and corresponding goals and policies to address those issues. Section B sets forth the specific programs to be implemented by the cities of Avenal, Corcoran, Hanford, Lemoore, and unincorporated Kings County to effectively implement the goals and policies.

A. Goals and Policies

1. Housing and Neighborhood Conservation

Improving the condition of housing is a primary housing goal for many communities. As part of the 2009-2014 Housing Element update, each jurisdiction in Kings County conducted a comprehensive housing survey. These surveys revealed that the majority of homes in each community are in sound condition. However, there is a need for repair, improvement, and rehabilitation of homes, particularly older “Farmers Home” units and mobile homes as well as older multi-family complexes. Thus a primary goal of the Housing Element is to continue to support policies and programs for improving housing and residential neighborhoods.

GOAL 1. Improve and maintain the quality of housing and residential neighborhoods.

*Policy 1.1. Promote and improve the quality of residential properties by ensuring compliance with housing and property maintenance standards.*

*Policy 1.2. Assist in the repair, rehabilitation, and improvement of residential structures; demolish and replace structures which are dilapidated and beyond repair.*

*Policy 1.3. Invest in infrastructure and public facilities to ensure that adequate water, sewer, roads, parks, and other needed services are in place to serve existing and future residential developments.*

*Policy 1.4. Preserve assisted rental housing for long-term occupancy by low- and moderate-income households.*

2. Housing Production

Like most other areas in the San Joaquin Valley, Kings County has maintained a rapid growth rate in recent decades. Strong population growth is expected to continue in the foreseeable future. The Housing Element sets forth policies to encourage the production of high quality housing that meets identified housing needs, further stimulates economic development, and improves residential neighborhoods.

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Chapter 5. Housing Plan

- GOAL 2. Facilitate and encourage the provision of a range of housing types and prices to meet the diverse needs of residents.**
- Policy 2.1. Provide adequate sites for housing through appropriate land use, zoning and development standards to accommodate the regional housing needs for the 2009–2014 planning period.*
- Policy 2.2. Work collaboratively with nonprofit and for-profit developers to seek state and federal grants to support the production of affordable housing.*
- Policy 2.3. Ensure the adequate provision of water, sewer, roads, public facilities, and other infrastructure necessary to serve new housing.*
- Policy 2.4. Support the construction of high quality single- and multi-family housing which is well designed and energy efficient.*

**3. Housing Constraints**

Market factors and government regulations can have a significant impact on the cost of new housing. Although market factors are largely beyond the influence of local governments, Kings County jurisdictions can continue to implement responsive programs to mitigate the impact of market conditions and governmental regulations.

- GOAL 3. Remove or mitigate, to the extent feasible and appropriate, potential governmental constraints to the production, maintenance, improvement and affordability of housing.**
- Policy 3.1. Offer regulatory and/or financial incentives, as available and appropriate, to encourage the construction of quality housing.*
- Policy 3.2. Periodically review local ordinances and building regulations to ensure that they do not unduly impede housing investment.*
- Policy 3.3. Utilize planned developments and other creative mechanisms to facilitate the construction of more creative, well-designed, housing projects.*
- Policy 3.4. Ensure that developments are processed efficiently to minimize holding costs and comply with the Permit Streamlining Act.*

**4. Housing Assistance**

Certain groups may have greater difficulty in finding decent, affordable housing due to unique circumstances. Persons with special needs include low- and moderate-income households, military personnel, seniors, disabled persons, large families, people who are homeless, single-parent households, and farmworkers. Kings County jurisdictions remain committed to assisting people of all walks of life in securing adequate housing.

- GOAL 4. Provide housing assistance to extremely-low-, very-low-, low-, and moderate-income households and those with special housing needs.**
- Policy 4.1. Support the provision of rental assistance to provide affordable housing options for extremely-low-, very-low- and low-income households.*

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**A. Goals and Policies**

- Policy 4.2. Participate in efforts to expand homeownership opportunities to lower- and moderate-income households through downpayment assistance and other homeownership programs.*
- Policy 4.3. Support the provision of housing suitable for special needs groups, including seniors, people with disabilities, homeless people, military personnel, large households, single-parent families, and farmworkers.*
- Policy 4.4. Develop and maintain collaborative efforts among nonprofits, for-profit developers, and public agencies to encourage the development, maintenance, and improvement of housing.*

**5. Fair and Equal Housing Opportunities**

Ensuring fair and equal housing opportunity is a continuing need in Kings County to ensure that all persons, regardless of their status, have the opportunity to find a suitable home. Mediating tenant/landlord disputes, investigating complaints of discrimination, providing education services, and improving public awareness are all part of a comprehensive program.

- GOAL 5. Further equal housing opportunities for persons, regardless of status.**
- Policy 5.1. Support enforcement of fair housing laws prohibiting arbitrary discrimination in the development, financing, rental, or sale of housing.*
- Policy 5.2. Periodically review City ordinances and development regulations and modify, as necessary, to accommodate housing for disabled persons.*

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**B. Housing Programs**

**1. Avenal Housing Programs**

Avenal has a long history dating back to the 1800s. Early American settlers arrived in the Kettleman Hills during the 1850s with the dream of raising cattle and farming. Oil, however, would bring fame, fortune, and people to Avenal. In 1929, Standard Oil surveyed the current site of Avenal to build a town. By 1940, Avenal was the second largest town in Kings County with a population of 3,000 – mostly oil workers – and was known for some of the best services and schools in California. During the 1940s, however, the decline of oil and gas production affected Avenal's economy, and many stores and houses were vacated.



Avenal State Prison

facilities in California.

Avenal's transition began when agricultural workers came to the area. During the 1970s, the completion of the California Aqueduct provided needed water and completion of I-5 brought new business opportunities. Following incorporation in 1979, the City attracted a state prison in 1987, and later annexed the I-269/I-5 interchange and zoned the area for commercial and industrial development. Future projects include the proposed \$325-million power plant in northeast Avenal and expansion of the City's landfill into one of the largest

Community development will play an important role in Avenal's future. New quality housing is needed to attract employees of Avenal State Prison, recently-completed Coalinga State Mental Hospital, and other future employers. Rehabilitation and infrastructure programs are needed to improve the quality of neighborhoods and foster identity and pride. Assisting residents in securing affordable rental and ownership housing remains a priority for Avenal. The Housing Element plays an important role in Avenal by guiding community development programs which will define and shape the City's future through 2014.



El Palmar Apartments

**1.1 Code Enforcement**

Code enforcement is an important means to preserve public health and safety and ensure that the character and quality of neighborhoods and housing is maintained. To that end, the City's Code Enforcement staff under the Public Works department will work to enforce state and local

**B.1 Avenal Housing Programs**

regulations. In conjunction with code enforcement activities, City staff will provide information to homeowners regarding the City's *Housing Rehabilitation Program*.

**Objective:** Continue to work with the community to address code violations. Refer property owners to the Housing Rehabilitation Program.  
**Responsible Agency:** Code Enforcement Staff/Public Works Department  
**Funding:** General Fund  
**Timeline:** Ongoing

**1.2 Housing Rehabilitation Program**

In collaboration with a housing partner, the City will continue providing rehabilitation loans to lower-income households, including very-low- and extremely-low-income persons. Initiated in 1988 with CDBG funds, the Housing Rehabilitation Program will provide loans for up to \$190,430 for most types of housing repairs, energy conservation improvements, and handicapped accessibility devices.



**Objective:** Continue to provide between 6 to 12 loans per year. Continue to market the program through brochures at the public counter.  
**Responsible Agency:** Community Development Department and Self-Help Enterprises  
**Funding:** CDBG; HOME; CAL-HOME  
**Timeline:** Ongoing

**1.3 Preservation of At-Risk Affordable Housing**

The City will work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. As noted in Chapter 2, Avenal has 317 units of affordable housing created through City, state, and federal programs, some of which serve very-low- and extremely-low-income persons, and none are at risk for conversion during the next 10 years.

**Objective:** Continue to monitor at-risk units.  
**Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Ongoing

**1.4 Adequate Sites**

The City will facilitate the production of new housing to accommodate demand commensurate with the City's share of regional housing needs. To that end, the Housing Element identifies "adequate"

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sites to accommodate the City's regional housing needs allocation identified as 771 units (40 extremely-low, 40 very-low, 126 low, 214 moderate, and 291 above moderate income affordability) during the current planning period. Adequate sites are those with appropriate development and density standards, water and sewer services, and adequate infrastructure.

**Objective:** Maintain appropriate land use designations to provide adequate sites appropriate for new housing to meet Avenal's housing needs allocation of 771 units.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Throughout the planning period

1.5 Infill Development

The City will continue to support infill development for homes and mobile homes in residential zones. Infill lots are being extensively used in Avenal for new development. Over 170 single-family homes have been built during the previous planning period almost exclusively on infill lots. The City works with developers to complete variances that allow more infill lots to be created and used. The City will provide an inventory at the public counter on the location of infill sites that are adequately served by infrastructure and suitable for residential development.

**Objective:** Facilitate infill development by providing the location and zoning of residential infill sites in the community and working with developers to expedite applications.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Ongoing

1.6 Density Bonus Program

In accordance with state law, Avenal has adopted a local ordinance that provides density bonus and other incentives to encourage the development of affordable housing. The City will continue to work with developers to facilitate the use of these options.

**Objective:** Continue to implement the density bonus ordinance to assist development of affordable housing.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Throughout the planning period

1.7 Regulatory and Financial Assistance

Avenal allows multi-family housing in high density zones and requires a conditional use permit for projects in excess of 19 units. The City also assists developers of affordable housing by reducing or deferring development fees and reducing processing times. The City expedited two CUP applications

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for multi-family low-income projects during the previous planning period. The City also assisted these developers with Tax Credit applications. The City continues to use the CUP process for large apartment applications. The City will continue providing regulatory and financial assistance to facilitate the development of affordable housing to extremely-low-, very-low-, low-, and moderate-income households.

**Objective:** Continue to defer/reduce fees and expedite processing for affordable housing.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Throughout the planning period.

1.8 First Time Homebuyer Program

In collaboration with a housing partner, Avenal will continue to provide home ownership opportunities to new low-income homebuyers through the First Time Homebuyer Program. Initiated in 2000, this program provides up to \$130,000 in a deferred silent second loan to subsidize mortgage payments and closing costs. Residents must provide a \$1,000 down payment and qualify for a home loan. The City assisted 54 applicants with the purchase of homes under the First Time Homebuyer program during the previous planning period and is applying for CDBG funds to provide additional assistance.

**Objective:** Assist 10 to 15 new first-time homebuyers on an annual basis.

**Responsible Agency:** Community Development Department and Self-Help Enterprises

**Funding:** HOME

**Timeline:** Throughout the planning period

1.9 Section 8 Rental Assistance

Avenal will continue to participate in the Section 8 rental assistance program. The Section 8 rental assistance program extends rental subsidies to extremely-low- and very-low-income households that spend more than 30% of their income on rent. The rent subsidy is the difference between 30% of the monthly income and the allowable rent determined by the Section 8 program.

**Objective:** Assist Kings County Housing Authority in promoting the Section 8 program by posting information at City Hall.

**Responsible Agency:** Community Development Department, County Housing Authority

**Funding:** Department of Housing and Urban Development

**Timeline:** Throughout the planning period

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1.10 Affordable Housing Assistance

The City works with nonprofit groups, such as Self-Help Enterprises, to build and/or rehabilitate housing affordable to lower-income households. The City receives CDBG and HOME funds for these efforts. Affordable housing is being developed under existing zoning and development standards, although in some cases the City provides financial assistance to projects in the form of fee waivers and regulatory incentives. To continue supporting affordable housing, especially units for very-low- and extremely-low-income persons, the City will undertake the following actions.



**Objective:** Seek applicable grants from state and federal sources (e.g., CDBG, HOME, Proposition 1C) including funding specifically targeted to ELI housing, provide an inventory of housing sites to interested developers, continue to implement the density bonus ordinance, and continue to pursue housing production and rehabilitation activities with nonprofits. The City shall promote the benefits of this program to the development community by posting information on its web page and creating a handout to be distributed with land development applications.

**Responsible Agency:** Community Development Department and interested affordable housing providers/developers

**Funding:** Local, state, and federal funds

**Timeline:** Ongoing; apply for grant funding on an annual basis as available.

1.11 Special Needs Housing for Seniors and Persons with Disabilities

The City will assist in planning and locating affordable housing for special needs groups such as seniors and persons with disabilities, many of whom have very-low- or extremely-low-incomes. The City expedited one application for a senior housing apartment complex and assisted the developer with a tax credit application. The City will continue to work with developers on the completion of a senior project, including assistance to persons with disabilities by expediting applications and assisting with grant applications.

**Objective:** Continue to work with developers on the completion of a senior project, including assistance to persons with disabilities by expediting applications and assisting with grant applications.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Throughout the planning period

B.1 Avenal Housing Programs

1.12 Second Units

Second units can provide additional housing opportunities for many special needs groups, including seniors, farmworkers and other persons with very-low or extremely-low incomes. The City updated its Zoning Ordinance during the previous planning period to allow second units by right in residentially zoned areas consistent with state law. The City will continue to assist property owners with second unit applications by providing information and expediting their applications.

**Objective:** Continue to assist property owners with second unit applications by providing information and expediting their applications.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Throughout the planning period

1.13 Emergency Shelters and Transitional/Supportive Housing

Housing Element Law requires a jurisdiction to provide adequate sites for a variety of housing types, including emergency shelters and transitional/supportive housing, through appropriate zoning and development standards. These types of housing typically serve those with very-low or extremely-low incomes. To address the requirements of Senate Bill 2, Avenal will amend the Zoning Code to permit emergency shelters and transitional housing in the High Density Multi-Family Residential (R-3) zone by right subject to appropriate development standards. The R-3 zone is conveniently located adjacent to services needed by persons residing in a shelter. The Code amendment will also clarify that transitional and supportive housing is a residential use subject only to the same requirements and procedures as for other residential uses of the same type in the same zone.

**Objective:** Amend the Avenal Zoning Ordinance with respect to emergency shelters and transitional/supportive housing in compliance with SB 2.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Within one year of Housing Element adoption

1.14 Farmworker and Employee Housing

Farmworker housing is a permitted use in the R-2 and R-3 zones and is conditionally permitted in the AI and AE zones in conjunction with a primary permitted use (see concluding note below). Development standards of the underlying district apply to proposals for farmworker housing. Since Avenal has some of the lowest housing prices and apartment rents in California, the need for farmworker housing is largely met by traditional housing. The City of Avenal actively assists farmworker housing needs: the majority of homeownership loans are made to farmworkers and a majority of



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units in assisted multi-family projects are occupied by farmworkers. Many of the farmworkers served by these programs have very-low or extremely-low incomes.

To ensure compliance with state law and remove potential constraints to development of farmworker housing, the City will also amend the Zoning Code in conformance with *Health and Safety Code* §17021.5 and §17021.6.

- Objectives:**
1. Amend the Zoning Code to incorporate §17021.5 and §17021.6 of the *Health and Safety Code* regarding farmworker housing;
  2. Inventory suitable sites for farmworker housing with the update of the Land Use Element;
  3. Assist interested developers by identifying sites and supporting funding applications; and
  4. Provide, to the extent feasible, financial and regulatory incentives.
- Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Amend the Zoning Code by 2010 and continue to facilitate the construction of farmworker housing throughout the planning period.

1.15 Housing for Persons with Disabilities

State law requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities, many of whom have very-low or extremely-low incomes. As part of this Housing Element update the City conducted an analysis of its zoning and land use requirements, permit processing procedures, and building codes to identify potential impediments. In order to address the potential constraints identified in Chapter 4, the City will amend the Zoning Code to ensure that the definition of "family" is consistent with current law, and also adopt a reasonable accommodation ordinance in conformance with SB 520.

- Objective:** Amend the Zoning Ordinance to ensure that the definition of "family" is consistent with state law and adopt reasonable accommodation procedures consistent with SB 520.
- Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Amend the Zoning Code by 2010

1.16 Promote Equal Housing Opportunities

Currently, the City does not refer fair housing complaints to a fair housing agency. This is particularly problematic if a resident or landlord has a problem and cannot find the appropriate agency to provide assistance. The City will designate and publicize an agency to provide information on fair housing laws, and refer complaints of housing discrimination to the appropriate state or federal agencies.

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B.1 Avenal Housing Programs

- Objective:** Avenal will coordinate with Kings County to select a local fair housing agency to provide landlord and tenant mediation and fair housing investigations. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate fair housing information, the City will distribute the brochure at the City Hall, library, post office, and appropriate shopping areas.
- Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Select a local provider by 2010

1.17 Multi-Family Permit Processing

The City currently requires approval of a conditional use permit (CUP) for multi-family projects with 20 units or more. Although the CUP requirement has not been a significant constraint to housing development in the past, in order to increase development certainty the City will amend the Zoning Code to eliminate the CUP requirement in favor of a site plan review (SPR) by the Planning Commission. The SPR process will focus on ensuring compliance with applicable development standards.

- Objective:** Amend the Zoning Code to increase development certainty by requiring SPR rather than a CUP for multi-family projects of 20 or more units.
- Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Zoning Code amendment in 2010-2011

1.18 Energy Conservation

The City of Avenal is developing a Partnership with Pacific Gas & Electric to provide homeowners and renters with energy audits and to provide them with resources to obtain low energy products such as lights and insulation. The partnership should be in place early in 2010.

- Objective:** Reduce energy use in residential developments by providing information and low-energy products to residents.
- Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Program initiation in 2010 and implementation throughout the planning period

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2. Corcoran Housing Programs

Corcoran's history dates to the early 1900s. The town site originally served as a junction for the San Francisco Railroad and San Joaquin Valley Railroad. Later developers found Corcoran's climate and soil ideal for farming, particularly cotton, and grazing. In subsequent years, Corcoran grew rapidly with the rise of the cotton industry – attracting workers to its booming agricultural industry. In 1914, the town of Corcoran incorporated and continues to be known as the farming capital of California.



Corcoran State Prison

During the 1960s, the mechanization of cotton planting and harvesting caused a significant loss of jobs, residents, and economic vitality in Corcoran. Still the City remains a center of agriculture. J.G. Boswell Company, the nation's largest cotton producer, operates major farming operations in Corcoran. In 1988 and 1997, the City attracted two state prisons providing 3,200 jobs. In 2001, the City attracted Bioproducts, a world-leading manufacturer of nutritional animal food product supplements. The City also adopted a Downtown Specific Plan to revitalize its historic town center.

In addition to ongoing economic programs, community development also plays an ongoing important role in defining Corcoran's future. The City has undertaken several rehabilitation programs to improve older farmer housing, revitalize neighborhoods, improve infrastructure, and renovate the downtown. New quality housing is also needed for employees of Corcoran State Prison and to attract other employers. Providing housing assistance so that residents can afford quality rental and ownership housing continues as a priority.



Corcoran's Housing Element plays an important role by setting forth community development programs that will define and shaping the City's future through 2014.

B.2 Corcoran Housing Programs

2.1 Code Enforcement

Code enforcement is an important means to preserve public health and safety and ensure that the character and quality of residential neighborhoods and housing is maintained. The City's Code Enforcement staff under the Community Development Department will work to enforce state and local regulations. In conjunction with code enforcement activities, City staff provides information to homeowners regarding the City's Housing Rehabilitation Program.

**Objective:** Continue to work with the community code violations. Refer property owners to the Housing Rehabilitation Program.

**Responsible Agency:** Code Enforcement Staff

**Funding:** General Fund

**Timeline:** Throughout the planning period

2.2 Paint Programs

The City offers assistance to low- and moderate-income homeowners for exterior or interior painting in three related programs. The City's Paint Program covers the cost of paint only. Under the Senior/Handicapped Paint Program, the City provides low- and moderate-income seniors and people with disabilities with paint, paint supplies, and supervision.

**Objective:** City Paint Program: 20-25 homes annually  
 Senior/Handicapped Paint Program: 15 homes annually  
 Kings County Paint Program: 5-10 homes annually-as funding permits

**Responsible Agency:** Community Development Department, Job Training Office, Kings County Planning Department, and Kings County Office of Education

**Funding:** CDBG

**Timeline:** Throughout the planning period

2.3 Housing Rehabilitation Program

The City will continue providing rehabilitation loans to lower-income households through the Housing Rehabilitation Program. Initiated in 1981, the Housing Rehabilitation Program provides loans for up to the maximum allowed by HCD for most housing repairs, demolition/reconstruction, energy conservation improvements, and handicapped accessibility devices. Health and safety grants of up to \$7,500 are provided to correct minor repairs or improve handicap accessibility for very low and low income households.

**Objective:** Provide 5 to 10 loans annually and 10 grants annually. Continue to market the program through brochures at the public counter. Conduct outreach to major employers (e.g., hospital, school district, and prisons) regarding the program.

**Responsible Agency:** Community Development Department

**Funding:** HOME; CDBG

**Timeline:** Throughout the planning period

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2.4 Preservation of At-Risk Affordable Housing

The City continues to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Corcoran has 593 units of affordable housing for very-low-, low-, and moderate-income households created through various City, state, and federal programs. One of the housing projects (Saltair Place) is at-risk for conversion to market rate during the next 10 years. The City will work with the project owner and interested non-profit organizations to preserve this project, if feasible.



- Objective:** Continue to monitor the status of publicly-assisted affordable units. The City will contact the property owners to determine their intentions, contact qualified nonprofits regarding potential opt-out projects, ensure that property owners comply with noticing requirements, support the acquisition of at-risk properties by nonprofits, and pursue grants to support the preservation of affordable at-risk housing.
- Responsible Agency:** Community Development Department
- Funding:** General Fund
- Timeline:** Throughout the planning period

2.5 Adequate Sites

The City will facilitate construction of new housing to accommodate projected employment and population growth and to meet the needs of existing residents. To that end, the Housing Element identifies adequate sites to accommodate the City's share of the region's housing needs allocation identified as 905 units (80 very low, 160 low, 295 moderate, and 370 above moderate) for the new planning period. Adequate sites are those with sufficient development and density standards, water and sewer services, and adequate infrastructure.

In order to provide additional rental housing opportunities for persons of modest means, the City is also working with downtown property owners to encourage conversion of underutilized second floor space to residential apartments in existing commercial buildings.

- Objective:** Maintain appropriate land use designations to provide adequate sites appropriate for new housing to meet Corcoran's housing needs allocation of 905 units. Work with downtown property owners to facilitate the conversion of underutilized commercial buildings for residential use.
- Responsible Agency:** Community Development Department

B.2 Corcoran Housing Programs

- Funding:** General Fund
- Timeline:** Throughout the planning period

2.6 Density Bonus Program

In accordance with state law, Corcoran has adopted a local ordinance that provides density bonus and other incentives to encourage the development of affordable housing. The City will continue to work with developers to facilitate the use of these options.

- Objective:** Continue to implement the density bonus ordinance to facilitate affordable housing.
- Responsible Agency:** Community Development Department
- Funding:** General Fund
- Timeline:** Throughout the planning period

2.7 Affordable Housing Development Assistance

The City facilitates the development of affordable housing through a number of tools including density bonuses, minimal fee requirements (no impact fees), and PUD development standards. The City will continue to provide regulatory and financial assistance to facilitate and encourage the development of housing affordable to extremely-low-, very-low-, low-, and moderate-income households commensurate with its fair share housing needs. SRO and transitional housing projects in particular can help to address the needs of extremely-low-income persons. In addition, the City will facilitate the improvement and redevelopment of underutilized properties by encouraging consolidation of adjacent parcels through expedited processing, modified development standards and reduced development fees when such projects include affordable housing. To facilitate the development of affordable housing, the City will approve projects at or above the maximum allowable density pursuant to state density bonus law and continue to identify rezoning opportunities for additional High Density residential development.



- Objective:** Seek applicable grants from state and federal sources (e.g., CDBG, HOME, Proposition 1C) including funding specifically targeted to ELI housing, provide an inventory of housing sites to interested developers, continue to implement the density bonus ordinance, and continue to pursue housing production and rehabilitation activities with nonprofits. The City shall promote the benefits of this program to the development community by posting information on its web page and creating a handout to be distributed with land development applications. Continue to defer/reduce fees and expedite processing for affordable housing.

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**Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Throughout the planning period.

**2.8 First Time Homebuyer Program**

The City provides housing assistance to new homebuyers through its First Time Homebuyer Program. Up to \$30,000 in housing assistance in the form of a low interest second mortgage loans is provided to qualified lower-income homebuyers. While this program is currently funded by HOME, a revolving fund has been set up that utilizes repayments of prior Agency-assisted second mortgage loans to fund new loans.

**Objective:** Offer 10 to 12 loans per year. Conduct outreach to major employers (e.g., hospital, school district, and prisons) regarding the availability of the program.

**Responsible Agency:** Community Development Department  
**Funding:** HOME and revolving loan fund  
**Timeline:** Throughout the planning period

**2.9 Redevelopment Agency (RDA) Closing Costs Assistance Program**

The RDA Closing Costs Assistance Program is designed to assist moderate-income families to purchase a home. This program is designed to assist families that do not qualify for the HOME-funded First Time Homebuyer Program. The objective of the program is to assist households by providing up to \$5,000 toward the closing costs of purchasing a new home. The City will actively work with major employers in Corcoran, including the hospital, school district and prisons, and provide publications and advertisements, to ensure that they are aware of the program.

**Objective:** Initiate new program and assist 10 households annually. Conduct outreach to major employers regarding the program.

**Responsible Agency:** RDA  
**Funding:** RDA Funds  
**Timeline:** Throughout the planning period

**2.10 Purchase and Rehabilitation Homeownership Program**

The purpose of the Purchase and Rehabilitation Homeownership Program is to improve the condition of housing for families that live in substandard or overcrowded conditions and assist very-low- and low-income families purchase quality homes. The City will provide a zero percent deferred loan to assist homebuyers purchase and rehabilitate a substandard home. Applicants must provide a \$1,000 down payment and attend a home ownership education workshop. The City will advertise the program in local newspapers and create English and Spanish flyers advertising the program.

**Objective:** Conduct outreach to major employers (e.g., hospital, school district, and prisons) regarding the program; assist 4 households per year

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**B.2 Corcoran Housing Programs**

**Responsible Agency:** Community Development Department and RDA  
**Funding:** RDA Funds and CDBG Funds  
**Timeline:** Throughout the planning period

**2.11 Section 8 Rental Vouchers**

Corcoran will continue to participate in the Section 8 rental assistance program, which is administered by the Kings County Housing Authority. The Section 8 program provides rent subsidies to extremely-low- and very-low-income households that spend more than 30% of their income on rent. The rent subsidy is the difference between 30% of the household's monthly income and the allowable rent determined by the federal government.



**Objective:** Assist the Housing Authority in promoting the Section 8 program.

**Responsible Agency:** Community Development Department, County Housing Authority  
**Funding:** HUD  
**Timeline:** Throughout the planning period

**2.12 Emergency Shelters and Transitional/Supportive Housing**

State law requires jurisdictions to provide for a variety of housing types including emergency shelters and transitional/supportive housing. Senate Bill 2 of 2007 requires all jurisdictions to allow emergency shelters by-right in at least one zone, and stipulates that transitional and supportive housing is a residential use subject only to the same standards and procedures as for other residential uses of the same type in the same zone. The Corcoran Zoning Ordinance will be updated consistent with the requirements of SB 2 within one year of Housing Element adoption. The C-S (Service Commercial) zone will be amended to include shelters as a permitted use subject to appropriate development standards. The C-S zone encompasses approximately 181 acres, is located near transportation routes and commercial services, and provides the capacity for at least one emergency shelter.

**Objective:** Amend the Zoning Ordinance with regard to emergency shelters and transitional/supportive housing in conformance with SB 2.

**Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Revise the Zoning Ordinance within one year of Housing Element adoption

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2.13 Farmworker and Employee Housing

The Corcoran Zoning Ordinance permits mobile homes as farm employee housing and conditionally permits farm employee housing in excess of five units in the A-zone. Farmworkers receive the majority of homeownership and home rehabilitation loans each year and occupy a large share of assisted multi-family units in Corcoran. Corcoran also supported the development of the Whitley Avenue project. To further assist farmworker housing needs, the City will:



- Objectives:**
1. Amend the Zoning Code to incorporate §17021.5 and §17021.6 of the *Health and Safety Code*
  2. Develop an inventory of suitable sites for farmworker housing
  3. Assist interested developers by identifying sites and supporting funding applications
  4. Provide, to the extent feasible, regulatory and financial incentives; and
  5. Ensure that zoning and development standards facilitate farmworker housing

**Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Provide site inventory and amend the Zoning Code by 2010

2.14 Housing for Persons with Disabilities

State law requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. As part of this Housing Element update the City conducted an analysis of its zoning and land use requirements, permit processing procedures, and building codes to identify potential impediments. In order to address the potential constraints identified in Chapter 4, the City will amend the Zoning Code to allow licensed residential care facilities for six or fewer persons in any residential zone as a permitted use, and allow residential care facilities for more than six persons by conditional use permit in the R-1 and RM zones. In addition, the City will adopt a reasonable accommodation ordinance in conformance with SB 520.

- Objectives:**
1. Amend the Zoning Code regarding residential care facilities; and
  2. Adopt an ordinance to establish administrative procedures for reviewing and approving modifications to land use or building regulations necessary to provide reasonable accommodation for persons with disabilities.

**Responsible Agency:** Community Development Department  
**Funding:** General Fund

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B.2 Corcoran Housing Programs

**Timeline:** Ordinance adoption by 2010

2.15 Promote Equal Housing Opportunities

Corcoran currently refers fair housing complaints to HUD and the Tulare/Kings County Legal Aid Foundation. However, other communities within Kings County refer fair housing complaints to different agencies. Therefore, it may be confusing to residents to know the appropriate agency to handle fair housing complaints or issues.

**Objective:** Corcoran will coordinate with Kings County to select a local fair housing agency to provide landlord/tenant mediation services and fair housing investigations. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate information, the City will distribute the brochure at the City Hall, library, post office, and appropriate shopping areas.

**Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Select a local provider by 2010

2.16 Multi-Family Permit Processing

The City currently requires approval of a conditional use permit (CUP) for multi-family projects with 20 units or more. Although the CUP requirement has not been a significant constraint to housing development in the past, in order to increase development certainty the City will amend the Zoning Code to eliminate the CUP requirement in favor of a site plan review (SPR) by the Planning Commission. The SPR process will focus on ensuring compliance with applicable development standards.

**Objective:** Amend the Zoning Code to increase development certainty by requiring SPR rather than a CUP for multi-family projects of 20 or more units.

**Responsible Agency:** Community Development Department  
**Funding:** General Fund  
**Timeline:** Zoning Code amendment in 2010-2011

2.17 Weatherization and Energy-Efficient Home Improvements

The purpose of this program is to reduce energy use by providing financial assistance to lower-income households for weatherization and energy-efficient heating (including solar photovoltaic water heaters) and cooling systems. The City will refer lower-income households to the Kings Community Action Organization and other community services agencies that provide financial assistance to qualifying households for these improvements.

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<b>Objective:</b>	Reduce residential energy use and carbon footprint by providing financial assistance to lower-income households for weatherization and energy-efficient heating and cooling systems.
<b>Responsible Agency:</b>	Community Development Department
<b>Funding:</b>	Nominal funding required
<b>Timeline:</b>	Throughout the planning period

B.3 Hanford Housing Programs

3. Hanford Housing Programs

Hanford had its roots in the expansion of the Central and Southern Pacific Railroad system in the 1870s. Hanford was incorporated in 1891. As the County seat, Hanford has developed into the residential, commercial, and industrial center of the County. Hanford is known to embrace growth and change, while preserving the integrity of its past. Hanford's progressive business community coupled with the quaint, comfortable lifestyle continues to attract new people to Hanford, young or old.



Hanford Civic Auditorium



Downtown Hanford

Hanford's location along Highway 198 and pro-business climate is responsible for the City's success. Hanford is home to the County's largest employers such as Kings County Government Center, Del Monte, Hanford Elementary, Wal-Mart, Hanford Community Medical, Central Valley Hospital, Marquez Brothers, and others. West Hills College, Chapman University, College of the Sequoias, and Kings County Workforce Investment Board provide educational opportunities. The City's Enterprise Zone, Foreign Trade Zone, and Industrial Park offer incentives for new business.

The Housing Element plays a key role in shaping the City's future. Continued development of housing is important to accommodate expected population and employment growth within the city. Community development programs strengthen neighborhoods by providing assistance to maintain and upgrade housing. Housing assistance programs ensure that all residents of all income levels have the opportunity to live in the community. The 2009-2014 Housing Element sets the framework for building upon the City's past successes in providing a diverse living environment.



3.1 Code Compliance

Code compliance is an important means to preserve public health and safety and ensure that the character and quality of neighborhoods and housing is maintained. To that end, the City's Code Compliance staff under the Community Development Department will work to enforce state and local regulations. In conjunction with code compliance activities, City staff will provide information to homeowners regarding the City's Housing Rehabilitation Program.

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**Objective:** Continue to work with the community concerning code violations. Refer property owners to the Housing Rehabilitation Program.

**Responsible Agency:** Code Compliance staff

**Funding:** General Fund

**Timeline:** Throughout the planning period

3.2 Paint Programs

The City offers two paint assistance programs for low- and moderate-income homeowners. Through the Do-It-Yourself Paint Program, the City assists qualified homeowners with the cost of the paint, while materials and labor are provided by the homeowner. The New Looks Summer Paint Program assists extremely-low-, very-low-, low- and moderate-income senior and/or disabled residents by providing assistance in paint supplies and materials.

**Objective:** Do-It-Yourself Paint Program - 10 units per year  
 New Looks Summer Paint Program - 10 to 15 units per year

**Responsible Agency:** Community Development Department

**Funding:** RDA Funds

**Timeline:** Throughout the planning period

3.3 Housing Rehabilitation Program

The City will continue providing rehabilitation loans to lower-income households. Initiated in 1985, the Housing Rehabilitation Program provides loans for up to \$90,000 for housing repairs, energy conservation improvements, and handicapped accessibility devices. Hanford has designated southwest and central Hanford as “target areas” for this program. Since 2004, 46 homeowners have benefited from this program.



**Objective:** Assist 10 to 15 units per year

**Responsible Agency:** Community Development Department

**Funding:** CDBG Funds; CalHome

**Timeline:** Throughout the planning period

3.4 Preservation of At-Risk Affordable Housing

The City will continue to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Hanford has approximately 815 units of affordable housing for low- and moderate-income households created through City, state, and federal programs. One project – Cedarbrook - is

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B.3 Hanford Housing Programs

considered to be at high-risk of converting to market-rate housing during the next 10 years. The City will work with the project owner and interested non-profit organizations to preserve this project, if feasible.

**Objective:** Continue to monitor the status of publicly-assisted affordable units. The City will contact the property owners to determine their intentions, contact qualified nonprofits regarding potential opt-out projects, ensure that property owners comply with noticing requirements, support the acquisition of at-risk properties by nonprofits, and pursue grants to support the preservation of affordable at-risk housing.

**Responsible Agency:** Community Development Department and interested affordable housing providers/developers

**Funding:** General Fund

**Timeline:** Throughout the planning period

3.5 Adequate Sites

The City will facilitate construction of new housing to accommodate projected employment and population growth to meet the needs of the City’s residents. To that end, the Housing Element identifies “adequate” sites to accommodate the City’s share of the regional housing needs allocation identified as 5,758 units (1,446 very-low, 1,015 low, 938 moderate, and 2,359 above-moderate) from 2007-2014. Adequate sites are those with sufficient development and density standards, water and sewer services, and other infrastructure. Staff will monitor development affordability and report annually on progress toward the City’s share of the regional housing need.

In order to enhance the feasibility of affordable housing development, the City will review current land use and zoning designations as part of the next General Plan update and increase the maximum density in the Medium Density category above 15 units/acre and/or redesignate additional sites to High Density Residential.

The City will also encourage affordable housing development on small parcels by facilitating lot consolidation through expedited processing, density bonus and/or reduced processing fees.

**Objective:** Facilitate the construction of new housing through the provision of adequately zoned sites to meet Hanford’s housing needs allocation of 5,758 units.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Provide adequate sites throughout the planning period; initiate a General Plan update by 2012 if funding is available

3.6 Density Bonus Program

In accordance with state law, Hanford adopted a local density bonus ordinance in 2008 that is in conformance with state law. The City will continue to implement this program to encourage and

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facilitate development of affordable housing through the provision of density bonuses or other incentives for qualifying projects.

- Objective:** Continue to publicize and implement the density bonus ordinance to assist development of affordable housing.
- Responsible Agency:** Community Development Department
- Funding:** General Fund
- Timeline:** Throughout the planning period

3.7 Planned Unit Development

The Hanford 2002 General Plan Update includes a Planned Unit Development Zone process whereby a project proponent can propose a concept that may change or remove many of the conventional zoning restrictions. For example, housing units could be clustered around large open space areas or other development amenities resulting in higher localized "net" densities.



- Objective:** Continue to utilize the PUD process to encourage unique design and develop housing that addresses site constraints.
- Responsible Agency:** Community Development Department
- Funding:** General Fund
- Timeline:** Throughout the planning period

3.8 First Time Homebuyer Programs

The City offers the RDA First-Time Homebuyers Program that provides financing assistance to very-low-, low- and moderate-income first-time homebuyers. The program has been revised to increase the loan limit to \$100,000, reduce the interest rate to 2% and extend the term to 45 years. Payment is deferred for the entire loan term.

The City also offers the HOME Sweet Home Program, which has also increased its loan limit to \$100,000, as well as reduced the interest rate to 2%. Payment is deferred for the entire loan term.

- Objective:** Assist 10 households each year for the RDA First-Time Homebuyer Program and assist 20 households annually for the HOME Sweet Home Program
- Responsible Agency:** Community Development Department
- Funding:** HOME and RDA set-aside funds
- Timeline:** Throughout the planning period

B.3 Hanford Housing Programs

3.9 Section 8 Rental Assistance Program

Administered by the Kings County Housing Authority, Hanford will continue to participate in the Section 8 rental assistance program. The Section 8 rental assistance program extends rental subsidies to extremely-low- and very-low-income households equal to the difference between 30% of the monthly income and the allowable rent determined by the program.

- Objective:** Assist Kings County Housing Authority in promoting the Section 8 program.
- Responsible Agency:** Community Development Department, County Housing Authority
- Funding:** HUD funds
- Timeline:** Throughout the planning period

3.10 Residential Infill Construction Program

The City offers very-low-, low- and moderate-income homebuyers the opportunity to purchase a newly constructed home on an infill lot. City funds are used to purchase infill lots and finance construction of affordable single-family homes. The City oversees the construction of the home while qualified buyers are required to obtain primary financing from a bank or mortgage company to purchase the home upon completion of construction.



- Objective:** Continue to implement program and assist construction of 4 homes per year
- Responsible Agency:** Community Development Department
- Funding:** General fund and RDA set-aside funds
- Timeline:** Throughout the planning period

3.11 Affordable Housing Assistance

The City promotes affordable housing through various programs - home ownership assistance, rehabilitation assistance, new construction/infill, and grant application programs. The City currently receives CDBG and HOME funds for much of its program activities. Affordable housing is being developed under existing zoning and development standards. To continue supporting affordable housing production, the City will undertake the following actions.

- Objective:** Seek applicable grants under Proposition 1C and federal sources including funding specifically targeted to ELI housing, provide an inventory of housing sites to interested developers, continue to provide a density bonus to qualifying projects, provide financial and regulatory assistance such as reduced fees and/or modified development standards, and continue to pursue housing production and rehabilitation with nonprofits including assistance in preparing

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grant applications. Housing for very-low- and extremely-low-income persons will be prioritized where feasible. In addition, the City's affordable housing incentives will be promoted on the website and in handouts provided at the Planning counter.

**Responsible Agency:** Community Development Department and affordable housing developers

**Funding:** Local, state, and federal funds

**Timeline:** Ongoing

3.12 Farmworker and Employee Housing

To address farmworker housing needs, the City permits farmworker housing in the AG zone. However, in order to remove potential constraints identified in Chapter 4 the City will amend the Zoning Code in conformance with *Health and Safety Code* §17021.5 and §17021.6. In addition, the City will assist interested developers by providing incentives, identifying suitable sites, and assisting in preparation of funding applications.

**Objectives:**

1. Amend the Zoning Code to incorporate §17021.5 and §17021.6 of the *Health and Safety Code*
2. Assist interested developers in identifying sites and preparing funding applications
3. Provide, to the extent feasible, regulatory incentives; and
4. Ensure that zoning and development standards facilitate farmworker housing

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Amend the Zoning Code by 2010; provide assistance throughout the planning period

3.13 Emergency Shelters and Transitional/Supportive Housing

State law requires jurisdictions to provide adequate sites for a variety of housing types including emergency shelters and transitional/supportive housing. Emergency shelters and transitional housing are currently permitted subject to site plan review in the OR zone. The Zoning Code will be amended to clarify that emergency shelters are a non-discretionary permitted use in the OR zone and identify appropriate development standards consistent with SB 2.

The Zoning Code will also be amended to clarify that transitional and supportive housing facilities are permitted uses subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

**Objective:** Amend the Zoning Code to clarify the zoning regulations for emergency shelters and transitional/supportive housing in conformance with SB 2; continue to support efforts with surrounding

B.3 Hanford Housing Programs

Kings County jurisdictions to meet the needs of people who are homeless or transitioning to independence.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Amend the Zoning Code within one year of Housing Element adoption; facilitate establishment of emergency shelters and transitional/supportive housing throughout the planning period

3.14 Housing for Persons with Disabilities

State law requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. As part of this Housing Element update the City conducted an analysis of its zoning and land use processes, permitting processing procedures, and building codes. That analysis concluded that the City will amend the Zoning Code to allow residential care facilities for more than six persons by conditional use permit in the R-1 and RM zones. The City will continue to monitor legal requirements and local conditions and will update local regulations and procedures as necessary to encourage and facilitate the development, maintenance, and improvement of housing for persons with disabilities.

**Objective:** Amend the Zoning Code to allow residential care facilities for more than six persons by conditional use permit in the R-1 and RM zones.

Continue to monitor legal requirements and local conditions and update local regulations, if necessary, to remove any impediments to housing for persons with disabilities.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Code amendment by 2010

3.15 Promote Equal Housing Opportunities

Hanford currently refers fair housing complaints to the Fair Housing Enforcement Center in San Francisco. These offices are far removed from Hanford and may be difficult to access. Referrals to a local agency could offer residents better access to services as well as allow the City to benefit from other fair housing services.

**Objective:** Hanford will coordinate with Kings County to select a local fair housing agency to provide landlord/tenant mediation, fair housing investigations and testing. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate information, the City will distribute the brochure at the City Hall, library, post office, and appropriate shopping areas.

**Responsible Agency:** Planning Department

**Funding:** General Fund

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**Timeline:** Select a local provider by 2010.

**3.16 Single Room Occupancy (SRO) Housing**

To ensure development standards do not constrain the development of SROs, the City will adopt development standards for SRO housing which may include:

- Requirements for a management plan outlining policies and procedures and annual review of services by the Planning Department
- 24-hour on-site management
- Room limitation to single occupancy, with allowance for overnight guests
- Requirements for monthly tenancies
- Units must be 250–300 square feet in size and include kitchen or bathroom
- Parking ratio of one space per unit and bicycle rack storage of one rack per 5 units

**Objective:** Address the needs of extremely-low-income persons through SRO housing.

**Responsible Agency:** Community Development Department

**Funding:** General Fund

**Timeline:** Code amendment in 2010-2011

**B.4 Lemoore Housing Programs**

**4. Lemoore Housing Programs**

Lemoore is a city preparing for the future while preserving the best of its past. Incorporated in 1900, Lemoore has undergone significant changes over its 109-year history. Although the City's major employers are still rooted in agriculture, economic development has paved the way for a more diversified economy. Yet despite change, Lemoore retains the charm and beauty of a small rural town with its turn-of-the-century buildings, residences and causal environment.



Lemoore is committed to a sustainable economy and quality of life. Lemoore Naval Air Station provides a significant component of the City's economic base. West Hills College, Chapman University, College of the Sequoias, and Kings County Job Training Office all provide workforce training. The City's Enterprise Zone, Foreign Trade Zone, and Industrial Park offer incentives for new business. Upcoming projects include a Wal-Mart Super Center, major expansion to Leprino Foods west facility, and a new full highway interchange at SR 198 and 19<sup>th</sup> Avenue.

To accommodate economic growth, 1,721 new homes have been built in Lemoore between 2000 and 2008. At the same time, Lemoore pursues innovative strategies to provide housing for those with special needs. The City's downtown revitalization efforts focus on mixed-use opportunities and converting historic structures for housing. In 2006 the City formed a Redevelopment Division (RDA) with a full-time housing specialist to better carry out the RDA's housing programs. The City has previously worked with Self-Help Enterprises to rehabilitate single-family residences for lower-income families, and plans to restart this program in the near future.



The RDA also has formed housing partnerships on multi-family housing projects, and taken the lead on infill projects and other programs.

The 2009-2014 Housing Plan represents Lemoore's efforts to continue to build upon past successes by providing additional housing to accommodate employment growth, providing housing assistance to residents in need, and maintaining the charm of Lemoore's past.

**4.1 Code Enforcement**

The City will continue to provide code enforcement services and refer property owners to City rehabilitation programs. Code enforcement is an important means to ensure that the character and quality of neighborhoods and housing is maintained. The City's Code Enforcement staff will work to

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enforce state and local regulations. In conjunction with code enforcement activities, City staff will provide information to homeowners regarding Lemoore's Exterior Home Improvement (Paint-Up/Fix-Up) Program and Housing Rehabilitation Program.

- Objective:** Continue to work with the community on code violations. Refer property owners to City programs for rehabilitation assistance.
- Responsible Agency:** RDA Code Enforcement coordinated with Police, Business License, Planning, Building and Fire Departments
- Funding:** RDA, General Fund and grant funds
- Timeline:** Throughout the planning period

4.2 Exterior Home Improvement (Paint-Up/Fix-Up) Program

The City offers the Exterior Home Improvement (Paint-Up/Fix-Up) Program that provides rehabilitation assistance for minor repairs for extremely-low-, very-low-, low- and moderate-income households. The Program provides grants of up to \$8,000 to make exterior home repairs such as painting, minor roof work, carpentry, porch steps repair, concrete work for driveways, and front sidewalks.

- Objective:** Assist 10-15 households annually with grant amounts up to \$8,000.
- Responsible Agency:** RDA
- Funding Source:** RDA LMIH funds
- Timeline:** Throughout the planning period

4.3 Housing Rehabilitation Program

The City's Housing Rehabilitation Program would assist, as generally identified in the housing conditions survey, lower-income households with substantial home repairs or reconstruction. This program will only be implemented should HOME grant funds be awarded. In the past, loans of up to \$70,000 for rehabilitation and \$116,000 for home reconstruction were provided to qualified applicants. All loans were deferred for 50 years with a zero percent interest rate as long as the residence remained the owner's primary home.

- Objective:** Initiate program and assist households during the grant cycle based on available funding.
- Responsible Agency:** RDA
- Funding Source:** HOME funds
- Timeline:** As HOME funding is made available

4.4 Emergency Home Repair Program

The City initiated the Emergency Home Repair Program in 2006 to provide rehabilitation assistance for emergency health and safety repairs and accessibility improvements for the disabled and for extremely-low-, very-low-, and low-income households. The program provides grants of up to \$2,500 for home repairs to correct problems such as unsafe electrical, unsanitary plumbing, broken

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B.4 Lemoore Housing Programs

windows, doors and locks, non-working heating and cooling systems, wheelchair ramps, bathroom or kitchen modifications, etc.

- Objective:** Assist up to 10 households annually.
- Responsible Agency:** RDA
- Funding Source:** RDA LMIH funds
- Timeline:** Throughout the planning period

4.5 Do-It-Yourself and Senior House Painting Program

In 2007 the City initiated the Do-It-Yourself House Painting Program that pays for paint and materials needed for house painting. In addition, in 2008 the City partnered with West Hills Community College to implement a Senior House Painting Program for individuals 55 years or older and/or disabled persons to have their homes painted by students at no charge. Both programs are available to extremely-low-, very-low-, low- and moderate-income households.

- Objective:** Assist up to 20-30 households annually.
- Responsible Agency:** RDA
- Funding Source:** RDA LMIH funds
- Timeline:** Throughout the planning period

4.6 Preservation of At-Risk Affordable Housing

The City will continue to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Lemoore has 13 assisted projects with 624 units of affordable housing for extremely-low-, very-low-, low-, and moderate-income households created through various City, state, and federal programs. One project in Lemoore is at risk of converting to market rents during the next 10 years – Lucerne Hotel which has 7 units with restrictions expiring in 2015. In addition, the Country Club Apartments tax credit funding restriction has already expired on 107 of their units; however, they have continued to restrict 55-units to low-income persons through another program.

- Objective:** Continue to monitor the status of publicly-assisted affordable units. The City will contact the property owners to determine their intentions, contact qualified nonprofits regarding potential opt-out projects, ensure that property owners comply with noticing requirements, support the acquisition of at-risk properties by nonprofits, and pursue grants to support the preservation of affordable at-risk housing.
- Responsible Agency:** RDA
- Funding:** General Fund; various federal, state and local funding sources
- Timeline:** Throughout the planning period

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4.7 Zoning for Adequate Sites

The City will facilitate the construction of new housing to accommodate projected employment and population growth and to meet the needs of residents. To that end, the Housing Element identifies adequate sites to accommodate the City's share of the Regional Housing Needs Allocation of 3,021 units (374 extremely-low-, 374 very-low, 534 low, 502 moderate, and 1,237 above-moderate) from January 1, 2007 to June 30, 2014. Adequate sites are those with sufficient development and density standards, water and sewer services, and adequate infrastructure. The City will continue the Zoning Code update process to bring the Code into conformance with the new General Plan, which was adopted in 2008. During the interim period until the Zoning Code update is completed, the General Plan is the controlling land use designation. In cases where an inconsistency between the new General Plan and zoning exists for a proposed development project, the City will process a zone change concurrently with other development applications (e.g., subdivision map) at no additional cost to the applicant, and the project must conform to the General Plan and the development standards for the new zoning designation. Any proposed development that conforms to the old zoning but is inconsistent with the new General Plan designation would require a General Plan amendment.

Mixed-use development represents one of the City's key land use strategies not only for meeting its housing needs, but also for achieving other planning objectives such as economic development, walkable communities, and reductions in vehicular trips and greenhouse gas emissions. The new Zoning Code will include regulations and incentives to implement the mixed-use policies contained in the Land Use Element of the General Plan, including incentives to encourage the inclusion of a residential component in projects located in mixed-use districts. Where necessary, the City will facilitate the subdivision of large parcels for development. The City will monitor and report annually on its progress toward these objectives.

- Objectives:** Provide adequate sites to meet the housing needs allocation of 3,021 units.  
 Revise the Zoning Code in conformance with the new General Plan
- Responsible Agency:** Planning Department
- Funding:** General Fund
- Timeline:** Zoning Code update during 2010-2011  
 Annual implementation progress reports  
 Continue to accommodate the City's housing needs through 2014



Lucerne Hotel

4.8. Downtown Revitalization

As part of the City's 1992 Downtown Revitalization Plan, the City has been encouraging and facilitating the development and redevelopment of its downtown core. An important component of these efforts has been mixed residential-commercial uses in the C-C district. The City has converted two historic hotels in the

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B.4 Lemoore Housing Programs

downtown to provide low-income and senior housing above commercial uses. Such projects have assisted the City in meeting revitalization objectives, historic preservation, and the need for lower-income housing.

- Objective:** Facilitate additional mixed-use projects in the downtown as opportunities arise.
- Responsible Agency:** RDA
- Funding:** CDBG, RDA, and grants
- Timeline:** Throughout the planning period

4.9 Density Bonus Program

In accordance with state density bonus law, Lemoore adopted a local ordinance in 1992 that provided incentives to encourage the development of affordable housing. The City has not yet completed its comprehensive update of the Zoning Code following adoption of the new General Plan in 2008. The Zoning Code update will include a revision to the City's density bonus regulations consistent with state law.

- Objective:** Update the City's density bonus ordinance in conformance with state law and continue to offer a density bonus and other incentives for qualified projects.
- Responsible Agency:** Planning Department
- Funding:** General Fund
- Timeline:** Density bonus ordinance update by 2010

4.10 Planned Unit Development (PUD)

The City implements a PUD overlay zone to provide flexibility in setback requirements and other regulations, increase residential densities in certain areas through techniques such as clustering, provide flexible site requirements, and stimulate creative, flexible and more affordable development. A PUD Livable Neighborhood booklet has been prepared and is available to interested developers at the Planning Department counter.



- Objective:** Continue to promote the benefits of PUD alternatives to traditional development.
- Responsible Agency:** Planning Department
- Funding Source:** General Fund
- Timeline:** Throughout the planning period

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4.11 First Time Homebuyer Programs

The City offers first-time home ownership assistance to very-low-, low- and moderate-income homebuyers through two *First Time Homebuyer Programs*. One program offers assistance as a deferred second mortgage loan of up to \$30,000, and the other up to \$100,000 for down payment and closing cost assistance. Assistance under these programs may include foreclosed properties. Buyers must provide a \$1,000 down payment, qualify with a primary lender and comply with their requirements.

**Objective:** Assist 20 households annually.  
**Responsible Agency:** RDA  
**Funding:** RDA LMIH and HOME funds  
**Timeline:** Throughout the planning period

4.12 Infill Housing Program

This program was initiated in 2008-09 for the purpose of constructing affordable housing in predominately developed neighborhoods for sale to low- and moderate-income families. Initially, the Redevelopment Agency had contracted to have new homes built on vacant lots, which were then sold to qualifying households at affordable prices. This program may be expanded to identify vacant lots or severely dilapidated houses in the City's core area, purchase them and build homes on them for low/moderate-income families.

**Objective:** Assist 1 to 2 households annually.  
**Responsible Agency:** RDA  
**Funding:** RDA LMIH funds  
**Timeline:** Throughout the planning period

4.13 Section 8 Rental Assistance

Administered by the Kings County Housing Authority, Lemoore will continue to participate in the Section 8 rental assistance program. This program extends rental subsidies to extremely-low- and very-low-income households that spend more than 30% of their income on rent. The rent subsidy is the difference between 30% of monthly income and allowable rent determined by HUD.

**Objective:** Assist the Housing Authority in promoting the Section 8 program.  
**Responsible Agency:** RDA and Kings County Housing Authority  
**Funding:** HUD  
**Timeline:** Throughout the planning period

4.14 Affordable Housing Project Assistance

The RDA considers assisting specific affordable housing projects separate and apart from its regular programs. In the past, this has included assistance for multi-family or single-family subdivision projects. The RDA recently awarded \$1.2 million to one multi-family project and has earmarked

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B.4 Lemoore Housing Programs

funds for two affordable housing projects in this planning period - \$850,000 remaining for Oleander Terrace and \$1,650,000 for Village at Acacia.

**Objective:** Assist affordable housing projects on a case-by-case basis, including priority for extremely-low-income units where feasible.  
**Responsible Agency:** RDA  
**Funding:** RDA and other funds  
**Timeline:** As funding becomes available (reviewed annually)



4.15 Senior and Special Needs Housing

The City supports development of affordable housing for special needs households, including elderly and disabled. The City has been supportive of special needs housing including affordable senior housing development, housing rehabilitation programs, and development of second units, all of which serve the needs of very-low- and extremely-low-income households. The City also supported the conversion of the Antlers Hotel into senior housing. The City will pursue the development of senior housing, special needs housing, and/or a senior assisted living facility in the Lemoore Market Area.



**Objective:** Continue to support the development of senior/disabled/assisted living housing.  
**Responsible Agency:** RDA  
**Funding:** RDA, CDBG, state and federal funds  
**Timeline:** Throughout the planning period

4.16 Emergency Shelters and Transitional/Supportive Housing

State law requires jurisdictions to provide adequate sites for a variety of housing types including emergency shelters and transitional/supportive housing. This type of housing is particularly important



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in addressing the needs of very-low- and extremely-low-income persons. The Zoning Code will be amended to allow emergency shelters by-right in the RSC (Recreation, School and Conservation) zone subject to objective development standards. The RSC zone encompasses 730 acres, has the capacity for at least one shelter, and provides access to transit and other services used by homeless persons. In addition, the Code amendment will clarify that transitional and supportive housing is a residential use subject only to the same requirements as other residential uses of the same type in the same zone.

- Objectives:** Amend Zoning Code to permit emergency shelters by-right in the RSC zone subject to objective development standards and clarify that transitional and supportive housing are residential uses subject only to the same requirements as other residential uses of the same type in the same zone.
- Responsible Agency:** Planning Department
- Funding:** General Fund
- Timeline:** Amend Zoning Code within one year of Housing Element adoption

4.17 Employee and Farmworker Housing

As the second most urbanized city in Kings County, Lemoore has few resident farmworkers, no farmland within its boundaries and no agricultural zoning. As a result, Lemoore is not directly affected by the provisions of *Health and Safety Code* §17021.5 and §17021.6. The City's Zoning Code does not explicitly allow farmworker housing. However, in the past decade Lemoore worked with Self-Help Enterprises to create 36 affordable single-family units by providing land and home ownership assistance while families provided "sweet equity" towards constructing their homes. Occupants were primarily very-low-income farmworker families. In addition, the RDA has recently purchased land for an affordable multi-family complex, Oleander Terrace, that will provide 39 units for farmworker housing. To further support farmworker housing needs, the City will:



- Objectives:**
  1. Assist interested affordable housing developers by identifying sites and supporting funding applications for farmworker housing, and
  2. Provide, to the extent feasible, regulatory incentives to encourage the construction of farmworker housing
- Responsible Agency:** Planning Department and RDA
- Funding:** RDA LMIH funds and General Fund
- Timeline:** Throughout the planning period

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4.18 Housing for Persons with Disabilities and Special Needs

State law requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities, who often have very-low or extremely-low incomes. As part of this Housing Element update the City conducted an analysis of its zoning and land use processes, permit processing procedures, and building codes to identify impediments. In order to comply with state requirements and reduce potential constraints, the City will amend the Zoning Code in the following areas:

1. Licensed community care facilities serving 6 or fewer persons, excluding staff, will be included as a permitted use by-right in any residential district;
2. Large community care facilities serving more than 6 persons will be identified as a conditional use in appropriate district(s);
3. A reasonable accommodation ordinance establishing administrative procedures for reviewing and approving modifications to land use and building regulations that are reasonably necessary to ensure accessibility and use by persons with disabilities.
4. A definition and development standards for Single Room Occupancy (SRO) units will be added to the Zoning Code.
5. A definition of "family" will be added in conformance with current law.

**Objectives:** Amend the Zoning Ordinance to remove potential constraints on community care facilities, housing for persons with disabilities, SROs, and amend the definition of "family" consistent with current law.

- Responsible Agency:** Planning Department
- Funding:** General Fund
- Timeline:** Amend the Zoning Code by 2010

4.19 Promote Equal Housing Opportunities

The City provides information on fair housing laws, landlord/tenant rights and responsibilities and refers complaints of housing discrimination to the U.S. Department of Housing and Urban Development (HUD), the Department of Fair Housing, and Tulare/Kings Legal Aid. Information on housing discrimination is available at City Hall and flyers on fair housing are distributed to participants in the City's First Time Homebuyer Program. HUD's address and toll-free number are provided on the flyer. However, since the closest HUD representative is located in San Francisco, it is an inconvenient distance for Lemoore residents to receive fair housing counseling. A fair housing service organization in the Central Valley would provide more direct services.

**Objective:** Lemoore will coordinate with Kings County to select a local fair housing agency to provide landlord/tenant mediation, fair housing investigations, and testing. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate fair housing information, the City will make the brochure available at City Hall and on the City website.

**Responsible Agency:** RDA

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**Funding:** General Fund  
**Timeline:** Select a local provider by 2010

B.5 Kings County Housing Programs

**5. Kings County Housing Programs**

Kings County was formed in 1893 from the separation of the western portion of Tulare County and from an additional 100 square miles added from Fresno County in 1908. Located in the fertile agricultural valley floor along the Kings River, Kings County quickly began to establish itself as a prominent agricultural region. With the construction of the Southern Pacific Railroad – Alcade branch in 1877, the community of Armona soon began to flourish as a central fruit packing and shipping point. Growth of the smaller rural communities diminished as Hanford grew rapidly and later developments in Lemoore prospered.



More than 100 years after its founding, Kings County continues to remain strongly based in its agriculture roots. Today, Kings County is ranked as the 8th leading agricultural county in California (25th in the nation), and has risen to one of the top fifteen milk producing counties in the nation. With the County’s prominent agricultural resources and vast distribution network to move agricultural goods to national and international markets, the County has remained dedicated towards supporting agriculture while directing urban development to cities and community areas where services are more efficiently provided.

The 2009-2014 Housing Plan reflects the County’s historical population trends and policies that direct urban development to existing cities or community service districts, while also providing opportunities for affordable housing development. The Housing Plan sets forth policies to encourage the production of housing where adequate infrastructure and services are available, preserve and rehabilitate residential structures, and provide housing assistance to low- and moderate-income households to meet their housing needs.



**5.1 Code Enforcement**

Code enforcement is an important means to ensure that the character and quality of neighborhoods and housing is maintained. The Kings County Code Compliance staff will continue to work to enforce state and local regulations regarding building and property maintenance. In conjunction with code enforcement activities, staff will provide information to homeowners regarding the County’s Housing Rehabilitation Program.

**Objective:** Continue to address code violations in the County unincorporated areas. Refer property owners to rehabilitation assistance.  
**Responsible Agency:** Code Compliance Division  
**Funding:** General Fund

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**Timeline:** Throughout the planning period

**5.2 Housing Rehabilitation Program**

Working through nonprofit organizations and jurisdictions, the County offers housing rehabilitation assistance through the Housing Rehabilitation Program. Kings County offers housing rehabilitation assistance throughout County unincorporated areas, including and in the Corcoran fringe, Hanford fringe, Lemoore fringe, Armona, Home Gardens, Kettleman City, Stratford and other small community areas. The County provides low- or no-interest loans up to \$190,430 to correct health and safety hazards and make more routine repairs. The loan can be deferred until the owner sells the home, moves out of the home, or is able to begin making payments.



**Objective:** Provide 5 to 10 loans per year.  
**Responsible Agency:** Community Development Agency  
**Funding:** HOME and CDBG  
**Timeline:** Throughout the planning period

**5.3 Preservation of At-Risk Affordable Housing**

The County will continue to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Unincorporated Kings County has four projects with approximately 197 units of affordable housing created through various County, state, and federal programs. None are at risk for conversion to market rate.

**Objective:** Continue to monitor at-risk units.  
**Responsible Agency:** Community Development Agency  
**Funding:** General fund  
**Timeline:** Throughout the planning period

B.5 Kings County Housing Programs

**5.4 Adequate Sites**

The County will ensure that an adequate supply of residential land is designated in unincorporated areas to accommodate projected growth needs. Appendix B of the Housing Element identifies adequate sites within unincorporated areas to accommodate the County's share of the regional housing needs allocation, which is identified as 1,094 units (69 extremely-low, 68 very-low, 193 low, 316 moderate, and 448 above-moderate) for the new planning period. Adequate sites are those with appropriate zoning and development standards and adequate water and sewer services and other infrastructure.



**Objective:** Designate adequate sites to meet Kings County's housing needs of 1,094 units for the new planning period.  
**Responsible Agency:** Community Development Agency  
**Funding:** General fund  
**Timeline:** Throughout the planning period

**5.5 Density Bonus Program**

The County granted density bonuses for 14 homes during the previous planning period, however, the Zoning Ordinance has not yet been amended to reflect the latest changes to state density bonus law. The County will amend the Zoning Ordinance to include the current density bonus standards in *Government Code* §65915, et seq.

**Objective:** Amend the density bonus ordinance in conformance with current state law.  
**Responsible Agency:** Community Development Agency  
**Funding:** General funds  
**Timeline:** Code amendment by 2010

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5.6 First-Time Homebuyer Program

The County's First-Time Homebuyer Program provides qualified first-time homebuyers up to \$20,000 towards a home purchase. The loan is deferred for the life of the first loan or until the home owner sells the house. This program is available in all the unincorporated areas of Kings County and is administered by Self-Help Enterprises. During the previous planning period the County assisted an average of 10 first-time homebuyers per year.



- Objective:** Provide 10 to 15 loans per year.
- Responsible Agency:** Community Development Agency and Self-Help Enterprises
- Funding:** HOME
- Timeline:** Throughout the planning period

5.7 Section 8 Rental Assistance

Administered by the Kings County Housing Authority, unincorporated communities will continue to participate in the Section 8 rental assistance program. The Section 8 program extends rental subsidies to extremely-low- and very-low-income households that spend more than 30% of their income on rent. The rent subsidy is the difference between 30% of monthly income and allowable rent determined by HUD.

- Objective:** Support the Housing Authority's Section 8 program by promoting the program via the County website and brochures at County offices.
- Responsible Agency:** Kings County Housing Authority
- Funding:** HUD
- Timeline:** Throughout the planning period

B.5 Kings County Housing Programs

5.8 Foster Youth Transitional Program

The County supports the Housing Authority in the provision of transitional homes for foster youth. Foster children are a top priority for Kings County. Working with the Kings County Housing Authority, various agencies and organizations have established two transitional homes for aged-out foster children. The homes each accommodate six residents. The Hanford boys' home was completed in 2001 by refurbishing a dilapidated HUD home with the assistance of donations of material and labor. The Lemoore girls' home was built in 2002 from a historical dwelling that was refurbished.



- Objective:** Continue to support the Housing Authority in the provision of transitional homes for foster youth.
- Responsible Agency:** Community Development Agency and the Kings County Housing Authority
- Funding:** General fund
- Timeline:** Throughout the planning period

5.9 Emergency Shelters and Transitional/Supportive Housing

Housing Element Law requires jurisdictions to provide adequate sites for a variety of housing including emergency shelters and transitional/supportive housing through appropriate zoning and development standards. The Kings County Zoning Ordinance allows emergency shelters in the RM and PF zones subject only to a ministerial Site Plan Review, consistent with SB 2. The Zoning Ordinance does not explicitly address transitional or supportive housing, however. The Code will be amended to specify that transitional/supportive housing is a residential use subject only to the same requirements and procedures as for other residential uses of the same type in the same zone.

- Objective:** Amend the Zoning Code to permit transitional/supportive housing subject to the same requirements and procedures as for other residential uses of the same type in the same zone, as required by state law. Continue to support the Kings/Tulare Continuum of Care Plan to develop transitional and emergency housing programs for homeless individuals and families.
- Responsible Agency:** Community Development Agency
- Funding:** General fund
- Timeline:** Amend the Zoning Code within one year of Housing Element adoption

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5.10 Mobile Home/Manufactured Housing

Mobile homes and manufactured housing can provide an important source of affordable housing in rural areas. Pursuant to state law, all jurisdictions must allow for the development of manufactured housing/mobile homes as a permitted use in all residential zones where single-family homes are permitted. County codes are consistent with state law in this regard, and the County will continue to facilitate this type of housing to address the needs of low- and moderate-income households.

- Objective:** Continue to allow manufactured housing by right in all R zones which allow "one-family dwellings."
- Responsible Agency:** Community Development Agency
- Funding:** General fund
- Timeline:** Throughout the planning period

5.11 Farmworker and Employee Housing

Kings County administratively permits mobile homes as farm employee housing in the AL-10, AG-20, AG-40 and AX zones. Farmworker housing not exceeding 5 units per parcel is permitted in the AL-10, AG-20 and AG-40 zones with larger facilities in the same zones requiring a conditional use permit. Although no farm labor camps currently are present in Kings County, the County routinely permits mobile homes used as employee housing and smaller farmworker housing units. The County works with the Housing Authority and non-profit developers to develop rental and ownership housing for farmworkers. The County also facilitated renovation of a former motel into temporary and/or long-term, permanent agricultural employee housing for 24 farmworker families. To further assist in meeting housing needs, the County will:



- Objective:** Continue to support farmworker housing as follows:
  1. Amend the Zoning Code to incorporate §17021.5 and §17021.6 of the *Health and Safety Code*
  2. Assist interested developers by identifying sites and supporting funding applications
  3. Provide, to the extent feasible, regulatory incentives; and
- Responsible Agency:** Community Development Agency, Kings County Housing Authority, and interested affordable housing providers/developers
- Funding:** General fund
- Timeline:** Amend Zoning Code by 2010

B.5 Kings County Housing Programs

5.12 Housing for Persons with Disabilities

State law requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. As part of this Housing Element update, the County conducted an analysis of its zoning and land use processes, permit processing procedures, and building codes to identify impediments. In order to comply with state requirements and reduce potential constraints, the County will amend the Zoning Code in the following areas:

1. Large community care facilities serving more than 6 persons will be identified as a conditional use in the RR, R and RM zones; and
2. A reasonable accommodation ordinance establishing administrative procedures for reviewing and approving modifications to land use and building regulations that are reasonably necessary to ensure accessibility and use by persons with disabilities.

- Objective:** Amend Zoning Code to remove potential constraints on community care facilities and housing for persons with disabilities
- Responsible Agency:** Community Development Agency
- Funding:** General fund
- Timeline:** Code amendment by 2010

5.13 Promote Equal Housing Opportunities

Kings County currently refers fair housing complaints to the Human Rights/Fair Housing Commission at the Fresno office. However, since a number of communities within Kings County refer fair housing complaints to different agencies it may be confusing to residents to know the appropriate agency to handle fair housing complaints

- Objective:** The County will coordinate with the communities of Avenal, Corcoran, Hanford and Lemoore to select a local fair housing provider that will provide centralized fair housing services for all jurisdictions within Kings County. The County will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider or HUD. To broadly disseminate fair housing information, the County will distribute the brochure at the City Hall, library, post office, appropriate shopping areas, and primary government offices within each Community Service District.

- Responsible Agency:** Community Development Agency
- Funding:** General fund
- Timeline:** Select a local agency by 2010

5.14 Assist Affordable Housing Development

The County promotes the development of housing for extremely-low-, very-low-, low- and moderate-income persons through direct financial assistance such as CDBG and HOME, priority entitlement processing, regulatory incentives such as density bonus and modified development standards, administrative support to developers on grant applications. Programs 5.7 (Section 8 Rental Assistance), 5.9 (Emergency Shelters and Transitional/Supportive Housing), 5.10

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(Mobile/Manufactured Housing), 5.11 (Farmworker and Employee Housing), 5.12 (Housing for Persons with Disabilities) and 5.17 (SRO Housing) are all intended to address the needs of extremely-low-income (ELI) households. In order to further assist in the development of ELI units, the following actions will be taken:

- The County shall apply for State and Federal funds for direct support of low-income housing construction and rehabilitation. Potential funding sources include CDBG and HOME. The County shall also seek State and Federal funding specifically targeted for the development of housing affordable to ELI households, such as Proposition 1C funds. The County shall promote the benefits of this program to the development community by posting information on its web page and creating a handout to be distributed with land development applications.

**Objective:** Seek applicable grants under Proposition 1C and federal sources, provide an inventory of housing sites to interested developers, adopt a local density bonus ordinance, and continue to pursue housing production and rehabilitation with nonprofits.

**Responsible Agency:** Community Development Agency and affordable housing developers

**Funding:** Local, state, and federal funds

**Timeline:** Throughout the planning period; apply for grant funding on an annual basis as available.

5.15 Energy Conservation and Greenhouse Gas/Particulate Matter Reduction

The Community Development Agency recently adopted this new program that includes expediting plan check and permit processing for residential projects designed to comply with the voluntary residential requirements of the California Green Building Standards Code. Expedited plan check/permit processing is also provided for photovoltaic systems that generate energy for residential uses.

**Objective:** Increase energy conservation and reduce greenhouse gases/particulate matter in Kings County by encouraging developers to comply with the California Green Building Standards Code. Developers receive expedited plan check/permit processing if their project meets or exceeds the California Green Building Standards Code or if the project incorporates a photovoltaic system that provides energy for residential uses. This program will be publicized through postings within the Community Development Agency office and on the Agency's webpage.

**Responsible Agency:** Community Development Agency and housing developers

**Funding:** No additional County funding required

**Timeline:** Throughout the planning period

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B.5 Kings County Housing Programs

5.16 Weatherization and Energy-Efficient Home Improvements

The purpose of this program is to reduce energy use by providing financial assistance to lower-income households for weatherization and energy-efficient heating (including solar photovoltaic water heaters) and cooling systems. The County will refer lower-income households to the Kings Community Action Organization and other community services agencies that provide financial assistance to qualifying households for these improvements.

**Objective:** Reduce residential energy use and carbon footprint by providing financial assistance to lower-income households for weatherization and energy-efficient heating and cooling systems.

**Responsible Agency:** Community Development Agency

**Funding:** Nominal funding required

**Timeline:** Throughout the planning period

5.17 Single Room Occupancy (SRO) Housing

To ensure development standards do not constrain the development of SROs, the County will adopt development standards for SRO housing which may include:

- Requirements for a management plan outlining policies and procedures and annual review of services by the Planning Department
- 24-hour on-site management
- Room limitation to single occupancy, with allowance for overnight guests
- Requirements for monthly tenancies
- Units must be 250–300 square feet in size and include kitchen or bathroom
- Parking ratio of one space per unit and bicycle rack storage of one rack per 5 units

**Objective:** Address the needs of extremely-low-income persons through SRO housing.

**Responsible Agency:** Community Development Agency

**Funding:** Nominal funding required

**Timeline:** Code amendment in 2010-2011

5.18 Promote Fair and Balanced Fee Structures

Kings County promotes the development of affordable housing. However, such properties are often owned by non-profit organizations that are exempt from property taxes, which are necessary to provide funding for the public services and facilities required by residents. As a result, non-profit developments can have a negative fiscal impact on the County. In the event that affordable housing production by non-profit developers exceeds the level of need identified in the Regional Housing Needs Allocation Plan for this planning period, the County will initiate a study to assess the fiscal impacts of additional non-profit affordable housing development, and consider appropriate mechanisms such as in-lieu fees to mitigate such impacts. Prior to implementation of such mitigation,

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the County shall conduct an evaluation of its effect on the cost and supply of housing, and process an amendment to the Housing Element.

- Objective:** The objective of this program is to balance the benefits of non-profit affordable housing tax benefits with the importance of maintaining local funding mechanisms for the continuance of essential County services.
- Responsible Agency:** Community Development Agency
- Funding:** No funding required at this time.
- Timeline:** To be determined

C. Quantified Objectives

C. Quantified Objectives

Table 5-1 below summarizes the quantified objectives for housing construction, rehabilitation, and conservation for Kings County jurisdictions for the 2009–2014 planning period. Construction objectives do not reflect past building activity, but rather reflect housing needs based on demographic trends as determined by the California Department of Housing and Community Development (HCD).

Table 5-1  
 Quantified Objectives for 2009-2014

	Kings County Jurisdictions				
	Avenal	Corcoran	Hanford	Lemoore	Kings County
<b>Construction<sup>1</sup></b>					
Extremely Low	40	40	140	374	68
Very Low	40	40	1,306	374	69
Low	126	160	1,015	534	193
Moderate	214	295	938	502	316
Above-Moderate	291	370	2,359	1,237	448
<b>Rehabilitation</b>					
Extremely Low	5	10	20	12	12
Very Low	5	20	80	13	13
Low	10	45	100	25	25
Moderate	0	0	0	25	0
Above-Moderate	0	0	0	0	0
<b>Conservation<sup>2</sup></b>					
Extremely Low					
Very Low					
Low	317	593	718	624	197
Moderate					
Above-Moderate	0	0	0	0	0

1 Construction objectives are for 2007-2014 commensurate with the RHNA  
 2 Conservation objectives refer to existing units with affordability covenants (see Table 2-32)  
 Source: 2007-2014 Kings County Regional Housing Needs Plan

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## Chapter 6. Glossary of Terms

- Acre:** A unit of land measure equal to 43,560 square feet. Net acreage refers to the portion of a site exclusive of existing or planned public or private road rights-of-way.
- Accessory Dwelling Unit:** A dwelling unit accessory to a main single-family dwelling on a parcel of land and which meets the requirements of state law.
- Affordability Covenant:** A property title agreement which places resale or rental restrictions on a housing unit.
- Affordable Housing:** Under state and federal statutes, housing which costs no more than 30% of gross household income. Housing costs include rent or mortgage payments, utilities, taxes, insurance, homeowner association fees, and related costs.
- Assisted Housing:** Housing that has received subsidies (such as low interest loans, density bonuses, direct financial assistance) by federal, state, or local housing programs in exchange for restrictions requiring a certain number of housing units to be affordable to very-low-, low-, and moderate-income households.
- Kings County Association of Governments (KCAG):** The regional government agency authorized by the federal and state government to address regional transportation, housing, and other planning issues in Kings County.
- At-Risk Housing:** Assisted rental housing that is at risk of losing its status as housing affordable for very-low-, low-, and moderate-income residents due to the expiration of federal, state or local agreements.
- California Department of Housing and Community Development (HCD):** The state department responsible for administering state-sponsored housing programs and for reviewing housing elements to determine compliance with state housing law.
- Census:** The official United States decennial enumeration of the population conducted by the federal government.
- Community Development Block Grant (CDBG):** A grant program administered by the U.S. Department of Housing and Urban Development (HUD). This grant allots money to cities and counties for housing rehabilitation and community development activities, including public facilities and economic development.
- Condominium:** A building or group of buildings in which units are owned individually, but the structure, common areas and facilities are owned by all owners on a proportional, undivided basis.
- Density:** The number of dwelling units per unit of land. Density usually is expressed "per acre," e.g., a development with 100 units located on 20 acres has density of 5.0 units per acre.
- Density Bonus:** The allowance of additional residential units beyond the maximum for which the parcel is otherwise permitted usually in exchange for the provision or preservation of affordable housing units at the same site or at another location.
- Development Impact Fees:** A fee or charge imposed on developers to pay for a jurisdiction's costs of providing services to a new development.

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Chapter 6. Glossary of Terms

**Development Right:** The right granted to a land owner or other authorized party to improve a property. Such right is usually expressed in terms of a use and intensity allowed under existing zoning regulation. For example, a development right may specify the maximum number of residential dwelling units permitted per acre of land.

**Dwelling Unit:** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for the exclusive use of a household.

**Dwelling, Multi-family:** A building containing two or more dwelling units for the use of individual households; e.g., an apartment or condominium building.

**Dwelling, Single-family Attached:** A one-family dwelling attached to one or more other one-family dwellings by a common vertical wall. Row houses and town homes are examples of this dwelling unit type.

**Dwelling, Single-family Detached:** A dwelling, not attached to any other dwelling, which is designed for and occupied by not more than one family and surrounded by open space or yards.

**Elderly Household:** Elderly households are one- or two- member (family or non-family) households in which the head or spouse is age 65 or older.

**Emergency Shelter:** An emergency shelter is a facility that provides shelter to homeless families and/or homeless individuals on a limited short-term basis.

**Fair Market Rent (FMR):** Fair Market Rents (FMRs) are freely set rental rates defined by HUD as the median gross rents charged for available standard units in a county or Standard Metropolitan Statistical Area (SMSA). Fair Market Rents are used for the Section 8 Rental Program and other HUD programs.

**First-Time Home Buyer:** Defined by HUD as an individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home. Jurisdictions may adopt local definitions for first-time home buyer programs which differ from non-federally funded programs.

**Floor Area Ratio (FAR):** The gross floor area of all buildings on a lot divided by the lot area; usually expressed as a numerical value (e.g., a building having 10,000 square feet of gross floor area located on a lot of 5,000 square feet in area has a floor area ratio of 2:1).

**General Plan:** The General Plan is a legal document, adopted by the legislative body of a city or county, setting forth policies regarding long-term development. California law requires the preparation of seven elements or chapters in the General Plan: Land Use, Housing, Circulation, Conservation, Open Space, Noise, and Safety. Additional elements are permitted, such as Economic Development, Urban Design and similar local concerns.

**Group Quarters:** A facility that houses groups of unrelated persons not living in households (U.S. Census definition). Examples of group quarters include institutions, dormitories, shelters, military quarters, assisted living facilities and other quarters, including single-room occupancy (SRO) housing, where 10 or more unrelated individuals are housed.

**Home Mortgage Disclosure Act (HMDA):** The Home Mortgage Disclosure Act requires larger lending institutions making home mortgage loans to publicly disclose the location and

disposition of home purchase, refinance and improvement loans. Institutions subject to HMDA must also disclose the gender, race, and income of loan applicants.

**HOME Program:** The HOME Investment Partnership Act, Title II of the National Affordable Housing Act of 1990. HOME is a Federal program administered by HUD which provides formula grants to states and localities to fund activities that build, buy, and/or rehabilitate affordable housing for rent or home ownership or provide direct rental assistance to low-income people.

**Homeless:** Unsheltered homeless are families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, regular sleeping accommodation for human beings (e.g., the street, sidewalks, cars, vacant and abandoned buildings). Sheltered homeless are families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter (e.g., emergency, transitional, battered women, and homeless youth shelters; and commercial hotels or motels used to house the homeless).

**Household:** The US Census Bureau defines a household as all persons living in a housing unit whether or not they are related. A single person living in an apartment as well as a family living in a house is considered a household. Household does not include individuals living in dormitories, prisons, convalescent homes, or other group quarters.

**Household Income:** The total income of all the persons living in a household. Household income is commonly grouped into income categories based upon household size, and income, relative to the regional median family income. The following categories are used in the Housing Element:

- *Extremely Low:* Households earning less than 30% of County median family income;
- *Very low:* Households earning less than 50% of County median family income;
- *Low:* Households earning 51% to 80% of the County median family income;
- *Moderate:* Households earning 81% to 120% of County median family income;
- *Above Moderate:* Households earning above 120% of County median family income

**Housing Problems:** Defined by HUD as a household which: (1) occupies a unit with physical defects (lacks complete kitchen or bathroom); (2) meets the definition of overcrowded; or (3) spends more than 30% of income on housing cost.

**Housing Subsidy:** Housing subsidies refer to government assistance aimed at reducing housing sales or rent prices to more affordable levels. Two general types of housing subsidy exist: 1) where a housing subsidy is linked to a particular house or apartment, the housing subsidy is "project" or "unit" based; or 2) In Section 8 rental assistance programs the subsidy is provided to the family (called "tenant-based") who can then use the assistance to find suitable housing in the accommodations of their choice.

**Housing Unit:** A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate toilet and kitchen facilities.

**Inclusionary Unit.** An ownership or rental dwelling unit which is required to meet affordability criteria established by local ordinance.

**Large Household:** A household with 5 or more members.

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Chapter 6. Glossary of Terms

**Manufactured Housing:** Housing that is constructed of manufactured components, assembled partly at the site rather than totally at the site. Also referred to as modular housing.

**Market-Rate Housing:** Housing which is available on the open market without any subsidy. The price for housing is determined by the market forces of supply and demand and varies by location.

**Median Income:** The annual income (adjusted for household size) within a region for which half of the households have incomes above the median and half have incomes below the median. The "Areawide Median Income" (AMI) is established annually by HUD and HCD for each county as the basis for affordable housing programs.

**Mobile Home:** A structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, is built on a permanent chassis and designed to be used as a dwelling unit when connected to the required utilities, either with or without a permanent foundation.

**Mortgage Revenue Bond (MRB):** A state, county or city program providing financing for the development of housing through the sale of tax-exempt bonds.

**Overcrowding:** As defined by the U.S. Census, a household with greater than 1.01 persons per room, excluding bathrooms, kitchens, hallways, and porches. Severe overcrowding is defined as households with greater than 1.51 persons per room.

**Overpayment:** The extent to which gross housing costs, including utility costs, exceed 30% of gross household income, based on data published by the U.S. Census Bureau. Severe overpayment, or cost burden, exists if gross housing costs exceed 50% of gross income.

**Parcel:** The basic unit of land entitlement. A designated area of land established by plat, subdivision, or otherwise legally defined and permitted to be used, or built upon.

**Public Housing:** A project-based low-rent housing program operated by independent local public housing authorities. A low-income family applies to the local public housing authority in the area in which they want to live.

**Redevelopment Agency:** California Community Redevelopment Law provides authority to establish a Redevelopment Agency with the scope and financing mechanisms necessary to remedy blight and provide stimulus to eliminate deteriorated conditions. The law provides for the planning, development, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, and the provision of public and private improvements as may be appropriate or necessary in the interest of the general welfare by the Agency. Redevelopment law requires an Agency to set aside 20% of all tax increment dollars generated from each redevelopment project area for the purpose of increasing and improving the supply of housing for low-moderate income households.

**Regional Housing Needs Plan (RHNP):** The Regional Housing Needs Plan (RHNP) is based on State of California projections of population growth and housing unit demand and assigns a share of the region's future housing need to each jurisdiction within the KCAG. These housing need numbers serve as the basis for the update of the Housing Element.

**Rehabilitation:** The upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

**Section 8 Rental Voucher/Certificate Program:** A tenant-based rental assistance program that subsidizes a family's rent in a privately owned house or apartment. The program is administered by local public housing authorities. Assistance payments are based on 30% of household annual income. Households with incomes of 50% or below the area median income are eligible to participate in the program.

**Senior:** The Census Bureau defines a senior as a person who is 65 years or older. For persons of social security eligibility, a senior is defined as a person age 62 and older. Other age limits may be used for eligibility for housing assistance or retired communities.

**Service Needs:** The particular services required by special populations, typically including needs such as transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services preventing premature institutionalization and assisting individuals to continue living independently.

**Small Household:** Pursuant to HUD definition, a small household consists of two to four non-elderly persons.

**Special Needs Groups:** Those segments of the population which have a more difficult time finding decent affordable housing due to special circumstances. Under California Housing Element statutes, these special needs groups consist of the elderly, people with disabilities, large families with five or more members, single-parent families with children, farmworkers and the homeless. A jurisdiction may also choose to consider additional special needs groups in the Housing Element, such as students, military households, other groups present in their community.

**Subdivision:** The division of a lot, tract or parcel of land in accordance with the Subdivision Map Act (California Government Code §66410, et seq.).

**Substandard Housing:** Housing which does not meet the minimum standards in the California Housing Code. Jurisdictions may adopt more stringent local definitions of substandard housing. Substandard units which are structurally sound and for which the cost of rehabilitation is economically warranted are considered suitable for rehabilitation. Substandard units which are structurally unsound and for which the cost of rehabilitation is considered infeasible are considered in need of replacement.

**Supportive Services:** Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, child care, transportation, and job training.

**Tenant-Based Rental Assistance:** A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

**Transitional Housing:** Transitional housing is temporary (often six months to two years) housing for a homeless individual or family who is transitioning to permanent housing. Transitional housing often includes a supportive services component (e.g., job skills training, rehabilitation counseling) to allow individuals to gain necessary life skills in support of independent living.

**U.S. Department of Housing and Urban Development (HUD):** The cabinet level department of the federal government responsible for housing, housing assistance, and urban development at the national level. Housing programs administered through HUD include Community Development Block Grant (CDBG), HOME and Section 8, among others.

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Chapter 6. Glossary of Terms

**Zoning:** A land use regulatory measure enacted by local government. Zoning district regulations governing lot size, building bulk, placement, and other development standards vary from district to district, but must be uniform within the same district. Each city and county adopts a zoning ordinance specifying these regulations.

## Appendix A Evaluation of the Prior Housing Element

Section 65588(a) of the *Government Code* requires that jurisdictions evaluate the effectiveness of the existing Housing Element, the appropriateness of goals, objectives and policies, and the progress in implementing programs for the previous planning period. This appendix contains a review each jurisdiction's housing goals, policies, and programs of the previous housing element, and evaluates the degree to which these programs have been implemented during the previous planning period. This analysis also includes an assessment of the appropriateness of goals, objectives and policies. The findings from this evaluation have been instrumental in crafting the 2009 Housing Plan.

Tables A-1a through A-1e summarize the programs contained in the previous Housing Element along with the source of funding, program objectives, accomplishments, and implications for future policies and actions.

Table A-2 summarizes the goals and policies contained in the previous Housing Element along with an assessment of their appropriateness for the new planning period.

Tables A-3a through A-3e summarize new units built during the previous Housing Element period.

Tables A-4a through A-4e present each jurisdiction's progress in meeting the quantified objectives from the previous Housing Element.

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**Appendix A**

**Table A-1a  
 Housing Element Program Evaluation  
 City of Avenal  
 2003-2008**

City of Avenal	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>1. Code Enforcement</b>                      Code enforcement is an important means to preserve public health and safety and ensure that the character and quality of neighborhoods and housing is maintained. To that end, the City's Code Enforcement staff under the Public Works department will work to enforce state and local regulations. In conjunction with code enforcement activities, City staff will provide information to homeowners regarding the City's <i>Housing Rehabilitation Program</i>.</p>	Code Enforcement Staff/ Public Works Department	General Fund	Continue to work with the community to address code violations. Refer property owners to the Housing Rehabilitation Program. (Timeline: Ongoing)	Code enforcement staff is partially funded by CDBG funds. Information regarding rehab has been provided to homeowners.	The City will continue to use Code Enforcement to improve the quality of housing in Avenal. CDBG funds will also be used to partially fund Code Enforcement.
<p><b>2. Housing Rehabilitation Program</b>                      In partnership with a housing partner, the City will continue providing rehabilitation loans to lower income households. Initiated in 2000 with CDBG funds, the Housing Rehabilitation Program will provide loans for up to \$45,000 (up to \$65,000 for demolition/reconstruction) for most types of housing repairs, energy conservation improvements, and handicapped accessibility devices. In 2002, the Program received \$600,000 in HOME funds which should fund up to 12 loans in 2003.</p>	Community Development Department and Self-Help Enterprises	CDBG; HOME; CAL-HOME	Continue to provide between 6 and 12 loans per year. Continue to market the program through brochures at the public counter. (Timeline: Ongoing)	The City has continued to receive HOME, CDBG and CalHome grants each year during the reporting period. The City has rehabilitated or reconstructed approximately 40 homes during the period.	The City will continue to apply for and implement HOME and CDBG grants. The amount available to applicants for rehab will increase as needed with inflation.
<p><b>3. Preservation of At-Risk Affordable Housing</b>                      The City will work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Avenal has 150 units of affordable housing created through City, state, and federal programs. None are currently at risk for conversion to market rate from 2003-2013.</p>	Community Development Department	General Fund	Continue to monitor at-risk units. (Timeline: Ongoing)	One low income apartment complex became at-risk during the reporting period. The City cooperated in a Tax Credit application to save the at-risk housing. The outcome of the application is not known.	The City will continue to work with interested agencies and community organizations to preserve at-risk units.

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**Appendix A**

City of Avenal	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>4. Adequate Sites</b>                      The City will facilitate the production of new housing to accommodate new housing demand from residents and projected employment and population growth. To that end, the Housing Element identifies "adequate" sites to accommodate the City's share of the region's housing needs allocation identified as 580 units (139 very low, 116 low, 93 moderate, and 232 above moderate income affordability) from 2001-2008. Adequate sites are those with sufficient development and density standards, water and sewer services, and adequate infrastructure.</p>	Community Development Department	General Fund	Maintain appropriate land use designations to provide adequate sites appropriate for new housing to meet Avenal's housing needs allocation of 580 units. (Timeline: 2003-2008)	The City has maintained "adequate" sites to develop the 580 units identified in the RHNA. During the reporting period the City developed 240 units for very low income residents and 23 units for moderate or low income residents.	The City will continue to provide adequate sites to provide housing for low and moderate income housing commensurate with the RHNA for the new planning period.
<p><b>5. Infill Development</b>                      The City will continue to support infill development for homes and mobile homes in residential zones. Infill lots are being extensively used in Avenal for new development. Approximately 25 single-family homes on infill lots have been processed over the past year. In addition, four mobile homes on infill lots are approved each year. The City will provide an inventory at the public counter on the location of infill sites that are adequately served by infrastructure and suitable for residential development.</p>	Community Development Department	General Fund	Provide the location and zoning of residential infill sites in the community. (Timeline: Ongoing)	172 Single family homes have been built during the reporting period almost exclusively on infill lots. The City works with developers to complete variances that allow more infill lots to be created and used.	The City will continue to encourage the use of infill lots. However, the inventory of available lots is shrinking.
<p><b>6. Density Bonus Program</b>                      In accordance with State law, Avenal will adopt a local ordinance that provides incentives to encourage the development of affordable housing. If a developer allocates at least 20 percent of the units in a housing project for lower income households, 10 percent for very low-income households, 50 percent for qualifying residents such as senior citizens, or at least 20 percent of condominium units for moderate income households, the City must grant a density bonus of 25 percent, along with one additional regulatory concession, or provide other incentives of equivalent financial value based on the land cost per dwelling unit.</p>	Community Development Department	General Fund	In accordance with State law, Avenal will adopt a local ordinance that provides incentives to encourage the development of affordable housing. If a developer allocates at least 20% of the units in a housing project for lower income households, 10% for very low-income households, 50% for qualifying residents such as senior citizens, or at least 20% of condominium units for moderate income households, the City must grant a density bonus of 25%, along with one additional regulatory concession, or provide other incentives of equivalent financial value based on the land cost per dwelling unit. (Timeline: End of 2004)	The City's Zoning Ordinance was amended to meet State Law regarding Density Bonus. However, its use by developers has been limited.	The City will continue to answer inquiries and work with developers on Density Bonus.

Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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Kings County Exh. F

2009-2014  
 Draft Housing Element

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**Appendix A**

City of Avenal	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>7. Regulatory and Financial Assistance</b>                      Avenal allows multi-family housing in high density zones and requires a conditional use permit for projects in excess of 19 units. The City's also assists developers of affordable housing by reducing or deferring development fees and reducing processing times. Avenal recently deferred fees and expedited the application of the 81-unit El Palmar apartments. The City will continue providing regulatory and financial assistance to facilitate the development of affordable housing to very low, low, and moderate income households.</p>	Community Development Department	General Fund	Continue to defer/reduce fees and expedite processing for affordable housing. Annually evaluate conditional use applications for multi-family residential projects to determine the impact on the timing, cost, and supply of multi-family housing. If the process constrains multi-family development, adopt mitigation, which could include eliminating the conditional use process, within 6 months. (Timeline: Annually evaluate the impact of the conditional use process as part of the general plan progress report required under <i>Government Code</i> §65400.)	The City expedited two CUP applications for multi-family low income projects during the reporting period. The City also assisted the developers with Tax Credit applications. The City continues to use the CUP process for large apartment applications.	The City will continue to expedite and assist low income multi-family projects.
<p><b>8. First Time Homebuyer Program</b>                      In partnership with a housing partner, Avenal will continue to provide home ownership opportunities to new low income homebuyers through the First Time Homebuyer Program. Initiated in 2000, this program provides up to \$20,000 in a deferred silent second loan to subsidize mortgage payments and closing costs. Residents must provide a \$1,000 down payment and qualify for a home loan. To date, the City has assisted 12 very low and low income homebuyers (including 6 farm worker households).</p>	Community Development Department and Self-Help Enterprises	HOME	Assist 10-15 new homebuyers on an annual basis. (Timeline: Ongoing)	The City assisted 54 applicants with the purchase of homes under the First Time Homebuyer program during the reporting period.	The City will continue to apply for and administer the HOME program for use in its First Time Homebuyer program.
<p><b>9. Section 8 Rental Assistance</b>                      Avenal will continue to participate in the Section 8 rental assistance program. The Section 8 rental assistance program extends rental subsidies to very low income households that spend more than 30 percent of their income on rent. The rent subsidy is the difference between 30 percent of the monthly income and the allowable rent determined by the Section 8 program. Currently two households in Avenal receive Section 8 assistance.</p>	Community Development Department, County Housing Authority	Department of Housing and Urban Development	Assist Kings County Housing Authority in promoting the Section 8 program. (Timeline: Ongoing)	The City does not administer the Section 8 program but does support the Kings County Housing Authority.	Avenal will continue to participate in the Section 8 rental assistance program.

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**Appendix A**

City of Avenal	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>10. Affordable Housing Assistance</b>                      The City works with nonprofit groups, such as Self-Help Enterprises, to build and/or rehabilitate housing affordable to very low and low income households. The City receives CDBG and HOME funds for these efforts. Affordable housing is being developed under existing zoning and development standards, although in some cases the City provides financial assistance to projects in the form of fee waivers and regulatory incentives.</p>	Community Development Department and interested affordable housing providers/developers	Local, state, and federal funds	Seek applicable grants under Proposition 46 and federal sources, provide an inventory of housing sites to interested developers, adopt a local density bonus ordinance, and continue to pursue housing production and rehabilitation with nonprofits. (Timeline: Ongoing)	The City has rehabilitated 40 homes and provided 54 first time homebuyer loans using CDBG, HOME and CalHome during the reporting period. The City has waived building fees for housing rehabilitation.	The City will continue to rehabilitate homes and provided first time homebuyer loans using CDBG, HOME and CalHome. The City will continue to waive building fees for housing rehabilitation.
<p><b>11. Special Needs Housing for Senior and Disabled</b>                      The City will assist in planning and locating affordable housing for special needs groups such as senior and disabled residents. The City's recently completed senior housing study indicated the need for 36 units of housing for seniors and persons with disabilities in Avenal. The developer of the recently approved 81-unit El Palmar apartments indicated the desire to develop senior housing in the City. The City will work with interested developers to facilitate senior/disabled housing by offering fee reductions and providing expedited site plan review.</p>	Community Development Department	General Fund	Continue fee reductions and expedited site plan review for affordable housing. (Timeline: Develop housing by 2005)	The City expedited one application for a senior housing apartment complex and assisted the developer with a tax credit application. The project was not successful in obtaining tax credits.	The City will continue to work with developers in the completion of a senior project as well as for the disabled by expediting applications and assisting with grant applications.
<p><b>12. Second Units</b>                      Second units can provide additional housing opportunities for many special needs groups, including seniors, farm workers and other groups. Currently, the Avenal Zoning Ordinance permits second units in the R-E, R-1, R-2, R-3, A-1 and A-E zones subject to a conditional use permit process. The City will revise its second unit ordinance to permit second dwelling units pursuant to a ministerial permit in appropriate residential zones and make other necessary changes to comply with AB1866. The City will set development standards which are not stricter than the standards set forth in State law.</p>	Community Development Department	General Fund	Revise second unit ordinance to comply with AB 1866. (Timeline: 2004)	The City amended its Zoning Ordinance to allow second units by right in residentially zoned areas.	The City will assist property owners with second unit applications by providing information and expediting their applications.

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**Appendix A**

City of Avenal	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>13. Emergency and Transitional Shelters</b>                      Housing Element Law requires a jurisdiction to provide adequate sites for a variety of housing types, including emergency and transitional shelters, through appropriate zoning and development standards. The Avenal Zoning Ordinance does not directly address transitional housing and emergency shelters. To address State law requirements, Avenal will permit emergency shelters and transitional housing in the Public Facilities (PF) zone via a conditional use permit. The conditional use permit will facilitate compatibility of such facilities with adjacent land uses and require the same findings as other special needs housing.</p>	Community Development Department	General Fund	Amend the Avenal Zoning Ordinance to conditionally permit emergency shelters and transitional facilities in the Public Facilities zone. (Timeline: 2004)	The City amended its Zoning Ordinance to allow an Emergency and Transitional Shelters in a PF zone via the CUP process.	The City will amend the Zoning Ordinance pursuant to SB 2 and work with Kings County Community Action Organization and other organizations to provide Emergency and Transitional Shelters.
<p><b>14. Farmworker and Employee Housing</b>                      Avenal actively facilitates the development and improvement of housing for farm workers. Avenal permits temporary and permanent farm labor camps, as a secondary function in conjunction with an agricultural operation, in the A-E zone. Farm employee housing incidental to farming operations is permitted in the P-F zone. Finally, farm labor housing is permitted in the R-2 and R-3 zones. Farm workers also receive the majority of homeownership and home rehabilitation loans each year and occupy the majority of assisted multi-family units in Avenal.</p>	Community Development Department	General Fund	<ol style="list-style-type: none"> <li>1) Amend the Zoning Code to incorporate Section 17021 of the Health and Safety Code</li> <li>2) Inventory suitable sites for farm worker housing with the update of the Land Use Element</li> <li>3) Assist interested developers by identifying sites and supporting funding applications</li> <li>4) Provide, to the extent feasible, financial and regulatory incentives; and</li> <li>5) Ensure that zoning and development standards facilitate farm worker housing</li> </ol> (Timeline: Provide site inventory by 2004 and amend Zoning Code by 2005 following update of the General Plan Land Use Element.)	The City allows by right Farmworker Housing in the R-2 and R-3 Zones. An application for Farmworker Housing was not submitted during the reporting period.	The City will expedite and assist developers of Farmworker Housing projects if applied for in the R-2 and R-3 zones.

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City of Avenal	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>15. Housing for Disabled Persons</b>                      SB520, effective 2002, requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. The City conducted an analysis of its zoning and land use processes, permit processing procedures, and building codes to identify impediments. Several impediments were found with respect to permitting land uses.</p>	Community Development Department	General Fund	Amend the Zoning Ordinance to permit the siting of residential care facilities serving six or fewer persons, second units, and employee housing by right in residential zones, and emergency shelters and transitional housing in the P-F zone. Continue to review City ordinances, policies, and practices and remove impediments when found. (Timeline: 2004)	The City amended its Zoning Ordinance to allow the siting of residential care facilities for six units or less. The City has assisted Disabled Persons by providing funds for rehabilitation of homes, including handicapped facilities, using CDBG, CalHome and HOME funds.	The City will continue to assist Disabled Persons by providing funds for rehabilitation of homes, including handicapped facilities, using CDBG, CalHome and HOME funds. It will expedite applications for Residential Care Facilities and adopt a Reasonable Accommodation ordinance.
<p><b>16. Promote Equal Housing Opportunities</b>                      Presently the City does not refer fair housing complaints to a fair housing agency. This is particularly problematic if a resident or landlord has a problem and cannot find the appropriate agency to provide assistance. The City will designate and publicize an agency to provide information on fair housing laws, and refer complaints of housing discrimination to the appropriate state or federal agencies.</p>	Community Development Department	General Fund	Avenal will coordinate with Kings County to select a local fair housing agency to provide landlord and tenant mediation and fair housing investigations. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate fair housing information, the City will distribute the brochure at the City Hall, library, post office, and appropriate shopping areas. (Timeline: 2004)	The City has not accomplished this program due to staffing limitations.	Avenal will coordinate with Kings County to select a local fair housing agency to provide landlord and tenant mediation and fair housing investigations. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate fair housing information, the City will distribute the brochure at the City Hall, library, post office, and appropriate shopping areas.

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**Appendix A**

**Table A-1b  
 Housing Element Program Evaluation  
 City of Corcoran  
 2003-2008**

City of Corcoran	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>1. Code Enforcement</b>                      Code enforcement is an important means to preserve public health and safety and ensure that the character and quality of residential neighborhoods and housing is maintained. The City's Code Enforcement staff under the Community Development Department will work to enforce state and local regulations. In conjunction with code enforcement activities, City staff provides information to homeowners regarding the City's Housing Rehabilitation Program.</p>	Code Enforcement Staff	General Fund	Continue to work with the community code violations. Refer property owners to the Housing Rehabilitation Program. (Timeline: Ongoing)	2003 Prop Maint 65 cases 2003 Weed Abate 231 cases 2003 Veh Abate 289 cases Substd Bldg (SSB) 3 cases  2004 Prop Maint 55 cases 2004 Weed Abate 122 cases 2004 Veh Abate 216 cases SSB 2 cases  2005 Prop Maint 42 cases 2005 Weed Abate 55 cases 2005 Veh Abate 109 cases SSB 8 cases  2006 Prop Maint 15 cases 2006 Weed Abate 90 cases 2006 Veh Abate 37 cases 2006 SSB 2 cases  2007 Prop Maint 199 cases 2007 Weed Abate 236 cases 2007 Veh Abate 269 cases 2007 SSB 38 cases  2008 thru 11-30-08 2008 Prop Maint 67 cases 2008 Weed Abate 258 cases 2008 Veh Abate 41 cases SSB 49 cases	Continue to work with the community on code violations. Refer property owners to the Housing Rehabilitation Program. (Timeline: Ongoing)

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**Appendix A**

City of Corcoran	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>2. Paint Programs</b>                      The City offers assistance to low and moderate income homeowners for exterior or interior painting in three related programs. The City's Paint Program covers the cost of paint only. Under the Senior/Handicapped Paint Program, the City provides low and moderate income seniors and people with disabilities with paint, paint supplies, and supervision. Labor is usually provided by youths under a program supervised by the Kings County Office of Education. Low and moderate income households residing in the Corcoran Fringe are assisted through the Kings County Paint Program for the Corcoran Fringe.</p>	Community Development Department, Job Training Office, Kings County Planning Department, and Kings County Office of Education	CDBG	City Paint Program: 20-25 annually Senior/Handicapped Paint Program: 10 homes annually Kings County Paint Program: 5-10 homes annually-as funding permits (Timeline: Ongoing)	2004- 19 homes regular. 10 homes senior. 2005- 19 homes regular 10 homes senior 2005- 16 homes regular 2006-9 homes regular 2007- 0 2008- 9 homes regular 19 homes senior	Continue program. City Paint Program: 20-25 annually Senior/Handicapped Paint Program: 15 homes annually (Timeline: Ongoing)
<p><b>3. Housing Rehabilitation Program</b>                      The City will continue providing rehabilitation loans to lower income households through the Housing Rehabilitation Program. Initiated in 1981, the Housing Rehabilitation Program provides loans for up to \$75,000 for most housing repairs, demolition/reconstruction, energy conservation improvements, and handicapped accessibility devices. In 2002, the Program received \$600,000 in HOME funds which should fund up to 12 loans in 2003. Health and safety grants of up to \$1,500 are provided to correct minor repairs or improve handicap accessibility for very low and low income households.</p>	Community Development Department	HOME; CDBG	Provide 12-15 loans annually and 10-15 grants annually. Continue to market the program through brochures at the public counter. Conduct outreach to major employers (e.g., hospital, school district, and prisons) regarding the program. (Timeline: Ongoing)	2004- 25 homes rehabbed 19 grants-emergency rpr 2005- 26 homes rehabbed 24 grants emergency rpr 2006- 17 homes rehabbed 8 grants-emergency rpr 2007 - 4 homes rehabbed 2008 - 8 homes rehabbed	Continue program. Provide 5 to 10 loans annually and up to 10 health and safety grants per year. Continue to market the program. (Timeline: Ongoing)
<p><b>4. Preservation of At-Risk Affordable Housing</b>                      The City continues to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Corcoran has 350 units of affordable housing for very low, low, and moderate income households created through various City, state, and federal programs. None of the housing projects are at-risk for conversion to market rate.</p>	Community Development Department	General Fund	Continue to monitor at-risk units. (Timeline: Ongoing)	The City continues to monitor the potential units at-risk.	One project (Saltair) is at-risk during the next 10 years. The City will continue to monitor at-risk units and assist with their preservation, if feasible. (Timeline: Ongoing)

Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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2009-2014  
 Draft Housing Element

Kings County Exh. F

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**Appendix A**

City of Corcoran	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>5. Adequate Sites</b>                      The City will facilitate construction of new housing to accommodate projected employment and population growth and to meet the needs of existing residents. To that end, the Housing Element identifies "adequate" sites to accommodate the City's share of the region's housing needs allocation identified as 854 units (205 very low, 171 low, 137 moderate, and 341 above moderate) from 2001-2008. Adequate sites are those with sufficient development and density standards, water and sewer services, and adequate infrastructure.</p>	Community Development Department	General Fund	Maintain appropriate land use designations to provide adequate sites appropriate for new housing to meet Corcoran's housing needs allocation of 854 units. (Timeline: Ongoing)	The City has promoted new housing development by fast tracking development applications. The City will maintain appropriate land use designations to provide adequate sites appropriate for new housing to meet Corcoran's housing needs.	Maintain appropriate land use designations to provide adequate sites appropriate for new housing to meet Corcoran's housing needs allocation. (Timeline: Ongoing)
<p><b>6. Density Bonus Program</b>                      Corcoran allows a density bonus only in conjunction with a planned unit development. In accordance with State law, if a developer allocates at least 20 percent of the units in a housing project for lower income households, 10 percent for very low-income households, 50 percent for qualifying residents such as senior citizens, or at least 20 percent of condominium units for moderate income households, the City must grant a density bonus of 25 percent, along with one additional regulatory concession, or provide other incentives of equivalent financial value based on the land cost per dwelling unit.</p>	Community Development Department	General Fund	Adopt a density bonus ordinance to facilitate affordable housing. (Timeline: End of 2005)	The Density Bonus Ordinance was included as part of the overall Zoning Ordinance Amendment completed in January 2008.	Continue to implement the density bonus program.
<p><b>7. Regulatory and Financial Incentives</b>                      The City also facilitates the development of affordable housing through a number of tools including density bonuses, minimal fee requirements (no impact fees), and PUD development standards. The "Villa", a 31 unit housing development, was developed under a PUD that permitted narrow lots and reduced setbacks. However, multi-family housing in excess of five units requires a conditional use permit. The City will continue to provide regulatory and financial assistance to facilitate and encourage the development of housing affordable to very low, low, and moderate income households.</p>	Community Development Department	General Fund	Continue to defer/reduce fees and expedite processing for affordable housing. Annually evaluate conditional use applications for multi-family residential projects to determine the impact on the timing, cost, and supply of multi-family housing. If the process constrains multi-family development, adopt mitigation, which could include eliminating the conditional use process, within 6 months. (Timeline: Annually evaluate the impact of the conditional use process as part of the general plan progress report required under Government Code §65400.)	The City annually evaluates the impact on timing, cost and supply of multi-family housing and to date there has been no constraint on the multi-family development.	Continue program.

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 Avenal, Corcoran, Hanford and Lemoore

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**Appendix A**

City of Corcoran	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>8. First Time Homebuyer Program</b>                      The City provides housing assistance to new homebuyers through its First Time Homebuyer Program. Up to \$30,000 in housing assistance in the form of a low interest second mortgage loans is provided to qualified very low and low income homebuyers. While the Program is currently funded by HOME, a revolving fund has been set up that utilizes repayments of prior Agency-assisted second mortgage loans to fund new loans.</p>	Community Development Department	HOME and revolving loan fund	Offer 10 to 12 loans per year. Conduct outreach to major employers (e.g., hospital, school district, and prisons) regarding the availability of the program. (Timeline: Ongoing)	2004- 26 loans 2005- 7 loans 2006- 11 loans 2007- 9 loans 2008- 5 loans	Continue program.
<p><b>9. RDA Closing Costs Assistance Program (in development)</b>                      The RDA Closing Costs Assistance Program is designed to assist moderate income families to purchase a home. This program is designed to assist families that do not qualify for the HOME-funded First Time Homebuyer Program. The objective of the program is to assist households up to \$5,000 with the closing costs of purchasing a new home. The City will actively work with major employers in Corcoran, including prisons, and provide publications and advertisements, to ensure that they are aware of the program.</p>	RDA	RDA Funds	Initiate new program and assist 10 households annually. Conduct outreach to major employers (e.g., hospital, school district, and prisons) regarding the program. (Timeline: Initiate program by 2004)	2004- 5 loans 2005- 3 loans 2006- 1 loan 2007- 3 loans 2008- 4 loans	Continue program.
<p><b>10. New Construction Program/Infill Lots (in development)</b>                      The purpose of the New Construction Program is to provide financing to low-income, first-time homebuyers for construction of affordable housing. Thirty-year fixed rate home loans up to \$85,000 will be provided with a five percent interest rate. Applicants must provide a minimum of \$1,000 down payment and must attend a two-hour home ownership workshop. City funds are used to purchase infill lots in existing neighborhoods and finance the construction of affordable single-family residences.</p>	Community Development Department and RDA	RDA Funds	Initiate program and assist construction of five affordable single-family homes. (Timeline: Initiate program by 2004)	2004- 1 loan 2005- 2 loans 2006- 2 loans 2007- Program completed- Funding source no longer available	The City determined that the grant funds should focus on the Housing Rehabilitation Program and the First-Time Homebuyer Program. The First Time Homebuyer Program assists in the development of new housing by offering a silent second loan. Therefore, the new construction program has been discontinued.

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**Appendix A**

City of Corcoran	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>11. Purchase and Rehabilitation Home-ownership Program (<i>in development</i>)</b>                      The purpose of the Purchase and Rehabilitation Homeownership Program is to improve the condition of housing for families that live in substandard or overcrowded conditions and assist very low and low income families purchase quality homes. The City will provide a zero percent deferred loan to assist homebuyers purchase and rehabilitate a substandard home. Applicants must provide a \$1,000 down payment and must attend a home ownership education workshop. The City will advertise the program in local newspapers and create English and Spanish flyers advertising the program.</p>	Community Development Department and RDA	RDA Funds and CDBG Funds	Initiate program. Conduct outreach to major employers (e.g., hospital, school district, and prisons) regarding the program. (Timeline: Initiate program by 2004)	2004- 4 loans approved 2005- 4 homes in progress 2006- 4 homes completed The program was completed-funds expended	
<p><b>12. Section 8 Rental Voucher</b>                      Administered by the Kings County Housing Authority, Corcoran will continue to participate in the Section 8 rental assistance program. The Section 8 rental assistance program provides rental subsidies to very low income households that spend more than 30 percent of their income on rent. The rent subsidy is the difference between 30 percent of the monthly income and the allowable rent determined by the federal government. Currently, 69 households in Corcoran receive Section 8 assistance.</p>	Community Development Department, County Housing Authority	HUD	Assist the Housing Authority in promoting the Section 8 program. (Timeline: Ongoing)	There are approximately 69 families that receive Section 8 assistance.	Continue program.
<p><b>13. Affordable Housing Assistance</b>                      The City promotes affordable housing through its many programs - home ownership assistance, rehabilitation assistance, new construction/infill, and closing costs programs. The City receives CDBG and HOME funds for much of its program activities. Affordable housing is being developed under existing zoning and development standards, although in some cases the City provides financial assistance and regulatory incentives for affordable projects. To continue supporting affordable housing production, the City will undertake several actions.</p>	Community Development Department	Local, state, and federal funds	Seek applicable grants under Proposition 46 and federal sources, provide an inventory of housing sites to interested developers, adopt a local density bonus ordinance, and continue to pursue housing production and rehabilitation with nonprofits. (Timeline: Ongoing)	The City has continued to pursue CDBG, HOME and Cal-HOME grants. The City works with Self Help Enterprises to provide decent affordable housing.	These activities are included in other programs, and therefore this program will be continued but not listed separately.

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**Appendix A**

City of Corcoran	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>14. Emergency Shelters and Transitional Housing</b>                      State law requires jurisdictions to provide adequate sites for a variety of housing types including emergency shelters and transitional housing. The Corcoran Zoning Ordinance conditionally permits transitional housing in several commercial zones, but does not directly address the siting of emergency shelters. Corcoran will conditionally permit emergency shelters in the C-S zone. This zone is appropriate given the types of residential uses allowed (SROs and transitional housing) and is near major thoroughfares, transit access, and service facilities. The conditional use permit will facilitate compatibility of such facilities with adjacent land uses and require the same findings as other special needs housing.</p>	Community Development Department	General Fund	Amend the Zoning Ordinance to permit emergency shelters in the C-S zone pursuant to a conditional use permit. (Timeline: Revise Ordinance by end of 2004)	The comprehensive zoning ordinance revision approved in 2008 allows SROs in all commercial zone districts except the CN district.	SB 2 of 2007 strengthened the planning requirements regarding emergency shelters and transitional housing. The City will amend the Municipal Code in conformance with SB 2.
<p><b>15. Farmworker and Employee Housing</b>                      The Corcoran Zoning Ordinance permits mobile homes, as farm employee housing and conditionally permits farm employee housing in excess of five units in the A-zone. Farm workers receive the majority of homeownership and home rehabilitation loans each year and occupy a large share of assisted multi-family units in Corcoran. Corcoran also supported the development of the Whitely Avenue project. To further assist farm worker housing needs, the City will do the following actions</p>	Community Development Department	General Fund	<ol style="list-style-type: none"> <li>1. Amend the Zoning Code to incorporate Section 17021 of the Health and Safety Code</li> <li>2. Develop an inventory of suitable sites for farm worker housing</li> <li>3. Assist interested developers by identifying sites and supporting funding applications</li> <li>4. Provide, to the extent feasible, regulatory and financial incentives; and</li> <li>5. Ensure that zoning and development standards facilitate farm worker housing</li> </ol> (Timeline: Provide site inventory by 2004 and amend Zoning Code by 2005)	The City amended the Zoning Ordinance on March 24, 2005, Ordinance 581, to incorporate Section 17021 of the Health and Safety Code. The Single Family and Multi-Family zone district permits Employee housing as defined by Section 17021 of the Health and Safety Code. The Saltair rental project (40 units) was built in 2002 using tax credits and Joe Serna Farmworker Housing Funds.	A Code amendment is necessary to ensure compliance with the employee housing provisions of Health & Safety Code Sections 17021.5 and 17021.6

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City of Corcoran	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>16. Housing for Disabled Persons</b>                      SB520, effective 2002, requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. The City conducted an analysis of its zoning and land use processes, permitting processing procedures, and building codes to identify impediments. Several impediments were found with respect to permitting land uses. With respect to land uses, the City needs to amend the Zoning Code for residential care facilities, emergency shelters, and employee housing. The City Zoning Ordinance also contains an occupancy standard defining families by number of occupants.</p>	Community Development Department and Corcoran City Council	General Fund	Amend the Zoning Ordinance to permit residential care facilities serving six or fewer persons and employee housing by right in residential zones, conditionally permit emergency shelters in the C-S zone, and revise the definition of a family. Continue to review City ordinances, policies, and practices and remove impediments when found. (Timeline: 2004)	The City amended the Zoning Ordinance on March 24, 2005, Ordinance 581, to incorporate residential care facilities, emergency shelters and employee housing, and the revised the definition of families.	A Code amendment is necessary to ensure conformance with current state law.
<p><b>17. Promote Equal Housing Opportunities</b>                      Corcoran currently refers fair housing complaints to HUD and the Tulare/Kings County Legal Aid Foundation. However, other communities within Kings County refer fair housing complaints to different agencies. Therefore, it may be confusing to residents to know the appropriate agency to handle fair housing complaints or issues.</p>	Community Development Department	General Fund	Corcoran will coordinate with Kings County to select a local fair housing agency to provide landlord/tenant mediation services and fair housing investigations. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate information, the City will distribute the brochure at the City Hall, library, post office, and appropriate shopping areas. (Timeline: Ongoing)	The City has developed a fair housing brochure which is available in English and Spanish.	Continue program.

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**Appendix A**

**Table A-1c  
 Housing Element Program Evaluation  
 City of Hanford  
 2003-2008**

City of Hanford	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>1. Code Enforcement</b>                      Code enforcement is an important means to preserve public health and safety and ensure that the character and quality of neighborhoods and housing is maintained. To that end, the City's Code Enforcement staff under the Community Development department will work to enforce state and local regulations. In conjunction with code enforcement activities, City staff will provide information to homeowners regarding the City's Housing Rehabilitation Program.</p>	Code Enforcement Staff	General Fund	Continue to work with the community concerning code violations. Refer property owners to the Housing Rehabilitation Program. (Timeline: Ongoing)	The city currently employs 3 full time code enforcement officers. Since 2004, the city has received 2,521 new cases and resolved or closed 2,166 cases.	Continue program.
<p><b>2. Paint Programs</b>                      The City offers two paint assistance programs for low and moderate income homeowners. Through the Do-It-Yourself Paint Program, the City assists qualified homeowners with the cost of the paint, while materials and labor are provided by the homeowner. The New Looks Summer Paint Program assists very low, low and moderate income senior and/or disabled residents by providing assistance in paint supplies and materials. The exterior of their homes are painted at reduced cost by Kings Regional Occupation Program youth.</p>	Community Development Department and Job Training Program	RDA Funds	Do-It-Yourself Paint Program - 10 units per year New Looks Summer Paint Program - 10 to 15 units per year (Timeline: Ongoing)	The City has since budgeted to hire part-time employees to paint through the Summer Paint Program. Since 2004, the City has assisted 95 homeowners through the two paint programs.	Continue program.

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**Appendix A**

City of Hanford	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>3. Housing Rehabilitation Program</b>                      The City will continue providing rehabilitation loans to lower income households. Initiated in 1985, the Housing Rehabilitation Program provides loans for up to \$45,000 (up to \$65,000 for demolition/reconstruction) for housing repairs, energy conservation improvements, and handicapped accessibility devices. In 2002, the Program received \$500,000 in CDBG funds which should fund up to 12 loans in 2003. Hanford has designated southwest and central Hanford as "target areas" for this program. The City has received \$400,000 in CalHome grants for a housing rehabilitation program outside the city's project target area.</p>	Community Development Department and Self Help Enterprises	CDBG Funds; CalHome	Assist 10 to 15 units per year (Timeline: Ongoing)	Loan limits have increased to \$90,000 with the emphasis being the elimination of health and safety hazards.  The city pursues various funding sources to fund this program annually including CDBG Entitlement, HOME and CalHome funding.  Since 2004, the city has assisted 46 homeowners through the housing rehabilitation program.	Continue program.
<p><b>4. Preservation of At-Risk Affordable Housing</b>                      The City will continue to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Hanford has approximately 530 units of affordable housing for very low, low, and moderate income households created through City, state, and federal programs. None of the units are at high-risk of converting to market-rate housing.</p>	Community Development Department and interested affordable housing providers/developers	General Fund	Continue to monitor the status of publicly-assisted affordable units. The City will contact the property owners to determine their intentions, contact qualified nonprofits regarding potential opt-out projects, ensure that property owners comply with noticing requirements, support the acquisition of at-risk properties by nonprofits, and pursue grants to support the preservation of affordable at-risk housing. (Timeline: Ongoing)	One low income apartment complex became at-risk during the reporting period. The City cooperated in a Tax Credit application to save the at-risk housing. The outcome of the application is not known. The City was awarded a home grant during this period for an additional affordable complex.	The City will continue to work with interested agencies and community organizations to preserve at-risk units.
<p><b>5. Adequate Sites</b>                      The City will facilitate construction of new housing to accommodate projected employment and population growth to meet the needs of the City's residents. To that end, the Housing Element identifies "adequate" sites to accommodate the City's share of the regional housing needs allocation identified as 4,414 units (1,059 very low, 883 low, 706 moderate, and 1,766 above moderate) from 2001-2008. Adequate sites are those with sufficient development and density standards, water and sewer services, and other infrastructure.</p>	Community Development Department	General Fund	Facilitate the construction of new housing through the provision of adequately zoned sites to meet Hanford's housing needs allocation of 4,414 units. (Timeline: Meet housing needs by 2008)	The City has maintained "adequate" sites to develop the 5,758 units identified in the RHNA.	The City will continue to provide adequate sites to provide housing for low and moderate income.

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**Appendix A**

City of Hanford	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>6. Density Bonus Program</b>                      In accordance with State law, Hanford will adopt a local ordinance that provides incentives to encourage the development of affordable housing. Under this program, if a developer allocates at least 20 percent of the units in a housing project for lower income households, 10 percent for very low-income households, 50 percent for qualifying residents such as senior citizens, or at least 20 percent of condominium units for moderate income households, the City must grant incentives to the developer. The incentives can either be a density bonus of 25 percent, along with one additional regulatory concession, or providing other incentives of equivalent financial value based on the land cost per dwelling unit.</p>	Community Development Department	General Fund	Adopt density bonus ordinance to assist development of affordable housing. (Timeline: End of 2005)	City of Hanford adopted an ordinance including Density Bonus and other incentives on May 6, 2008.	Continue to implement the current Density Bonus ordinance.
<p><b>7. Planned Unit Development</b>                      The Hanford 2002 General Plan Update includes a Planned Unit Development Zone process whereby a project proponent can propose a concept that may change or remove many of the conventional zoning restrictions. For example, housing units could be clustered around large open space areas or other development amenities resulting in higher localized densities. However, further analysis indicates that the PUD process needs to be amended to allow for the issuance of density bonuses for projects meeting criteria in State law, because the General Plan does not allow for density increases for Planned Unit Developments.</p>	Community Development Department	General Fund	Continue to utilize the PUD process to encourage unique design and develop housing that addresses site constraints. Amend General Plan and Zoning Ordinance to allow for density bonuses for projects complying with criteria in State law. (Timeline: December 2004)	The City has not yet had any applications for density bonuses. However, we have processed PUD applications for smaller-lot subdivisions that maximize the density allowed.	The City will continue to utilize the PUD process.

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**Appendix A**

City of Hanford	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>8. First Time Homebuyer Programs</b>                      The City offers the RDA First-Time Homebuyers Program that provides very low, low and moderate-income first-time homebuyer up to \$5,000 for down payment and/or closing costs. The term of the loan is 15-years, the interest rate is 3 percent, and payments are deferred for the first 5 years of the term. The City also offers the HOME Sweet Home Program that offers up to \$20,000 for down payment and/or closing costs. The loan runs 30 years, the interest rate is 3 percent, and payments are deferred for the first 5 years of the term.</p>	Community Development Department	HOME and RDA set-aside funds	Assist 10 households each year for the RDA First-Time Homebuyer Program and assist 20 households annually for the HOME Sweet Home Program (Timeline: Ongoing)	The RDA program has been revised to increase the loan limit to \$100,000, reduce the interest rate to 2% and extend the term to 45-years. Payment is deferred for the entire loan term.  The HSH program has also increased its loan limit to \$100,000, as well as reduced the interest rate to 2%. Payment is deferred for the entire loan term.  Since 2004, the city has assisted 58 first-time homebuyers in obtaining homeownership in Hanford.	Continue to implement the program.
<p><b>9. Section 8 Program</b>                      Administered by the Kings County Housing Authority, Hanford will continue to participate in the Section 8 rental assistance program. The Section 8 rental assistance program extends rental subsidies to very low income households equal to the difference between 30 percent of the monthly income and the allowable rent determined by the program. As of May 2003, 394 Hanford households receive Section 8 assistance.</p>	Community Development Department, County Housing Authority	HUD funds	Assist Kings County Housing Authority in promoting the Section 8 program. (Timeline: Ongoing)	The City continued to support the Section 8 program, which is administered by the Kings County Housing Authority.	Hanford will continue to participate in the Section 8 rental assistance program.
<p><b>10. Residential Infill Construction Program</b>                      The City offers very low, low and moderate-income homebuyers the opportunity to purchase a newly constructed home on an infill lot. City funds are used to purchase infill lots and finance construction of affordable single-family homes. The City oversees the construction of a single-family home while qualified buyers are required to obtain primary financing from a bank or mortgage company to purchase the home upon completion of construction.</p>	Community Development Department	General fund and RDA set-aside funds	Continue to implement program and assist construction of 4 homes per year (Timeline: Ongoing)	To date 7 homes have been constructed and sold to qualifying first-time homebuyers.	Continue to implement the program.

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**Appendix A**

City of Hanford	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>11. Affordable Housing Assistance</b>                      The City promotes affordable housing through various programs - home ownership assistance, rehabilitation assistance, new construction/infill, and grant application programs. The City currently receives CDBG and HOME funds for much of its program activities. Affordable housing is being developed under existing zoning and development standards. To continue supporting affordable housing production, the City will undertake several actions.</p>	Community Development and affordable housing developers	Local, state, and federal funds	Seek applicable grants under Proposition 46 and federal sources, provide an inventory of housing sites to interested developers, adopt a local density bonus ordinance, and continue to pursue housing production and rehabilitation with nonprofits. (Timeline: Ongoing)	In 2004, the City of Hanford became an entitlement CDBG jurisdiction and now receives funding directly from HUD. Above that the city applies for HOME Investment Partnership Program and Cal Home Program funds annually to fund it various housing programs.	Continue to implement the program.
<p><b>12. Farmworker and Employee Housing</b>                      To address farm worker housing needs, the City permits farm worker housing in the AG zone. By right farm worker residential uses include one family dwelling related to agricultural use, a mobile home on permanent foundation used as employee housing, and farm employee housing up to 3 units per parcel. With a conditional use permit, however, farm employee housing exceeding 3 units per parcel is allowed.</p>	Community Development Department	General Fund	<ol style="list-style-type: none"> <li>1) Amend the Zoning Code to incorporate Section 17021 of the Health and Safety Code</li> <li>2) Develop an inventory of suitable sites for farm worker housing</li> <li>3) Assist interested developers by identifying sites and supporting funding applications</li> <li>4) Provide, to the extent feasible, regulatory incentives; and</li> <li>5) Ensure that zoning and development standards facilitate farm worker housing</li> </ol> (Timeline: Provide site inventory by 2004 and amend Zoning Code by end of 2005)	The City currently allows by right Farmworker Housing in the AG zones district as an Administrative Approval. A CUP is required for more than 3 units per parcel. No applications for farmworker housing have been received.	The Zoning Code will be amended in conformance with the Health & Safety Code. The City will continue to identify sites suitable for farmworker housing.
<p><b>13. Emergency and Transitional Shelters</b>                      State law requires jurisdictions to provide adequate sites for a variety of housing types including emergency shelters and transitional housing. The Hanford Zoning Ordinance currently allows transitional housing in the R-2 and R-3 zones and conditionally allows emergency shelters in the O-R district. The City remains active, having recently supported a Foster Youth Transitional home for 6 or fewer aged-out foster youth. The conditional use permit facilitates the compatibility of such uses with surrounding land uses.</p>	Planning and Community Development Department	General Fund	Continue to support efforts with surrounding Kings County jurisdictions to meet the needs of people who are homeless or transitioning to independence. (Timeline: Ongoing)	In 2007, City of Hanford approved a conditional use permit to provide transitional housing for women and children. City of Hanford adopted an ordinance including Emergency and Transitional Housing/Shelters as permitted uses on April 15, 2008.	The Zoning Code is consistent with SB 2 regarding emergency shelters, however some amendments may be necessary to ensure that transitional and supportive housing are subject to the same standards and procedures as other residential uses of the same type in the same zone.

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**Appendix A**

City of Hanford	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>14. Housing for Disabled Persons</b>                      SB520, effective 2002, requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. The City conducted an analysis of its zoning and land use processes, permitting processing procedures, and building codes to identify impediments. No impediments were found. Nonetheless, the City will periodically update and review the Hanford Zoning Ordinance to ensure that it is not in conflict with state law and adequately addresses the development, maintenance, and improvement of housing for disabled persons.</p>	Community Development Department	General Fund	Continue to review City ordinances, policies, and practices and remove identified impediments to housing for persons with disabilities. (Timeline: Ongoing)	City of Hanford adopted a Reasonable Accommodations Ordinance in September, 2004.	Continue to implement the reasonable accommodation ordinance.
<p><b>15. Promote Equal Housing Opportunities</b>                      Hanford currently refers fair housing complaints to the Fair Housing Enforcement Center in San Francisco. These offices are far removed from Hanford and may be difficult to access. Referrals to a local agency could offer residents better access to services as well as allow the City to benefit from other fair housing services.</p>	Planning Department	General Fund	Hanford will coordinate with Kings County to select a local fair housing agency to provide landlord/tenant mediation, fair housing investigations and testing. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate information, the City will distribute the brochure at the City Hall, library, post office, and appropriate shopping areas. (Timeline: Select a local agency by 2004.)	The City continued to support fair housing.	The City of Hanford is in the process of completing the Impediments to Fair Housing analysis.
<p><b>16. Accessory Dwelling Unit Ordinance</b>                      The City recently amended its accessory dwelling unit ordinance to comply with recent changes in State law pursuant to AB1866. The City will continue to facilitate and encourage the production of accessory dwelling units.</p>	Planning Department	General Fund	Continue implementation (Timeline: Ongoing)	Program completed.	This program was completed and is no longer necessary.

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**Appendix A**

**Table A-1d  
 Housing Element Program Evaluation  
 City of Lemoore  
 2003-2008**

City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>1. Code Enforcement</b>                      The City will continue to provide code enforcement services and refer property owners to City rehabilitation programs. Code enforcement is an important means to ensure that the character and quality of neighborhoods and housing is maintained. The City's Code Enforcement staff will work to enforce state and local regulations. In conjunction with code enforcement activities, City staff will provide information to homeowners regarding Lemoore's Paint-Up/Fix-Up Program and Housing Rehabilitation Program.</p>	Code Enforcement staff and Police Department	RDA and grant funds	Continue to work with the community on code violations. Refer property owners to City programs for rehabilitation assistance. (Timeline: Ongoing)	From 1999 through January of 2006, the Police Department has carried out code enforcement activity through a community service officer in coordination with Planning and Fire Departments. -Full time code enforcement officer hired under the Redevelopment Agency February 2006 to fully dedicate time to this activity and coordinate with PD and Fire Departments regularly and Planning when needed. -Code enforcement referred applicants to City's "Paint-Up Fix-Up" program.	Change Responsible Agency to RDA; Code Enforcement coordinate with Police, Business License, Planning, Building, and Fire Departments. Continue prior Program Objectives in addition to providing homeowner's information for the Paint-Up/Fix-Up Program, Emergency Home Repair, Do-It-Yourself-Paint and Senior House Painting Programs.
<p><b>2. Paint-Up/Fix-Up Program</b>                      The City offers the Paint-Up/Fix-Up Program that provides rehabilitation assistance for minor repairs for very low, low and moderate income households. The Program provides grants of up to \$5,000 to make exterior home repairs such as painting, roof work, carpentry, porch steps repair, concrete work for driveways, and front sidewalks.</p>	Community Development Dept /Planning prior to 2006 RDA Housing Specialist thereafter	RDA	Assist 14 households annually. Increase grant amount to \$8,000. (Timeline: Ongoing)	-2003 assisted 25 (\$111,207) -2004 assisted 19 (\$86,314) -2005 assisted 18 (\$122,329) -2006 assisted 36 (\$247,966) -2007 assisted 11 (\$82,509) -2008 assisted 11 (\$67,805) -Raised max. grant amount to \$8,000 in 2005/06	Change Responsible Agency to RDA. Continue the program to serve 15 persons per year with \$100,000 annual funding.

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**Appendix A**

City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>3. Housing Rehabilitation Program</b>                      In partnership with a housing partner, the City's Housing Rehabilitation Program assists owner-occupied low income households make substantial home repairs or reconstruction. This program will be funded by a recently awarded \$600,000 HOME grant. Loans of up to \$50,000 for rehabilitation and \$60,000 for home reconstruction will be provided to qualified applicants. All loans are deferred for 50 years with a zero percent interest rate as long as the resident remains the owner's primary home.</p>	<p>Planning and Community Development, Self-Help Enterprises</p>	<p>HOME funds</p>	<p>Initiate program and assist nine households during the grant cycle.                      (Timeline: 2003-2006)</p>	<p>Assisted eight (8) households during the grant cycle – six with rehabilitation loans of \$20,000 - \$70,000 and two reconstructions of \$110,000-\$116,000, utilizing a total of \$508,127 of funds.</p> <p>Raised maximum loan to \$70,000 for rehabilitation and \$125,000 for reconstruction in 2005.</p>	<p>Change Responsible Agency to RDA.</p> <p>Additional grant funds will be applied for in upcoming fiscal years to resume program.</p>
<p><b>4. Community Rehabilitation Project</b>                      The City will actively coordinate with the Chamber of Commerce, educational institutions, and service organization to create an annual Community Rehabilitation Project. This community-based project could include service group members or high school students working with instructors to provide repairs on a non code-compliant single-family home. Homes would typically be vacant for sale to a very low or low income household that cannot afford a home of their own. The City will assist with acquisition and provide materials with high school students providing the labor and learning valuable skills.</p>	<p>Planning and Community Development Department, RDA, and interested community groups</p>	<p>RDA</p>	<p>Rehabilitate one home per year.                      (Timeline: Initiate program by 2004)</p>	<p>None</p>	<p>Change responsible agency to the RDA.</p> <p>This program was researched and has been abandoned due to the fact that it would be an insurance issue for the school. It has not been included in the new Housing Element.</p> <p>Armona Charter School may have some opportunities in the future.</p>
<p><b>5. Preservation of At-Risk Affordable Housing</b>                      The City will continue to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Lemoore has approximately 580 units of affordable housing for very low, low, and moderate income households created through various City, state, and federal programs. No affordable units in Lemoore are at risk of converting to market rents.</p>	<p>Planning and Community Development Department</p>	<p>General Fund</p>	<p>Continue to monitor the status of publicly-assisted affordable units. The City will contact the property owners to determine their intentions, contact qualified nonprofits regarding potential opt-out projects, ensure that property owners comply with noticing requirements, support the acquisition of at-risk properties by nonprofits, and pursue grants to support the preservation of affordable at-risk housing.                      (Timeline: Ongoing)</p>	<p>Accomplished – Ongoing.</p>	<p>Change Responsible Agency to RDA and continue annual evaluation.</p>

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**Appendix A**

City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>6. Adequate Sites</b>                      The City will facilitate the construction of new housing to accommodate projected employment and population growth and to meet the needs of residents. To that end, the Housing Element identifies "adequate" sites to accommodate the City's share of the regional housing needs allocation identified as 3,010 units (723 very low, 602 low, 481 moderate, and 1,204 above moderate) from 2001-2008. Adequate sites are those with sufficient development and density standards, water and sewer services, and adequate infrastructure.</p>	Planning and Community Development Department	General Fund	Provide adequate sites to meet the housing needs allocation of 3,010 units. (Timeline: Meet housing needs by 2008)	<p>Appropriately Zoned property already in place prior to 2003 Housing Element adopted.</p> <p>New General Plan adopted May 2008 added additional land area</p>	Update the entire Zoning Ordinance to be consistent with the New General Plan lead by the Planning Department in conformity with the RHNA.
<p><b>7. Downtown Revitalization</b>                      As part of the City's 1992 Downtown Revitalization Plan, the City has been encouraging and facilitating the development and redevelopment of its downtown core. An important component of these efforts has been mixed residential-commercial uses in the C-C district. The City has converted two historic hotels in the downtown to provide low income and senior housing above commercial uses. Such projects have assisted the City in meeting revitalization objectives, historic preservation, and the need for low-income housing.</p>	Planning and Community Development Department	CDBG, RDA, and grants	Provide additional mixed use projects in the downtown. (Timeline: Ongoing)	No additional mixed-use projects have been done since the Lucerne and Antlers Hotel projects.	<p>Responsible Agency should be changed to RDA.</p> <p>-Proposed 2030 General Plan update changed downtown to a "Mixed-Use" land use designation to encourage policy.</p> <p>-City RDA may want to take on future renovation projects that renovate under-utilized areas.</p>
<p><b>8. Density Bonus Program</b>                      In accordance with State density bonus law, Lemoore adopted a local ordinance in 1992 that provided incentives to encourage the development of affordable housing. Under this program, if a developer allocates at least 20 percent of the units in a housing project for lower income households, 10 percent for very low-income households, 50 percent for qualifying residents such as senior citizens, or at least 20 percent of condominium units for moderate income households, the City must grant incentives to the developer. The incentives can either be a density bonus of 25 percent, along with one additional regulatory concession, or providing other incentives of equivalent financial value based on the land cost per unit.</p>	Planning and Community Development Department	General Fund	Continue to offer a density bonus for qualified projects. (Timeline: Ongoing)	<p>Montgomery Crossings project approved an 8% Density Bonus from 53 allowed units to 57 units (17*3.13 acres= 53 allowed units) for affordable housing project which has been under construction since 11/2008.</p> <p>Eastgate Village project approved a 25% PUD density bonus from 118 units to 147 (allowing 15 additional units) in 2005.</p>	<p>Ongoing.</p> <p>Change Responsible Agency to the Planning Department.</p>

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**Appendix A**

City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>9. Planned Unit Development</b>                      The City implements a PUD overlay zoned to provide flexibility in setback requirements and other regulations, increase residential densities in certain areas such as clustering, provide flexible site requirements and stimulate creative, flexible and more affordable development.</p>	<p>Planning and Community Development Department</p>	<p>General Fund</p>	<p>Continue to promote the benefits and advantages to developing PUD at the public counter.                      (Timeline: Ongoing)</p>	<p>All new residential single family subdivisions over 10 acres in size and multi-family over 5 acres in size are zoned with a PUD overlay requiring small and larger house sizes.</p> <p>Have made PUD Livable Neighborhood booklet and PUD short list available for free at the counter for those considering PUD</p>	<p>Ongoing.</p> <p>Responsible Agency to change to the Planning Department.</p>
<p><b>10. Homebuyer Assistance Program</b>                      The City offers first-time home ownership assistance to very low, low and moderate income homebuyers through the Homebuyer Assistance Program. Assistance is offered as a deferred second mortgage loan of up to \$20,000 providing down payment and closing cost assistance. Buyers must provide a \$1,000 down payment, qualify with a primary lender and comply with their requirements.</p>	<p>Planning and Community Development (prior to 2006).                       RDA Housing Specialist thereafter.</p>	<p>RDA and HOME Fund</p>	<p>Assist 5-10 households annually. Increase loan amount to \$30,000.                      (Timeline: Ongoing)</p>	<p>Ongoing. Program name changed to First-Time Homebuyer Program. Have assisted 7-14 households annually. Grant amount increased to \$30,000 per household 3/2006</p> <p>-2003 assisted 4 (\$79,300 total)                      -2004 assisted 1 (\$29,927 total)                      -2005 assisted 1 (\$20,000 total)                      -2006 assisted 22 (\$444,727)                      -2007 assisted 10 (\$298,021)                      -2008 assisted 19 (\$ 559,696)</p> <p>In addition, a new program was recently started offering very-low- and low-income households up to \$100,000 each. To date 2 households have been assisted for a total of \$154,000.</p>	<p>Change Responsible Agency to the RDA.</p> <p>Continue program and may consider applying for other funds to augment program.</p> <p>New HOME grant funds approved to spend 2009-2012. Program initiated to assist 10 households during the grant cycle.</p>
<p><b>11. Section 8 Rental Assistance</b>                      Administered by the Kings County Housing Authority, Lemoore will continue to participate in the Section 8 rental assistance program. The Section 8 rental assistance program extends rental subsidies to very low income households that spend more than 30 percent of their income on rent. The rent subsidy is the difference between 30 percent of monthly income and allowable rent determined by HUD. As of May 2003, 171 households in Lemoore receive Section 8 assistance.</p>	<p>Planning / Community Development / Kings County Housing Authority</p>	<p>HUD</p>	<p>Assist the Housing Authority in promoting the Section 8 program.                      (Timeline: Ongoing)</p>	<p>Accomplished – Ongoing.</p>	<p>Change Responsible Agency to RDA and Kings County Housing Authority.</p> <p>Ongoing program.</p>

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**Appendix A**

City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>12. Affordable Housing Assistance</b>                      The City's affordable housing program consists of homeownership assistance, rehabilitation loans, and the provision of regulatory and financial assistance. Since 1998 alone, the City has secured more than \$10 million in grants, of which \$2.5 million has been used for housing. In 1999/2000 Lemoore worked with Self-Help to create 36 affordable single-family units by providing land and home ownership assistance. The City offers an online database to assist developers in selecting housing sites. The City also supported the conversion of the Antlers Hotel to senior housing.</p>	Planning and RDA	Local, state, and federal funds	Seek applicable grants under Proposition 46 and federal sources, continue providing an inventory of housing sites to interested developers, modify a local density bonus ordinance, and pursue housing production and rehabilitation with nonprofits. (Timeline: Ongoing)	<p>The RDA has committed \$3,050,000 to two affordable multi-family projects that will provide 121 affordable units.</p> <p>In 2009 the RDA has earmarked \$1,650,000 to another affordable project of 80 additional units plus a managers unit.</p> <p>The City has joined with developers to apply for 1 HOME and 1 CDBG grant but has been unsuccessful to augment the program dollars.</p>	<p>Change Responsible Agency to RDA.</p> <p>Continue working with developers to complete these projects.</p>
<p><b>13. Senior/Disabled Housing</b>                      The City supports development of affordable housing for special needs households, including elderly and disabled. The City has been supportive of special needs housing including affordable senior housing development, housing rehabilitation programs, and development of second units. The City also supported the conversion of the Antlers Hotel into senior housing. The City will continue to follow recommendations proposed in the 2001 Senior Housing Study and will pursue the development of senior housing in the Lemoore Market Area.</p>	Planning and Community Development Department	RDA, CDBG, state and federal funds	Support the development of senior/disabled housing (Timeline: Ongoing)	None.	<p>Change Responsible Agency to the RDA.</p> <p>Should consider assisting an affordable senior housing project.</p>
<p><b>14. Emergency and Transitional Shelters</b>                      State law requires jurisdictions to provide adequate sites for a variety of housing types including emergency shelters and transitional housing. HCD's interpretation of Housing Element law requires that a jurisdiction must identify specific zones within the Zoning Ordinance where emergency and transitional shelters are permitted. The Lemoore Zoning Ordinance does not directly address transitional housing and emergency shelters, although a Foster Youth Transitional home for 6 or fewer aged-out foster youth was recently built. To address State law requirements, Lemoore will conditionally permit emergency shelters and transitional housing in an appropriate zone.</p>	Planning and Community Development Department	General Fund	Amend Zoning Code to permit emergency shelters in the RSC zone and transitional shelters in the RM zone pursuant to a conditional use permit. The conditional use permit will facilitate and encourage the development of such facilities. (Timeline: Amend Zoning Code by 2005)	Since the fully updated General Plan was not adopted until May 2008, the Zoning Ordinance has not yet been updated to make all the changes.	Change Responsible Agency to the Planning Department to complete task by 2010.

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**Appendix A**

City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
The City will continue to support the Housing Authority in the provision of transitional homes for foster youth. Working with the Kings County Housing Authority, various agencies and organizations.	RDA and the Kings County Housing Authority			The City continues to support the Housing Authority in the provision of transitional homes for foster youth with the ownership of an aged-out foster youth home that the City completed 2002. The home houses six female residents.	Ongoing ownership and maintenance by the RDA.
<b>15. Employee (Farmworker) Housing</b> As the second most urbanized city in Kings County, Lemoore has few resident farm workers. Currently, the City does not allow farm worker housing in compliance with the Health and Safety Code. However, in 1999/2000, Lemoore worked with Self-Help to create 36 affordable single-family units by providing land and home ownership assistance. Occupants were primarily very low income farm worker families.	Planning and Community Development Department	General Fund	1) Amend the Zoning Code to incorporate Section 17021 of the Health and Safety Code 2) Develop an inventory of suitable sites for farm worker housing 3) Assist interested developers by identifying sites and supporting funding applications 4) Provide, to the extent feasible, regulatory incentives; and 5) Ensure that zoning and development standards facilitate farm worker housing (Timeline: Provide land inventory by 2004 and revise Zoning Code by end of 2005 following update of the City's General Plan)	Since the fully updated General Plan was not adopted until May 2008, the Zoning Ordinance has not yet been updated to make all the changes.  In addition, one of the multi-family projects (Oleander Terrace) that the RDA has committed funds and has also received a Joe Serna Farmworker Grant for \$1 million. This project will have 39 units available for farmworker households. The RDA has purchased the land for this project and will provide a ground lease to the developer for \$1 per year.	Change Responsible Agency to the Planning Department to complete task by 2010.

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**Appendix A**

City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>16. Housing for Disabled Persons</b>                      SB520, effective 2002, requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. The City conducted an analysis of its zoning and land use processes, permitting processing procedures, and building codes to identify impediments. Several impediments with respect to permitted residential uses were found.</p>	Planning and Community Development Department	General Fund	Amend the Zoning Ordinance to codify the allowance of community care facilities for six or fewer person and employee housing by right in all residential zones, conditionally permit emergency shelters and transitional housing in appropriate zones and revise the definition of a family. Continue to review City ordinances, policies, and practices and remove impediments to housing for persons with disabilities. (Timeline: Amend Zoning Code by 2005)	Since the fully updated General Plan was not adopted until May 2008, the Zoning Ordinance has not yet been updated to make all the changes.	Change Responsible Agency to the Planning Department to complete task by 2010.
<p><b>17. Promote Equal Housing Opportunities</b>                      Lemoore will coordinate with Kings County to select a local fair housing agency to provide landlord/tenant mediation, fair housing investigations, and testing. The City will develop a fair housing brochure in Spanish and English or acquire one from a local fair housing provider. To broadly disseminate fair housing information, the City will distribute the brochure at City Hall, library, post office, and appropriate shopping areas.</p>	Planning and Community Development Department		Select a local provider by 2004	The City has fair housing posters in both English and Spanish posted at City Hall. Posters contain an 800 number to contact with complaints. In addition, residents who call with complaints are assisted and/or referred to the Dept. of Fair Housing, Tulare/Kings Legal Aid, and Kings County Environmental Health.	Change Responsible Agency to the RDA.  Once set up, ongoing.
<b>New Programs Not Listed in the Previous Housing Element</b>					
<p><b>18. Emergency Home Repair Program</b>                      The City offers the Emergency Home Repair Program that provides rehabilitation assistance for emergency health and safety repairs and accessibility improvements for the disabled for very low and low income households. The Program provides grants of up to \$2,500 to make home repairs such as unsafe electrical, unsanitary plumbing, broken windows, doors and locks, non-working heating and cooling systems, wheelchair ramps, bathroom or kitchen modifications, etc.</p>	RDA Housing Specialist	RDA	Assist 10 households annually. (Timeline: Ongoing)	Program began 7/06 -2006 assisted 3 (\$4,290) -2007 assisted 8 (\$18,469) -2008 assisted 5 (\$9,536)	Program should be added to Housing Element projects list and continue as currently setup as an ongoing program.

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City of Lemoore	Responsible Agency	Funding Source	Program Objectives and Timeline	Accomplishments	Future Policies and Actions
<p><b>19. Do-It-Yourself and Senior House Painting Programs</b>                      The City offers the Do-It-Yourself House Painting Program that pays for paint and materials needed for house painting. In addition, the City has partnered with West Hills Community College, Lemoore to implement a Senior House Painting Program for individuals 55 years or older and/or disabled to have their homes painted by students at no charge. Both programs are available to very low, low and moderate income households.</p>	RDA Housing Specialist	RDA	Assist 20-30 households annually. (Timeline: Ongoing)	Do-It-Yourself House Painting Program began 7/07 -2007 assisted 1 at \$564 -2008 assisted 1 at \$598  Senior House Painting Program (began 9/08) -2008 assisted 1 at \$2,500	These programs were added in the 2007-2008 and 2008-2009 fiscal years.  Program should be added to Housing Element projects list and continue as currently setup as an ongoing program.
<p><b>20. Infill Housing</b>                      Construct affordable housing in predominately developed neighborhoods for sale to low and moderate income families.</p>	RDA Housing Specialist	RDA		Program started in 2008/09 fiscal year.  2 units constructed at a cost of \$280,508 for both. Selling prices were \$220,000 and \$170,000 -- assistance of \$60,000 and \$90,000 was provided to make the homes affordable.	Program should continue while land and construction costs are low, especially if they can help fill in unfinished neighborhoods.

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**Appendix A**

**Table A-1e**  
**Housing Element Program Evaluation**  
**County of Kings**  
**2003-2008**

<b>Kings County</b>	<b>Responsible Agency</b>	<b>Funding Source</b>	<b>Program Objectives &amp; Timeline</b>	<b>Accomplishments</b>	<b>Future Policies and Actions</b>
<p><b>1. Code Enforcement</b>                      Code enforcement is an important means to ensure that the character and quality of neighborhoods and housing is maintained. The Kings County Code Compliance staff will continue to work to enforce state and local regulations regarding building and property maintenance.</p>	Code Compliance Division staff	General Fund	Continue to address code violations in the County unincorporated areas. Refer property owners to rehabilitation assistance. (Timeline: Ongoing)	The Code Enforcement program was successfully implemented throughout the period.	This program will be continued.
<p><b>2. Housing Rehabilitation Program</b>                      Working in conjunction with nonprofit organizations and jurisdictions, the County offers housing rehabilitation assistance through the Housing Rehabilitation Program. Kings County offers housing rehabilitation assistance Countywide and in the targeted areas of the Corcoran fringe, Home Garden, and Kettleman City. The County provides low or no interest loans up to the federally allowed maximum to correct health and safety hazards and make more routine repairs. The loan can be deferred if certain criteria are met or until the owner no longer resides in the home for a 30 year period of time.</p>	Community Development Agency	HOME, CDBG, and CalHome	Provide 5 to 10 loans per year. (Timeline: Ongoing)	The Kings County Community Development Agency (KCCDA) has been completing an average of 6 Housing Rehabilitation loans per year. 2004 – 7 units 2005 – 11 units 2006 – 4 units 2007 – 4 units 2008 – 5 units	This program will be continued.
<p><b>3. Affordable Housing Assistance</b>                      The County's affordable housing assistance efforts routinely include a housing rehabilitation program, first time homebuyer program (FTHB), and a density bonus program. The County presently contracts with Self-Help Enterprises to administer the Housing Rehabilitation and FTHB programs.</p>	Community Development Agency and affordable housing providers/developers	Local, state, and federal funds	Seek applicable grants under Proposition 46 and other federal, state and local funding sources, provide an inventory of housing sites to interested developers, amend the County density bonus ordinance, and pursue housing production and rehabilitation with nonprofits. (Timeline: Ongoing)	The Kings County Community Development Agency (KCCDA) has been completing an average of 10 Housing Rehabilitation loans per year. An average of 10 households were assisted through the FTHB program (see Program 7 below) and 14 homes were approved under the Density Bonus Program (see Program 6 below).	This program will be continued.

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<b>Kings County</b>	<b>Responsible Agency</b>	<b>Funding Source</b>	<b>Program Objectives &amp; Timeline</b>	<b>Accomplishments</b>	<b>Future Policies and Actions</b>
<p><b>4. Preservation of At-Risk Affordable Housing</b>                      The County will continue to work with interested agencies and community organizations to preserve at-risk units by monitoring their status, providing technical and/or financial assistance in return for extended affordability controls, and ensuring proper tenant notification prior to project conversion. Kings County has approximately 190 units of affordable housing within unincorporated areas for very low, low, and moderate income households created through various County, state, and federal programs.</p>	Community Development Agency	General, local, state, and federal funds	Continue to monitor at-risk units. Seek applicable grants under federal, state, and local funding sources to assist targeted income qualified individuals to be able to purchase at risk units. (Timeline: Ongoing)	Kings County has been successful in obtaining grants through the CDBG program, HOME Partnership program, and CalHome Program which have been used to assist individuals with the purchase of at risk units.	This program will be continued.
<p><b>5. Adequate Sites</b>                      The County will designate adequate areas of land to provide for the new housing construction in unincorporated areas to accommodate projected employment and population growth and to meet the needs of residents. The Housing Element identifies "adequate" sites within unincorporated areas to accommodate the County's share of the regional housing needs allocation identified as 1,094 units (137 very low, 193 low, 316 moderate, and 448 above moderate) from 2008-2015. Adequate sites are those with sufficient zoning and development standards, water and sewer services, and adequate infrastructure.</p>	Community Development Agency	N/A	Update the Kings County Housing Element to ensure that adequate sites are designated to provide for the new housing construction needs, of residents within the unincorporated areas of Kings County from 2009-2014 and update every 5 years.	Adequate sites were identified in the Housing Element.	Update the Housing Element by 2009 to ensure that adequate sites continue to be designated.
<p><b>6. Density Bonus Program</b>                      Kings County currently allows the State density bonus standards in all residential zones. However the provisions do not include the density bonus for common interest development. Density Bonus will be reviewed annually to reflect current state law.</p>	Community Development Agency	N/A	Update the density bonus ordinance to be consistent with state law amendments. (Timeline: Amend by the end of 2010)	The Density Bonus Ordinance was not updated due to staffing limitations, although 14 homes were approved under the density bonus program since 2003.	Amend local Density Bonus Ordinance by the end of 2010 and continue maintenance as State law amendments become effective.
<p><b>7. First-Time Homebuyer Program</b>                      The County provides housing assistance to first-time homebuyers through the County's First-Time Homebuyer Program funded with federal and state funds (See comments from Rehab Section Program #2). This program provides a qualified first-time homebuyer up to the federally allowed maximum funding towards a home purchase. This program is available in the unincorporated areas of Kings County.</p>	Community Development Agency and the County's Consultant	CalHome	Provide 10 to 15 loans per year. Continue to seek additional federal, state, and local funds to expand the assistance which is currently available (Timeline: Ongoing)	On average of 9 first time homebuyers were assisted per year. 2004 – 17 units 2005 – 1 unit 2006 – 9 units 2007 – 10 units 2008 – 7 units	This program will be continued.

Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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 Kings County Ex. F

2009-2014  
 Draft Housing Element

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**Appendix A**

<b>Kings County</b>	<b>Responsible Agency</b>	<b>Funding Source</b>	<b>Program Objectives &amp; Timeline</b>	<b>Accomplishments</b>	<b>Future Policies and Actions</b>
<p><b>8. Section 8 Rental Assistance</b>                      Administered by the Kings County Housing Authority, unincorporated communities will continue to be allowed to participate in the Section 8 tenant based rental assistance program. The Section 8 tenant based rental assistance program extends rental subsidies to very low income households that spend more than 30 percent of their income on rent. The rent subsidy is the difference between 30 percent of monthly income and allowable rent determined by HUD. As of April 2009, many households in unincorporated Kings County receive section 8 assistance.</p>	Kings County Housing Authority	HUD	Support the Housing Authority's Section 8 program and project based developments. (Timeline: Ongoing)	The Kings County Housing Authority has continued to provide Section 8 program and project based developmental assistance through funds provided by HUD.	This program will be continued.
<p><b>9. Foster Youth Transitional Program</b>                      The County will continue to support the Housing Authority in the provision of transitional homes for foster youth. Foster children are a top priority for Kings County. Working with the Kings County Housing Authority, various agencies and organizations. The Transitional Housing Committee meets quarterly to discuss goals and implement new programs for transitional housing programs.</p>	Kings County Housing Authority and Kings County Management Development Corporation	Funded by donations from individuals and nominal service fee from patrons	Continue to support the Housing Authority in the provision of transitional homes for foster youth. (Timeline: Ongoing)	Two homes have been established to support aged out foster youth.	This program will be continued.
<p><b>10. Emergency and Transitional Shelters</b>                      According to California government code Section 65580 and Health and Safety Code 50675.2, a jurisdiction is required to provide adequate sites for a variety of housing including emergency and transitional shelters through appropriate zoning and development standards. The Kings County Zoning Ordinance will be amended to permit emergency shelters and transitional housing. The site plan review and conditional use permit processes will facilitate compatibility of such facilities with adjacent land uses and require the same findings as other special needs housing. In 2001 the Kings/Tulare Continuum of Care Core Group initiated a Homelessness Plan that set forth the community's top priorities for action and identified strategies to make progress on homelessness and better help homeless individuals within both counties.</p>	Community Development Agency and Kings Tulare Continuum of Care	TBD: Emergency FESG administered by HCD Transitional FHP funds through HUD FEHT HUD, Men's shelter beds TBD, general area in Hanford	Amend the Zoning Code to permit emergency and transitional shelters in the R-1, R-M, and various C zone districts as required by State law. Continue to support the Kings/Tulare Continuum of Care Plan to develop transitional and emergency housing programs for homeless individuals and families. (Timeline: to be included in 269.66)	The Zoning Code has not yet been amended due to staffing limitations.	This issue will be addressed in the 2009 Housing Plan.

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**Appendix A**

<b>Kings County</b>	<b>Responsible Agency</b>	<b>Funding Source</b>	<b>Program Objectives &amp; Timeline</b>	<b>Accomplishments</b>	<b>Future Policies and Actions</b>
<p><b>11. Mobile Home/Manufactured Housing</b>                      Pursuant to State law, all jurisdictions must allow for the development of manufactured housing/mobile homes as a permitted use in all residential zones where single-family homes are permitted. Mobile homes parks are allowed as conditional uses in all multi-family zones. Manufactured housing and mobile homes area permitted use in all RR, R-1 zone districts when installed on a permanent foundation and require a site plan review when installed on a temporary foundation system.</p>	Community Development Agency	General fund	Continue to allow for the development of manufactured housing/mobile homes within residential zone districts as described in the Kings County Zoning Ordinance.	The Kings County Zoning Ordinance allows the development of manufactured housing/mobile homes within residential zone districts.	Continue to monitor State law and update local policies as needed.
<p><b>12. Farm Employee and Employee Housing</b>                      Kings County administratively permits mobile homes as farm employee housing in the AG-20, AX, AL-10, and AG-40 zones as long as the units do not exceed five units per acre, pursuant to a site plan review. Farm employee housing in excess of 5 units and farm labor housing require conditional use permit. Although no farm labor camps currently are present in Kings County, the County routinely permits mobile homes used as employee housing.</p>	Community Development Agency, Kings County Housing Authority, and interested affordable housing providers/developers	General Fund	Continue to support farm worker housing as follows: 1) Amend the Zoning Code to incorporate Section 17021 of the Health and Safety Code 2) Develop an inventory of suitable sites for farm worker housing 3) Assist interested developers by identifying sites and supporting funding applications 4) Provide, to the extent feasible, regulatory incentives; and 5) Ensure that zoning and development standards facilitate farm worker housing (Timeline: Provide a site inventory by 2004 and amend the Zoning Code by 2004)	This program has not yet been implemented due to staffing limitations.	Carry forward into the 2009 Housing Element

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**Appendix A**

<b>Kings County</b>	<b>Responsible Agency</b>	<b>Funding Source</b>	<b>Program Objectives &amp; Timeline</b>	<b>Accomplishments</b>	<b>Future Policies and Actions</b>
<p><b>13. Housing for Disabled Persons</b>                      SB520, effective 2002, requires jurisdictions to analyze and remove potential constraints to housing for persons with disabilities. The County conducted an analysis of its zoning and land use processes, permitting processing procedures, and building codes to identify impediments. Several land use regulations were found to be impediments with respect to the allowance of emergency shelters, transitional housing, residential care facilities serving six or fewer persons, farm worker housing, and manufactured housing. To comply with state and federal laws, the County will undertake the following actions (see Program Objectives).</p>	Community Development Agency	General fund	Amend Zoning Code to permit residential care facilities for six or fewer persons by right in residential zones, conditionally permit emergency shelters in the RM zone and conditionally permit transitional housing in the R-1 zones. Continue to review County ordinances, policies, and practices and remove identified impediments to housing for persons with disabilities (Timeline: Revise by end of 2010)	This program has not yet been implemented due to staffing limitations.	Carry forward into the 2009 Housing Element
<p><b>14. Promote Equal Housing Opportunities</b>                      Kings County currently refers fair housing complaints to the Human Rights/Fair Housing Commission at the Fresno office.</p>	Community Development Agency	General fund	The County will refer the public to a fair housing provider	The Community Development Agency continues to successfully refer fair housing complaints to the Human Rights/Fair Housing Commission at the Fresno Office.	This program will be continued.

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**Appendix A**

**Table A-2**  
**Appropriateness of 2003 Housing Element Goals and Policies**  
**Kings County and the Cities of Avenal, Corcoran, Hanford and Lemoore**

Goal	Policy	Appropriateness
<i>Housing and Neighborhood Conservation</i>		
<b>GOAL 1</b>	<b>Improve and maintain the quality of housing and residential neighborhoods.</b>	Appropriate - continue
	<b>Policy 1.1.</b> <i>Promote and improve the quality of residential properties by ensuring compliance with housing and property maintenance standards.</i>	Appropriate - continue
	<b>Policy 1.2.</b> <i>Assist in the repair, rehabilitation, and improvement of residential structures; demolish structures which are dilapidated and beyond repair.</i>	Appropriate - continue
	<b>Policy 1.3.</b> <i>Invest in infrastructure and public facilities to ensure that adequate water, sewer, roads, parks, and other needed services are in place to serve future and present residential developments.</i>	Appropriate - continue
	<b>Policy 1.4.</b> <i>Preserve assisted rental housing for long-term occupancy by low- and moderate-income households.</i>	Appropriate - continue
<i>Housing Production</i>		
<b>GOAL 2.</b>	<b>Facilitate and encourage the provision of a range of housing types and prices to meet the diverse needs of residents.</b>	Appropriate - continue
	<b>Policy 2.1.</b> <i>Provide adequate sites for housing through appropriate land use, zoning and development standards to accommodate the regional housing needs goals for 2003-2008.</i>	Appropriate - continue but update for the 2009-2014 planning period
	<b>Policy 2.2.</b> <i>Work collaboratively with nonprofit and for-profit developers to seek state and federal grants to support the production of affordable housing.</i>	Appropriate - continue
	<b>Policy 2.3.</b> <i>Ensure the adequate provision of water, sewer, roads, public facilities, and other infrastructure necessary to serve new housing.</i>	Appropriate - continue
	<b>Policy 2.4.</b> <i>Support the construction of high quality single- and multi-family housing which is well designed and energy efficient.</i>	Appropriate - continue
<i>Housing Constraints</i>		
<b>GOAL 3.</b>	<b>Remove or mitigate, to the extent feasible and appropriate, potential governmental constraints to the production, maintenance, improvement and affordability of housing.</b>	Appropriate - continue
	<b>Policy 3.1.</b> <i>Offer regulatory and/or financial incentives, as available and appropriate, to encourage the construction of quality housing.</i>	Appropriate - continue

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Goal	Policy	Appropriateness
	<b>Policy 3.2.</b> Periodically review local ordinances and building regulations to ensure that they do not unduly impede housing investment.	Appropriate - continue
	<b>Policy 3.3.</b> Utilize planned developments and other creative mechanisms to facilitate the construction of more creative, well-designed, housing projects.	Appropriate - continue
	<b>Policy 3.4.</b> Ensure that developments are processed efficiently to minimize holding costs and comply with the Permit Streamlining Act.	Appropriate - continue
<b>Housing Assistance</b>		
<b>GOAL 4. Provide housing assistance to very low-, low-, and moderate income households and those with special housing needs.</b>		Appropriate - continue
	<b>Policy 4.1.</b> Support the provision of rental assistance to provide affordable housing options for very-low- and low-income households.	Appropriate - continue
	<b>Policy 4.2.</b> Participate in efforts to expand homeownership opportunities to lower- and moderate-income households through downpayment assistance and other homeownership programs.	Appropriate - continue
	<b>Policy 4.3.</b> Support the provision of housing suitable for special needs groups, including seniors, people with disabilities, homeless people, military personnel, large household, single-parent families, and farm workers.	Appropriate - continue
	<b>Policy 4.4.</b> Develop and maintain collaborative efforts among nonprofits, for-profit developers, and public agencies to encourage the development, maintenance, and improvement of housing.	Appropriate - continue
<b>Fair and Equal Housing Opportunities</b>		
<b>GOAL 5. Further equal housing opportunities for persons, regardless of status.</b>		Appropriate - continue
	<b>Policy 5.1.</b> Support enforcement of fair housing laws prohibiting arbitrary discrimination in the development, financing, rental, or sale of housing.	Appropriate - continue
	<b>Policy 5.2.</b> Periodically review City ordinances and development regulations and modify, as necessary, to accommodate housing for disabled persons.	Appropriate - continue

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**Appendix A**

**Table A-3a  
 Residential Development Summary  
 City of Avenal  
 2003-2008**

Project/ Type	General Plan/ Zoning	Density (du/ac)	2003 - 2006					Total	2007 - 2008					Total
			EL	VL	Low	Mod	Upper		EL	VL	Low	Mod	Upper	
Single-family detached	R-1													
(All infill-no subdivisions)						158	158					14		14
Multi-family apts.														
El Palmar	R-3	13.0		81*			81							0
Hearthstone	R-3	14.6		81*			81							0
Villa Esperanza	R-3	14.3		81*			81							0
Second units														
Totals				243		158	401					14		14

\*Deed-restricted units

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**Appendix A**

**Table A-3b  
 Residential Development Summary  
 City of Corcoran  
 2003-2008**

Project/Type	General Plan/ Zoning	Density (du/ac)	2003 - 2006					Total	2007 - 2008					Total
			EL	VL	Low	Mod	Upper		EL	VL	Low	Mod	Upper	
Single-family detached														
Infill (no subdivisions)	LDR/R-1	5				223	3	226				75	1	76
Larkspur/K. Hovnanian	LDR/R-1					16		16				24		24
Condos														
Pine Tree	MDR/RM-2	21			14			14						
Multi-family apts.														
Kings Manor Apartments	HDR/RM-2.5	17	8*	48*	24*+1			81						
Avalon Apartments	HDR/RM-2	21							7*	35*	13*+1			56
Dairy Villas Apartments	HDR/R-3	14							7*	17*	44*+1			69
Second units	LDR/R-1	5			10			10			8			8
<b>Totals</b>			<b>8</b>	<b>48</b>	<b>47</b>	<b>241</b>	<b>3</b>	<b>347</b>	<b>14</b>	<b>52</b>	<b>67</b>	<b>99</b>	<b>1</b>	<b>233</b>

\*Deed-restricted units

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**Appendix A**

**Table A-3c  
 Residential Development Summary  
 City of Hanford  
 2003-2008**

Project/ Type	General Plan/ Zoning	Density (du/ac)	2003 - 2006					Total	2007 - 2008					Total
			EL	VL	Low	Mod	Upper		EL	VL	Low	Mod	Upper	
<b>Single-family detached</b>														
Custom home	R-1-12	1-3											1	1
Tract	R-1-6	2-9										154		154
Tract	R-1-8	2-9											19	19
Custom homes	R-1-20	0-3											2	2
Subtotals - SFD						1,103	1,102	2,205				154	22	176
<b>Multi-family apts.</b>														
101 E. Lang (duplex)	RM-3	7-15			2			2						
310 E. Elm (duplex)	RM-3	7-15			2			2						
512-536 E. Grangeville (Windgate Village)	RM-3	7-15			54			54						
1426-1476 S. 11 <sup>th</sup> Ave. (Lomarey)	RM-3	7-15			39			39						
110 E. Lang (duplex)	RM-3	7-15			2			2						
106 E. Hanford-Armona Rd.	RM-3	7-15			4			4						
1753-1769 Emma Lee	RM-3	7-15			4			4						
802-828 S. Harris St. (Lincoln Plaza)	RM-3	7-15		19*	21*			40						
576 S. Douth St. (duplex)	RM-3	7-15									2			2
109 E. Third St.	RM-3	7-15									3			3
320-340 N. East St.	DC	4-22									4			4
211 W. South St. (duplex)	RM-3	7-15									2			2
AMG – 11 <sup>th</sup> Williams**	RM-3	7-15									49*			49
Ashwood – SE corner 11 <sup>th</sup> /Northstar**	RM-2	10-22									39			39
Davco – 11631 S. 11 <sup>th</sup> **	RM-3	7-15									81			81
Subtotals - MF					128			147			180			180
<b>Second units</b>														
Totals				19	128	1,103	1,102	2,352			1	154	22	357

Notes:

\*Deed restricted

\*\*Approved/not completed rental projects (affordability determined by deed restrictions or market analysis (see discussion on p. B-2)

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**Appendix A**

**Table A-3d  
 Residential Development Summary  
 City of Lemoore  
 2003-2008**

Project/ Type	Gen. Plan/ Zoning	Density (du/ac)	2003 - 2008 <sup>1</sup>					Total	2007 - 2008 <sup>2</sup>					Total
			EL	VL	Low	Mod	Upper		EL	VL	Low	Mod	Upper	
Single-family detached														
College Park	LD-SFR/ R-1-7	5.48				175	175	350				20	19	39
Silva Estates	LD-SFR/ R-1-7	4.94				53	54	107				10	9	19
Cedar Lane Estates	LD-SFR/ R-1-7	4.72				12	12	24						
Avalon	LD-SFR/LMD/ R-1-7/RM-3	5.98				11	12	23						
Tract 661	LD-SFR/ R-1-7	5.65				11	11	22						
Tract 719	LD-SFR/ R-1-7	3.52				5	4	9						
Covington Place	LD-SFR/ R-1-7	5.44				3	2	5						
Country Club Villa/Estate	LD-SFR/ R-1-7	6.11				38	38	76				14	13	27
Husted Ranch	LD-SFR/ R-1-7	5.02				1	1	2						
Kings Christian, #1	LD-SFR/ R-1-7	4.98					1	1						
Fairway Homes	LD-SFR/ R-1-7	5.69				32	31	63					1	1
The Landing	LD-SFR/ R-1-7	4.91				23	22	45				9	9	18
Liberty Estates	LD-SFR/ R-1-7	4.94				48	48	96				64	63	127
Davante Villas	LD-SFR/ R-1-7	4.96				23	23	46				26	26	52
Parkview Estates	LD-SFR/ R-1-7	6.19				1	1	2				1	1	2
Private Owners	LD-SFR/ R-1-7	Varies			3	4	10	17		1	1*	2*	4	8

Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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2009-2014  
 Draft Housing Element

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Project/ Type	Gen. Plan/ Zoning	Density (du/ac)	2003 - 2008 <sup>1</sup>					Total	2007 - 2008 <sup>2</sup>					Total
			EL	VL	Low	Mod	Upper		EL	VL	Low	Mod	Upper	
Multi-Family Apts.														
Antlers Apartments	Mixed Use/ CC	50.6		3*	7*			10						
College Park Apts.	MD-MFR/ RM-3	10.3			120			120						
Silva	MD-MFR/ RM-3	3.6			48			48			21			21
Valley Oak (Butler)	MD-MFR/ RM-2.5	16.8									73			73
Montgomery Crossing	MD-MFR/ RM-3	18.5								20*	37*			57
<b>Second units</b>					2			2			3			3
<b>Totals</b>				<b>3</b>	<b>180</b>	<b>440</b>	<b>445</b>	<b>1,065</b>		<b>21</b>	<b>135</b>	<b>146</b>	<b>145</b>	<b>447</b>

Notes:

1. July 1, 2003 - June 30, 2008 (Used Building Permits from 1/1/03-12/31/07 to count units that were probably completed between 7/1/03-6/30/08)
  2. January 1, 2007 - December 30, 2008 (These units are credited in the new RHNA period) (Used Permits for 7/1/06-12/31/08)
  3. Affordability categories for single-family units assumed 50% moderate and 50% above-moderate based on recent real estate data (see Chapter 2)
- \*Deed-restricted (for private owners, only one of the moderate units is restricted)

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**Appendix A**

**Table A-3e  
 Residential Development Summary  
 County of Kings  
 2003-2008**

Project/ Type	Gen. Plan/ Zoning	Density (du/ac)	2003 - 2006					Total	2007 - 2008					Total
			EL	VL	Low	Mod	Upper		EL	VL	Low	Mod	Upper	
Single-family detached														
Individual homes	Varies	Varies				281	281					72		72
Mobile Homes														
Individual units	Varies	Varies			84		84				29			29
Multi-Family Apts.														
10842 Railroad Ave, Armona	RM3	20.8			4		4							
Second units														
None														
<b>TOTALS</b>					<b>88</b>	<b>281</b>		<b>369</b>			<b>29</b>	<b>72</b>		<b>101</b>

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**Appendix A**

**Table A-4a**  
**Progress in Achieving Quantified Objectives**  
**City of Avenal**  
**2003-2008\***

Program Category	Quantified Objective	Progress
New Construction		
Very Low	139	240
Low	116	18
Moderate	93	5
Above Moderate	232	149
Rehabilitation		
Very Low	10	30
Low	10	9
Moderate	0	
Above Moderate	0	
Conservation		
Very Low	151	151
Low	0	
Moderate	0	
Above Moderate	0	

\*July 1, 2003 - June 30, 2008

**Appendix A**

**Table A-4b**  
**Progress in Achieving Quantified Objectives**  
**City of Corcoran**  
**2003-2008\***

Program Category	Quantified Objective	Progress
New Construction		
Very Low	205	122
Low	171	114
Moderate	137	340
Above Moderate	341	4
Rehabilitation		
Very Low	30	54
Low	45	42
Moderate	0	
Above Moderate	0	
Conservation		
Very Low	205	
Low	44	
Moderate	0	
Above Moderate	0	

\*July 1, 2003 - June 30, 2008

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**Table A-4c**  
**Progress in Achieving Quantified Objectives**  
**City of Hanford**  
**2003-2008\***

Program Category	Quantified Objective	Progress
New Construction		
Very Low	1,059	19
Low	883	140
Moderate	706	1,257
Above Moderate	1,766	1,124
Rehabilitation		
Very Low	100	18
Low	100	21
Moderate	0	
Above Moderate	0	
Conservation		
Very Low	515	39
Low	101	200
Moderate	34	238
Above Moderate	0	

\*July 1, 2003 - June 30, 2008

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**Table A-4d**  
**Progress in Achieving Quantified Objectives**  
**City of Lemoore**  
**2003-2008\***

Program Category	Quantified Objective	Progress
New Construction		
Very Low	723	3
Low	602	180
Moderate	481	440
Above Moderate	1,204	445
Rehabilitation**		
Very Low	40	53
Low	40	45
Moderate	0	27
Above Moderate	0	-
Conservation		
Very Low	275	275
Low	127	74***
Moderate	80	80
Above Moderate	0	

Notes:

\*July 1, 2003 - June 30, 2008

(Used Building Permits from 1/1/03-12/31/07 to count units that were probably completed between 7/1/03-6/30/08)

\*\*Includes both minor and substantial rehab

\*\*\*Reflects expiration of 53 covenants at Country Club Apts.

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Appendix A

Table A-4e  
 Progress in Achieving Quantified Objectives  
 Kings County Unincorporated Area  
 2003-2008\*

Program Category	Quantified Objective	Progress
<b>New Construction</b>		
Very Low	205	--
Low	171	117
Moderate	137	353
Above Moderate	342	--
<b>Rehabilitation</b>		
Very Low	25	
Low	25	50
Moderate	0	
Above Moderate	0	--
<b>Conservation</b>		
Very Low	178	190
Low	0	--
Moderate	0	--
Above Moderate	0	--

\*July 1, 2003 - June 30, 2008

Appendix B

Appendix B Land Inventory

1. Methodology and Assumptions

State law requires each jurisdiction to include in the Housing Element an inventory of vacant parcels having the potential for residential development, or "underutilized" parcels with potential for additional development. The purpose of this inventory is to evaluate whether there is sufficient capacity, based on the General Plan, zoning, development standards, and infrastructure, to accommodate the jurisdiction's fair share of regional growth needs as identified in the Regional Housing Needs Assessment (RHNA).

The detailed methodology and assumptions for the residential land inventory presented in Chapter 3 are provided below and summarized in Tables B-1a through B-1e.

Affordability Assumptions

In general, there are three alternative ways for determining the affordability level of new housing units.

1. Affordability Covenants. The most definitive method is through required affordability covenants (i.e., requirements imposed upon or agreed to by the project sponsor) that establish income limits for purchasers or tenants. Such covenants are legally enforceable and binding upon the property owner for a specified time period.
2. Market Prices or Rents. When covenants are not in place, affordability levels for newly built units are based on actual prices or rents. Table 2-17 (p. 2-14) describes 2009 affordability levels along with the monthly rental costs or estimated sales prices that correspond with each level.
  - a. Home Prices. Like most areas of the San Joaquin Valley, new home prices are generally affordable to moderate-income households. A survey of recent new home sales found that nearly all projects were priced within the moderate-income category of \$180,000 to \$275,000. Some new single-family homes on standard-sized lots sold within the low-income price range. Only in Lemoore were some new home subdivisions priced in the above-moderate range.

For purposes of the land inventory analysis, large lots of one-half acre or more were allocated to the above-moderate category in all jurisdictions.

In **Avenal**, all standard-sized lots were allocated to the moderate-income category. As noted in Chapter 2, all single-family homes sales and listings in Avenal, both new and resale, were priced within the low- or moderate-income categories during 2008-09.

In **Corcoran**, all standard-sized infill lots were allocated to the moderate-income category while large parcels suitable for standard-lot subdivisions were allocated

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50% moderate and 50% above-moderate. As noted in Chapter 2, all single-family homes sales and listings in Corcoran, both new and resale, were priced within the low- or moderate-income categories during 2008-09. Half of the sites zoned for single-family subdivisions were allocated upward to the above-moderate category in order to accommodate the City's RHNA allocation.

In **Hanford**, Very Low Density single-family sites were allocated to the above-moderate category, while Low Density single-family sites were evenly distributed between the moderate and above-moderate categories. As shown in Chapter 2, 70% of Hanford's newer home listings were priced in the moderate category while 30% were above-moderate, and 82% of recent sales were in the moderate category while 18% were above-moderate. All new single-family subdivisions were selling in the moderate category at the time of the survey. Sites in the Medium designation allow small-lot subdivisions, PUDs and attached product types at up to 15 units/acre and were allocated to the low-income category.

In **Lemoore**, Agricultural-Rural and Very Low Density Residential sites were allocated to the above-moderate category. Low Density single-family sites were allocated 50% moderate and 50% above-moderate. As shown in Chapter 2, 88% of recent home sales were priced in the moderate category with 12% above-moderate. Current single-family home listings were evenly split between the moderate and above-moderate categories, and all active new home subdivisions were priced in the moderate category. Sites in the Low-Medium designation allow small-lot subdivisions and attached product types and were allocated to the moderate category.

In **unincorporated Kings County**, the Very Low Density and Low Density Residential sites allow large lots (1/2 acre or more) and were allocated to the above-moderate category. The Low Medium sites allow standard size lots and were allocated to the moderate category. As shown in Chapter 2, all recent home sales and listings were priced in the low- and moderate-income categories.

**Mobile homes** are an affordable option for lower-income households. As noted in Chapter 2, new mobile homes are available at prices ranging from \$24,000 to \$70,000. These prices are within the lower-income affordability range, including the price of a single-family lot.

- b. **Apartment Rents.** As with single-family homes, apartment rents are very affordable in Kings County. All newer market-rate apartments surveyed, including larger projects as well as small duplex/triplex projects<sup>1</sup>, had rents within the low-income category (i.e., less than \$1,100 per month), and many apartments were renting at the very-low-income affordability level (i.e., less than \$698 per month). Many projects built by non-profit organizations using assistance such as Low-Income Housing Tax Credits include apartments affordable to extremely-low- and very-low-income households. Therefore,

<sup>1</sup> See for example Table 2-21, which includes four small recently-built projects in Hanford, all of which are renting at rates affordable to low- or very-low-income households. This market survey of new multi-family projects demonstrates that all multi-family sites in Kings County, including small sites, are suitable for lower-income housing.

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vacant sites in all jurisdictions designated for multi-family or mixed-use development were allocated to the lower-income category.

- 3. **Density.** For potential new units in a jurisdiction's land inventory, state law establishes that affordability assumptions may be based on density. The "default" density for jurisdictions in Kings County is 20 units per acre. This means that if the General Plan and zoning allow development at 20 units per acre or greater, these sites are considered to be suitable for lower-income housing. State law also allows jurisdictions to establish an alternative to the default density if local market conditions and experience support a different density assumption for affordability.

As discussed in Chapter 4, all of the jurisdictions in Kings County allow multi-family development at densities greater than 20 units/acre, excluding density bonus, in at least one multi-family zone. In addition to multi-family zones, Lemoore allows mixed-use development at densities up to 20 units/acre. However, most new multi-family developments in Kings County – including affordable projects by non-profit developers – are built at densities significantly lower than the "default" density. Conversations with non-profits confirmed that densities in the range of 12-15 units/acre are typical and sufficient to make such projects feasible. This density range allows two-story projects with large units (3-4 bedrooms) as well as spacious community facilities such as play areas for children. Developers indicated that they rarely request a density bonus, but may take advantage of other concessions such as modifications to development standards such as setbacks.

**Realistic Capacity**

In order to determine the realistic capacity of vacant sites, the potential yield for each parcel was estimated based on previous experience of recent projects rather than the maximum allowable density for the zone. In addition, site constraints such as flood hazard zones and airport approach and departure patterns were considered and potential yield was reduced where these constraints would be expected to prevent full utilization of the parcel. These constraints are noted in Tables B-1a through B-1e.

**2. Units Built or Approved 2007-2009**

Tables A-3a through A-3e in Appendix A summarize new residential units built or approved during 2007 - 2009. Under State law, new housing units completed after January 1, 2007 are credited in the new planning period. These units have been assigned to income categories based on affordability covenants or market prices/rents.

**3. Vacant or Underutilized Land**

Tables B-1a through B-1e contain a parcel-level inventory of sites with potential for residential development in each jurisdiction during the current planning period. As noted above, the capacity of each site has been estimated based on realistic assumptions, recent development trends and any existing site constraints that could prevent the site from being developed to its full potential. As discussed in Chapter 3, all jurisdictions have sufficient capacity to accommodate the housing needs identified in the Regional Housing Needs Plan.

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**Corcoran**

One significant underutilized site in Corcoran (see photos below) near the northwest corner of Orange and Otis represents a redevelopment opportunity. The possible redevelopment project includes four lots, two of which are in common ownership totaling 1.93 acres. One lot, in separate ownership, is 0.42 acre and is currently vacant; while a fourth lot is 1.5 acres. The developed lots all contain substandard housing. It is believed that the property was once a farm worker housing camp that has been converted to rental units. APN 034-050-025 (0.20 acre) contains a 2-bedroom/1-bath unit of 644 square feet, built in 1920. APN 034-050-026 (1.73 acres) contain seven units, which includes the main house with 3 bedrooms, 2 bathrooms and approximately 1200 square feet and six additional units. Of the six units, three are vacant and boarded up and the other three single-room units are occupied. APN 034-050-018 (1.50 acres) also contains six units all built around 1949. Two of the units are 2-bedroom/2-bath, three units are 2-bedroom/1-bath, and one unit is a 1-bedroom/1-bath. All of these units are occupied and all appear to be substandard except one unit which was recently remodeled. The property is zoned RM-2 (low density multi-family) and is bordered by light industrial zone to the north, neighborhood commercial to the east and single-family residential to the south and west. The City will encourage the redevelopment of this site through the actions described in Program 2.7 of the Housing Plan (Chapter 5).



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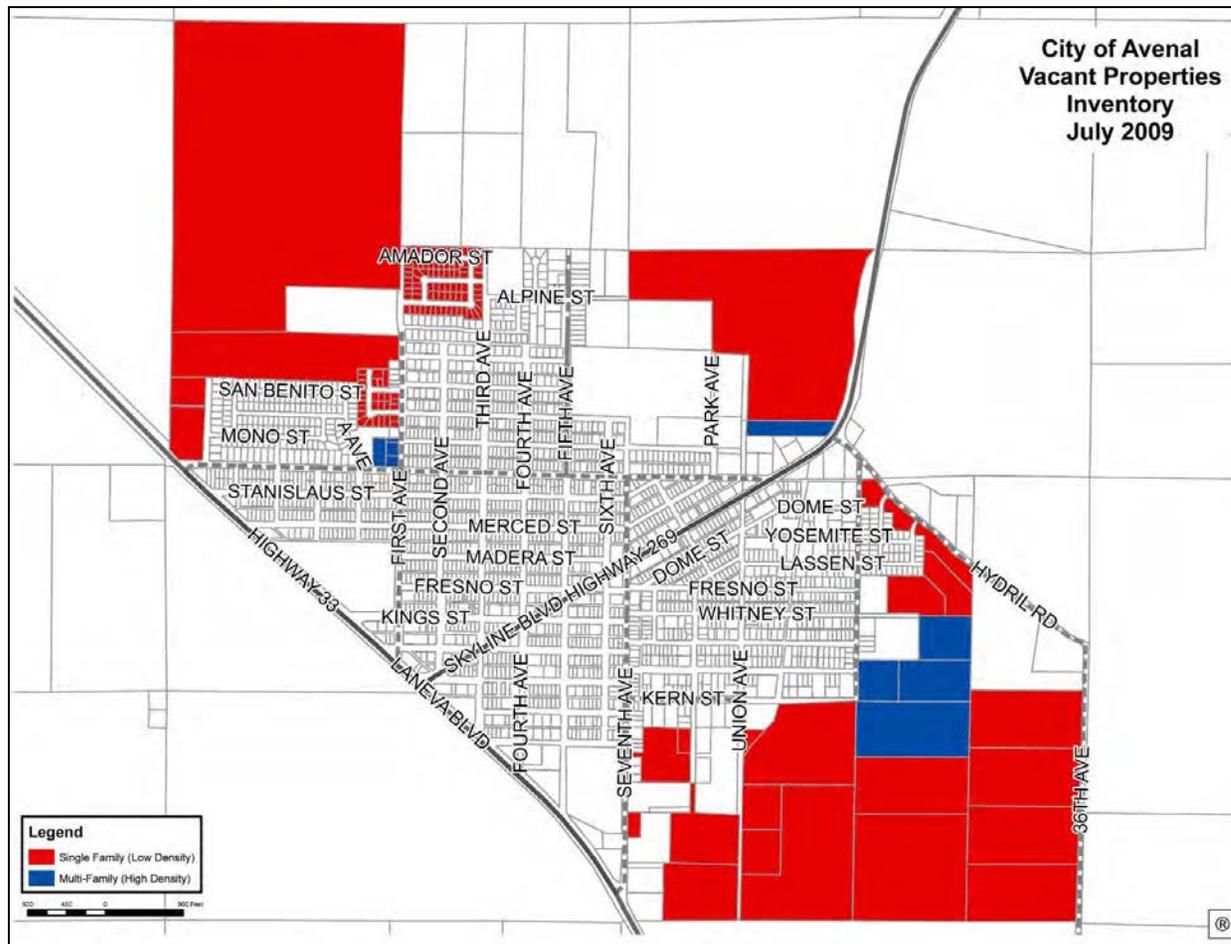
**Table B-1a: Residential Land Inventory - City of Avenal**

City of Avenal Site (Address/APN)	General Plan/ Zoning	Acreage	Max. Density (Units/acre)	Realistic Density (Units/acre)	Constraints?	Potential Units			Total	
						Lower	Mod	Upper		
<i>Single-Family Detached</i>										
Tract 813 - APN: 040-330-003, 007, 010 & 011	Low Density/R-1	6.88	10	4 - 5			20		20	
Tract 836 - APN: 038-270-047	Low Density/R-1	19.01	10	4 - 5			82		82	
Tract 867 (Pending) APN: 038-260-029	Low Density/R-1	7.85	10	4 - 5			30		30	
APN: 040-280-033 (Tract Map Expired)	Low Density/R-1	7.5	10	4 - 5			30		30	
APN: 040-280021	Low Density/R-1	1.0	10	4 - 5			4		4	
APN: 040-280-018	Low Density/R-1	1	10	4 - 5			2		2	
APN: 040-280-039	Low Density/R-1	12.87	10	4 - 5			58		58	
APN: 040-280-040	Low Density/R-1	11.13	10	4 - 5			50		50	
APN: 040-291-007	Low Density/R-1	37.84	10	4 - 5	This lot known to flood		150		150	
APN: 040-291-009	Low Density/R-1	5.38	10	4 - 5			24		24	
APN: 040-291-008	Low Density/R-1	5.38	10	4 - 5			24		24	
APN: 040-291-006	Low Density/R-1	25.49	10	4 - 5	This lot known to flood		95		95	
APN: 040-291-002	Low Density/R-1	1.0	10	4 - 5			3		3	
APN: 038-260-057	Low Density/R-1	35.97	10	4 - 5			162		162	
APN: 038-260-056	Low Density/R-1	19.55	10	4 - 5			88		88	
APN: 038-400-003 (Tract Map Expired)	Low Density/R-1	5.25	10	4 - 5			24		24	
APN: 038-400-006 (Tract Map Expired)	Low Density/R-1	6.09	10	4 - 5			30		30	
APN: 038-260-036	Low Density/R-1	20.46	10	4 - 5			92		92	
APN: 038-260-037	Low Density/R-1	20.46	10	4 - 5			92		92	
APN: 038-260-038	Low Density/R-1	20.46	10	4 - 5			92		92	
APN: 038-260-039	Low Density/R-1	20.46	10	4 - 5			92		92	
APN: 038-260-048 (Partial)	Low Density/R-1	20	10	4 - 5			90		90	
APN 038-270-060	Low Density/R-1	201.57	10	4 - 5			907		907	
APN 038-270-061	Low Density/R-1	32.11	10	4 - 5			144		144	
APN 038-411-001	Low Density/R-1	3.18	10	4 - 5			14		14	
APN 038-441-001	Low Density/R-1	5.30	10	4 - 5			24		24	
<b>Subtotals for Single Family (Low Density)</b>		<b>518.45</b>					<b>2,423</b>	<b>0</b>	<b>2,423</b>	
<i>Multi-Family</i>										
APN: 038-260-055	High Density/R-3	18.65	29	14			261		280	
APN: 038-260-052	High Density/R-3	7.18	29	14			101		170	
APN: 038-260-059	High Density/R-3	9.08	29	14			127		136	
APN: 038-260-060	High Density/R-3	5.01	29	14			70		75	
APN 040-301-002	High Density/R-3	4.56	29	14			64		68	
APN: 038-432-007,010, 011, 012	High Density/R-3	2.26	29	14			32		34	
<b>Totals for Multi-Family (High Density):</b>		<b>46.74</b>					<b>655</b>	<b>0</b>	<b>763</b>	
<b>GRAND TOTALS</b>							<b>655</b>	<b>2,423</b>	<b>0</b>	<b>3,078</b>

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**Figure B-1a: Avenal Land Inventory Map**



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**Table B-1b: Residential Land Inventory - City of Corcoran**

City of Corcoran Site (APN)	General Plan/ Zoning	Acreage or Vacant Infill Lot (VI)	Max. Density	Realistic Density	Constraints?	Potential Units			Total
						Lower	Mod	Upper	
<i>Vacant sites</i>									
030-011-003	LD/R-1-6	Vacant Infill Lot (VI)	1 du/lot	1 du/lot			1		1
030-011-020	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-011-021	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-012-027	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-024-038	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-024-010	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-051-016	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-072-005	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-072-006	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-082-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-082-004	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-082-018	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-082-022	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-082-023	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-082-029	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-122-025	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-123-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-124-020	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-131-013	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-131-014	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-134-010	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-134-012	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-154-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-154-004	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-164-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-164-002	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-171-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-181-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-183-008	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-183-016	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-192-002	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-192-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-192-004	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-192-023	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-212-012	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-212-005	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-234-011	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-261-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1

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City of Corcoran Site (APN)	General Plan/ Zoning	Acreage or Vacant Infill Lot (VI)	Max. Density	Realistic Density	Constraints?	Potential Units			Total
						Lower	Mod	Upper	
030-261-004	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-261-008	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-262-038	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-262-039	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-262-032	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-262-035	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-262-025	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-260-009	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-260-008	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-281-034	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-292-054	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-292-056	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-292-058	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
030-323-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-022-002	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-023-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-023-016	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-063-002	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-072-013	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-072-017	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-073-015	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-091-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-092-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-093-006	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-095-005	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-096-008	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-123-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-134-002	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-141-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-142-009	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-142-009	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-142-016	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-161-011	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-161-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-164-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-174-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-175-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-191-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-200-023	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-200-031	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-200-012	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1

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City of Corcoran Site (APN)	General Plan/ Zoning	Acreage or Vacant Infill Lot (VI)	Max. Density	Realistic Density	Constraints?	Potential Units			Total
						Lower	Mod	Upper	
032-200-034	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-200-013	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-200-014	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-200-036	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-210-026	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-210-018	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-210-019	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-210-013	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-210-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-210-006	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-230-017	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-230-106	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-240-002	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-240-004	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-240-014	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-251-020	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-260-018	LD/R-1-6	1 lot	1 du/lot	1 du/lot	Access easement		1		1
032-260-019	LD/R-1-6	1 lot	1 du/lot	1 du/lot	Access easement		1		1
032-271-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-271-009	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-271-010	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-271-046	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-272-020	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-272-011	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-272-015	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
032-271-008	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-051-030	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-051-062	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-051-063	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-051-040	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-051-026	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-080-013	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-111-012	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-112-023	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-112-008	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-112-009	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-112-033	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-023	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-048	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-029	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-023	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1

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**Appendix B**

City of Corcoran Site (APN)	General Plan/ Zoning	Acreage or Vacant Infill Lot (VI)	Max. Density	Realistic Density	Constraints?	Potential Units			Total
						Lower	Mod	Upper	
034-110-019	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-017	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-044	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-045	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-022	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-018	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-001	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-003	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-005	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-046	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-110-050	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-120-034	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-120-029	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-120-005	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-120-037	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-120-036	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-130-038	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-130-043	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-130-029	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-132-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-132-015	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-132-014	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-132-017	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-133-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-133-012	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-133-011	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-133-009	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-134-002	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-134-022	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-134-016	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-134-015	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-135-024	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-136-005	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-136-004	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-141-006	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-141-008	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-141-009	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-141-011	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-141-036	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-141-020	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport/Flood Plain		1		1
034-143-038	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1

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**Appendix B**

City of Corcoran Site (APN)	General Plan/ Zoning	Acreage or Vacant Infill Lot (VI)	Max. Density	Realistic Density	Constraints?	Potential Units			Total
						Lower	Mod	Upper	
034-143-049	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-143-020	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-143-028	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-151-017	LD/R-1-6	VI	1 du/lot	1 du/lot	Airport		1		1
034-190-022	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-190-021	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-280-008	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-280-007	LD/R-1-6	VI	1 du/lot	1 du/lot			1		1
034-280-009	LD/R-1-6	VI	1 du/lot	1 du/lot					
034-016-030 Tract 844 (Larkspur- Phase I) Recorded 75 lots (Near Dairy and Orange Ave)	LD/R-1-6	30 lots remaining	1 du/lot	1 du/lot			15	15	30
030-260-047 Tract 856 Sunrise Villas	LD/R-1-6	30 vacant lots	1 du/lot	1 du/lot	Completion of Public Improvements		15	15	30
<b>Subtotal - R-1-6 infill lots</b>							<b>199</b>	<b>30</b>	<b>229</b>
030-260-035 Portion of Tentative Subdivision 891 SE Corner of Dairy and Orange	LD/R-1-6	6.51 acres	7.5 du/ac	5.0 du/acre			15	15	30
030-260-013 Portion of Tentative Subdivision 891 SE Corner Dairy & Orange	LD/R-1-6	10 acres	7.5 du/ac	5.0 du/acre			25	25	50
032-230-012	LD/R-1-6	3 acres	7.5 du/ac	5.0 du/acre			8	7	15
032-230-021	LD/R-1-6	1.97 acres	7.5 du/ac	5.0 du/acre			5	5	10
032-230-022	LD/R-1-6	1.97 acres	7.5 du/ac	5.0 du/acre			5	5	10
032-230-107	LD/R-1-6	3.78 acres	7.5 du/ac	5.0 du/acre			9	8	17
032-240-008	LD/R-1-6	1 acre	7.5 du/ac	5.0 du/acre			3	2	5
032-240-020	LD/R-1-6	3.3 acres	7.5 du/ac	5.0 du/acre			8	7	15
032-251-001	LD/R-1-6	1 acre	7.5 du/ac	5.0 du/acre			2	2	4
032-254-009	LD/R-1-6	.40 acre	7.5 du/ac	5.0 du/acre			1		1
032-254-008	LD/R-1-6	.60 acre	7.5 du/ac	5.0 du/acre			1		1
032-253-004	LD/R-1-6	1 acre	7.5 du/ac	5.0 du/acre			2	2	4
032-260-030	LD/R-1-6	2.90 acre	7.5 du/ac	5.0 du/acre			7	7	14
034-016-023 Expired Portion (Phase II) of TSM 844	LD/R-1-6	Expired portion of TTM had 45 lots	7.5 du/ac	5.0 du/acre			23	22	45
034-060-018	LD/R-1-6	3.87 acres	7.5 du/ac	5.0 du/acre			8	7	15
034-060-011	LD/R-1-6	9.07 acres	7.5 du/ac	5.0 du/acre	Developer planning one acre lots			9	9
034-070-013	LD/R-1-6	49 acres	7.5 du/ac	5.0 du/acre			125	125	250
034-080-035	LD/R-1-6	29.98 acres	7.5 du/ac	5.0 du/acre			75	75	150
034-100-005 TTM 849 Niles and Dairy Avenue	LD/R-1-6	97 acres	7.5 du/ac	3.5 du/ac	Proposed 97 lots		49	48	97
034-170-020 TTM 822	LD/R-1-6	16.77 acres	7.5 du/ac	5.0 du/acre	Proposed 71 lots		36	35	71

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**Appendix B**

City of Corcoran Site (APN)	General Plan/ Zoning	Acreage or Vacant Infill Lot (VI)	Max. Density	Realistic Density	Constraints?	Potential Units			Total
						Lower	Mod	Upper	
Pickerell nr. Whitley									
034-200-002 Tract 857 Sherman	LD/R-1-6	14.66 acres	7.5 du/ac	5.0 du/acre	76 lots recorded (3 have an unfinished model home)		38	38	76
034-110-030	LD/R-1-6	5 acres	7.5 du/ac	5.0 du/acre	Airport		13	12	25
034-120-001	LD/R-1-6	20 acres	7.5 du/ac	5.0 du/acre	Airport		50	50	100
034-120-003	LD/R-1-6	10 acre	7.5 du/ac	5.0 du/acre	Airport		25	25	50
034-120-020	LD/R-1-6	9.30 acre	7.5 du/ac	5.0 du/acre	Airport		25	25	50
034-130-026	LD/R-1-6	3.75 acres	7.5 du/ac	5.0 du/acre	Airport		10	10	20
034-200-001	LD/R-1-6	39.88 acres	7.5 du/ac	5.0 du/acre	Airport/Portion in Flood Plain		100	100	200
034-210-001	LD/R-1-6/R-1-10	14 ± acres	7.5 du/ac	5.0 du/acre	Airport/Portion in Flood Plain				
034-220-026	LD/R-1-6	67.32 acres	7.5 du/ac	5.0 du/acre	Airport/Portion in Flood Plain		150	150	300
<b>Subtotal - R-1-6 acreage</b>							<b>818</b>	<b>816</b>	<b>1,634</b>
032-143-005	MD/RM 2.5	1.26	10-15 du/ac	12 du/ac			30		30
032-143-006	MD/RM 2.5	1.02	10-15 du/ac	12 du/ac			12		12
032-150-003	MD/RM 2.5	.91	10-15 du/ac	12 du/ac			12		12
034-150-040 PCL 2 OF PCL MAP 8-86 Sherman	MD/ RM-3	2.76 acres	10-15 du/ac	12 du/ac			10		10
034-190-037 SW Corner of Ottawa and King	MD/ RM-2.5	4.83 acres	10-15 du/ac	12 du/ac			60		60
<b>Subtotal - Multi-Family sites</b>							<b>124</b>		<b>124</b>
<i>Underutilized sites</i>									
034-050-018 (near NW cor. Orange & Otis)	HD/RM-2	1.50 ac	29 du/ac	20 du/ac	9 substandard SFD and 10 substandard cottages & apts.		30		30
034-050-020	HD/RM-2	0.42 ac	29 du/ac	20 du/ac	Vacant		8		8
034-050-025	HD/RM-2	0.20	29 du/ac	20 du/ac	Vacant		4		4
034-050-026	HD/RM-2	1.73 ac	29 du/ac	20 du/ac	1 deteriorated SFD		34		34
Subtotal		3.85 acres					76		76
<b>TOTALS</b>							<b>200</b>	<b>1,017</b>	<b>846</b>

Notes:

\*Developer pays for all costs of providing adequate capacity for sewer and water.

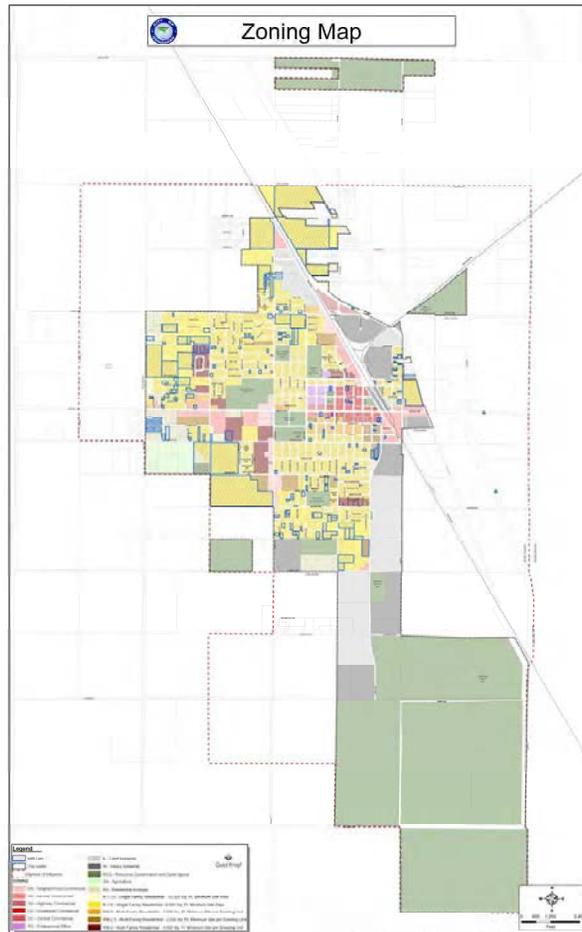
\*Airport-Refer to Airport Land Use Plan

\*Flood Plain-Refer to FEMA Map and Flood Plain Ordinance

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Appendix B

Figure B-1b: City of Corcoran Land Inventory Map



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**Appendix B**

**Table B-1c: Residential Land Inventory - City of Hanford**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
008-660-039	VLD (R-1-20)	8,173	0-3	2			1	1
008-660-011	VLD (R-1-20)	8,067	0-3	2			1	1
008-660-012	VLD (R-1-20)	8,064	0-3	2			1	1
008-660-013	VLD (R-1-20)	8,061	0-3	2			1	1
008-660-014	VLD (R-1-20)	8,058	0-3	2			1	1
008-660-015	VLD (R-1-20)	8,055	0-3	2			1	1
008-660-016	VLD (R-1-20)	8,123	0-3	2			1	1
008-660-017	VLD (R-1-20)	13,538	0-3	2			1	1
008-660-018	VLD (R-1-20)	12,457	0-3	2			1	1
008-660-020	VLD (R-1-20)	8,397	0-3	2			1	1
008-660-021	VLD (R-1-20)	8,698	0-3	2			1	1
008-660-022	VLD (R-1-20)	8,399	0-3	2			1	1
008-660-023	VLD (R-1-20)	8,399	0-3	2			1	1
008-660-024	VLD (R-1-20)	8,393	0-3	2			1	1
008-660-025	VLD (R-1-20)	8,277	0-3	2			1	1
008-660-027	VLD (R-1-20)	8,061	0-3	2			1	1
008-660-045	VLD (R-1-20)	8,721	0-3	2			1	1
008-660-046	VLD (R-1-20)	8,672	0-3	2			1	1
008-660-047	VLD (R-1-20)	8,629	0-3	2			1	1
008-660-048	VLD (R-1-20)	8,629	0-3	2			1	1
008-660-049	VLD (R-1-20)	8,629	0-3	2			1	1
008-660-050	VLD (R-1-20)	8,629	0-3	2			1	1
008-660-051	VLD (R-1-20)	9,166	0-3	2			1	1
008-660-019	VLD (R-1-20)	8,360	0-3	2			1	1
008-660-001	VLD (R-1-20)	9,226	0-3	2			1	1
008-660-002	VLD (R-1-20)	8,805	0-3	2			1	1
008-660-003	VLD (R-1-20)	8,869	0-3	2			1	1
008-660-004	VLD (R-1-20)	8,422	0-3	2			1	1
008-660-005	VLD (R-1-20)	8,173	0-3	2			1	1
008-660-038	VLD (R-1-20)	8,173	0-3	2			1	1
008-660-037	VLD (R-1-20)	8,153	0-3	2			1	1
008-660-036	VLD (R-1-20)	8,356	0-3	2			1	1
008-660-035	VLD (R-1-20)	8,379	0-3	2			1	1
008-660-034	VLD (R-1-20)	8,884	0-3	2			1	1
008-660-042	VLD (R-1-20)	9,162	0-3	2			1	1
008-660-041	VLD (R-1-20)	8,625	0-3	2			1	1
008-660-040	VLD (R-1-20)	8,290	0-3	2			1	1
008-660-006	VLD (R-1-20)	8,173	0-3	2			1	1

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
008-660-007	VLD (R-1-20)	9,941	0-3	2			1	1
008-660-008	VLD (R-1-20)	8,625	0-3	2			1	1
008-660-009	VLD (R-1-20)	9,162	0-3	2			1	1
008-660-039	VLD (R-1-20)	8,173	0-3	2			1	1
009-050-001	VLD (R-1-12)	10.0 ac.	0-3	2			20	20
009-050-002	VLD (R-1-12)	7.93 ac.	0-3	2			15	15
009-050-003	VLD (R-1-12)	2.07 ac.	0-3	2			4	4
009-030-126	VLD (R-1-12)	27.15 ac.	0-3	2			54	54
009-030-130	VLD (R-1-12)	0.12 ac.	0-3	2			0	0
009-030-135	VLD (R-1-12)	1.15 ac.	0-3	2			2	2
007-030-019	VLD (R-1-12)	1.5 ac.	0-3	2			3	3
<b>Subtotal - VLD</b>					<b>0</b>	<b>0</b>	<b>140</b>	<b>140</b>
018-860-065	LD (R-1-6)	7,614	2-9	5				1
018-860-066	LD (R-1-6)	7,007	2-9	5				1
018-860-067	LD (R-1-6)	7,007	2-9	5				1
018-860-068	LD (R-1-6)	6,973	2-9	5				1
018-860-069	LD (R-1-6)	6,783	2-9	5				1
018-860-070	LD (R-1-6)	10,278	2-9	5				1
018-860-071	LD (R-1-6)	9,220	2-9	5				1
018-860-072	LD (R-1-6)	10,278	2-9	5				1
018-860-073	LD (R-1-6)	6,783	2-9	5				1
018-860-074	LD (R-1-6)	6,973	2-9	5				1
018-860-075	LD (R-1-6)	7,007	2-9	5				1
018-860-076	LD (R-1-6)	7,007	2-9	5				1
018-860-077	LD (R-1-6)	7,614	2-9	5				1
018-860-046	LD (R-1-6)	6,783	2-9	5				1
018-860-047	LD (R-1-6)	6,973	2-9	5				1
018-860-048	LD (R-1-6)	7,007	2-9	5				1
018-860-049	LD (R-1-6)	7,007	2-9	5				1
018-860-050	LD (R-1-6)	7,614	2-9	5				1
018-860-018	LD (R-1-6)	6,034	2-9	5				1
018-860-038	LD (R-1-6)	7,614	2-9	5				1
018-860-039	LD (R-1-6)	7,007	2-9	5				1
018-860-040	LD (R-1-6)	7,007	2-9	5				1
018-860-041	LD (R-1-6)	6,973	2-9	5				1
018-860-042	LD (R-1-6)	6,783	2-9	5				1
018-860-043	LD (R-1-6)	10,244	2-9	5				1
018-860-044	LD (R-1-6)	9,288	2-9	5				1
018-860-045	LD (R-1-6)	10,244	2-9	5				1
018-840-049	LD (R-1-6)	6,911	2-9	5				1

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
018-840-048	LD (R-1-6)	6,512	2-9	5				1
018-840-047	LD (R-1-6)	7,712	2-9	5				1
018-840-046	LD (R-1-6)	6,929	2-9	5				1
018-840-045	LD (R-1-6)	6,929	2-9	5				1
018-840-044	LD (R-1-6)	6,929	2-9	5				1
018-840-043	LD (R-1-6)	6,926	2-9	5				1
018-840-069	LD (R-1-6)	6,000	2-9	5				1
018-860-092	LD (R-1-6)	6,891	2-9	5				1
018-860-093	LD (R-1-6)	6,946	2-9	5				1
018-860-094	LD (R-1-6)	7,002	2-9	5				1
018-860-095	LD (R-1-6)	7,057	2-9	5				1
018-860-096	LD (R-1-6)	7,113	2-9	5				1
018-860-097	LD (R-1-6)	7,168	2-9	5				1
018-860-098	LD (R-1-6)	7,224	2-9	5				1
018-860-099	LD (R-1-6)	7,279	2-9	5				1
018-860-100	LD (R-1-6)	7,335	2-9	5				1
018-860-101	LD (R-1-6)	7,390	2-9	5				1
018-860-102	LD (R-1-6)	7,446	2-9	5				1
018-860-103	LD (R-1-6)	8,417	2-9	5				1
018-860-082	LD (R-1-6)	6,783	2-9	5				1
018-860-083	LD (R-1-6)	10,278	2-9	5				1
018-860-084	LD (R-1-6)	9,220	2-9	5				1
018-860-085	LD (R-1-6)	9,840	2-9	5				1
018-860-086	LD (R-1-6)	6,781	2-9	5				1
018-860-087	LD (R-1-6)	6,952	2-9	5				1
018-860-088	LD (R-1-6)	7,007	2-9	5				1
018-860-089	LD (R-1-6)	7,007	2-9	5				1
018-860-090	LD (R-1-6)	8,076	2-9	5				1
018-840-064	LD (R-1-6)	7,361	2-9	5				1
018-840-060	LD (R-1-6)	9,386	2-9	5				1
018-840-059	LD (R-1-6)	10,848	2-9	5				1
018-840-058	LD (R-1-6)	8,257	2-9	5				1
018-840-057	LD (R-1-6)	6,920	2-9	5				1
018-840-056	LD (R-1-6)	7,368	2-9	5				1
018-860-091	LD (R-1-6)	6,563	2-9	5				1
018-860-079	LD (R-1-6)	7,007	2-9	5				1
018-860-080	LD (R-1-6)	7,007	2-9	5				1
018-860-081	LD (R-1-6)	6,973	2-9	5				1
018-860-002	LD (R-1-6)	6,667	2-9	5				1
018-860-001	LD (R-1-6)	7,394	2-9	5				1

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
018-860-009	LD (R-1-6)	7,166	2-9	5				1
018-860-008	LD (R-1-6)	7,660	2-9	5				1
018-860-007	LD (R-1-6)	6,641	2-9	5				1
018-860-006	LD (R-1-6)	6,646	2-9	5				1
018-860-005	LD (R-1-6)	6,651	2-9	5				1
018-860-004	LD (R-1-6)	6,656	2-9	5				1
018-860-003	LD (R-1-6)	6,662	2-9	5				1
018-860-017	LD (R-1-6)	6,022	2-9	5				1
018-860-016	LD (R-1-6)	7,199	2-9	5				1
018-860-015	LD (R-1-6)	8,123	2-9	5				1
018-860-014	LD (R-1-6)	8,354	2-9	5				1
018-860-013	LD (R-1-6)	6,752	2-9	5				1
018-860-012	LD (R-1-6)	6,196	2-9	5				1
018-860-011	LD (R-1-6)	6,201	2-9	5				1
018-860-010	LD (R-1-6)	6,205	2-9	5				1
018-860-025	LD (R-1-6)	7,614	2-9	5				1
018-860-026	LD (R-1-6)	7,007	2-9	5				1
018-860-051	LD (R-1-6)	7,361	2-9	5				1
018-860-052	LD (R-1-6)	6,617	2-9	5				1
018-860-053	LD (R-1-6)	6,617	2-9	5				1
018-860-054	LD (R-1-6)	6,617	2-9	5				1
018-860-068	LD (R-1-6)	6,973	2-9	5				1
018-860-067	LD (R-1-6)	7,007	2-9	5				1
018-860-066	LD (R-1-6)	7,007	2-9	5				1
018-860-065	LD (R-1-6)	7,614	2-9	5				1
018-860-078	LD (R-1-6)	7,614	2-9	5				1
018-840-055	LD (R-1-6)	7,619	2-9	5				1
018-840-054	LD (R-1-6)	6,398	2-9	5				1
018-840-053	LD (R-1-6)	6,454	2-9	5				1
018-840-052	LD (R-1-6)	6,248	2-9	5				1
018-840-051	LD (R-1-6)	6,299	2-9	5				1
018-840-050	LD (R-1-6)	6,796	2-9	5				1
018-860-027	LD (R-1-6)	7,007	2-9	5				1
018-860-028	LD (R-1-6)	6,974	2-9	5				1
018-860-029	LD (R-1-6)	6,783	2-9	5				1
018-860-030	LD (R-1-6)	10,245	2-9	5				1
018-860-031	LD (R-1-6)	9,288	2-9	5				1
018-860-032	LD (R-1-6)	10,244	2-9	5				1
018-860-033	LD (R-1-6)	6,783	2-9	5				1
018-860-034	LD (R-1-6)	6,973	2-9	5				1

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
018-860-035	LD (R-1-6)	7,007	2-9	5				1
018-860-036	LD (R-1-6)	7,007	2-9	5				1
018-860-037	LD (R-1-6)	7,614	2-9	5				1
018-860-055	LD (R-1-6)	6,617	2-9	5				1
018-860-056	LD (R-1-6)	6,617	2-9	5				1
018-860-057	LD (R-1-6)	6,617	2-9	5				1
018-860-058	LD (R-1-6)	6,617	2-9	5				1
018-860-059	LD (R-1-6)	6,617	2-9	5				1
018-860-060	LD (R-1-6)	6,617	2-9	5				1
018-860-061	LD (R-1-6)	6,617	2-9	5				1
018-860-062	LD (R-1-6)	6,617	2-9	5				1
018-860-063	LD (R-1-6)	6,617	2-9	5				1
018-860-064	LD (R-1-6)	7,361	2-9	5				1
018-800-040	LD	9.81 ac.	2-9	5				49
016-160-016	LD	1.36 ac.	2-9	5				6
016-160-017	LD	1.14 ac.	2-9	5				5
016-160-044	LD	1.25 ac.	2-9	5				6
016-160-043	LD	1.25 ac.	2-9	5				6
018-640-027	LD	64,155	2-9	5				7
008-350-052	LD	8,364	2-9	5				1
008-032-030	LD	11,571	2-9	5				1
007-090-026	LD	15,682	2-9	5				1
007-090-024	LD	24,394	2-9	5				2
012-310-068	LD	5,880	2-9	5				1
012-310-039	LD	9,800	2-9	5				1
012-310-046	LD	2.73 ac.	2-9	5				13
012-310-062	LD	61,000	2-9	5				7
018-421-005	LD	13504	2-9	5				1
018-421-006	LD	1307	2-9	5				1
008-640-040	LD	8,461	2-9	5				1
008-064-041	LD	8,466	2-9	5				1
008-064-042	LD	8,400	2-9	5				1
008-570-011	LD	10,100	2-9	5				1
008-570-005	LD	10,422	2-9	5				1
008-640-013	LD	8,961	2-9	5				1
008-640-014	LD	8,257	2-9	5				1
008-640-015	LD	8,266	2-9	5				1
008-640-016	LD	8,453	2-9	5				1
008-640-017	LD	8,619	2-9	5				1
008-640-033	LD	8,400	2-9	5				1

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
008-640-034	LD	8,914	2-9	5				1
008-640-050	LD	8,400	2-9	5				1
008-640-049	LD	8,400	2-9	5				1
010-091-011	LD (R-1-6)	16,997	2-9	5				1
008-590-001	LD	7,532	2-9	5				1
008-590-002	LD (R-1-6)	6,600	2-9	5				1
014-303-010	LD (R-1-8)	9,800	2-9	5				1
008-293-012	LD (R-1-8)	9,729	2-9	5				1
007-034-039	LD	1,522	2-9	5				1
007-045-034	LD	7.71 ac.	2-9	5				38
008-041-012	LD (R-1-8)	8,775	2-9	5				1
008-063-057	LD (R-1-8)	7,775	2-9	5				1
008-057-021	LD (R-1-8)	12,399	2-9	5				1
008-630-016	LD	14,638	2-9	5				1
008-630-017	LD	9,565	2-9	5				1
008-630-018	LD	6,574	2-9	5				1
008-630-019	LD	6,600	2-9	5				1
008-630-020	LD	6,600	2-9	5				1
008-570-040	LD	13,419	2-9	5				1
008-570-007	LD	13,419	2-9	5				1
008-640-039	LD	8,229	2-9	5				1
009-030-141	LD (R-1-6)	35.39 ac.	2-9	5				176
009-030-136 (portion)	LD (R-1-6)	5.0 ac.	2-9	5				25
007-010-002	LD (R-1-6)	1.38 ac.	2-9	5				6
018-172-002	LD (R-1-6)	13.30 ac.	2-9	5				66
018-172-039	LD (R-1-6)	21.12 ac.	2-9	5				105
018-172-027	LD (R-1-6)	21.12 ac.	2-9	5				105
018-172-040	LD (R-1-6)	0.63 ac.	2-9	5				3
009-050-073	LD (R-1-6)	75.12 ac.	2-9	5				375
009-050-072	LD (R-1-6)	75.12 ac.	2-9	5				375
009-030-004	LD (R-1-6)	66.77 ac.	2-9	5				333
009-030-115	LD (R-1-6)	10.70 ac.	2-9	5				53
009-030-116	LD (R-1-6)	3.10 ac.	2-9	5				15
009-050-004	LD (R-1-8)	10.0 ac.	2-9	5				50
009-050-005	LD (R-1-8)	13.24 ac.	2-9	5				66
009-050-006	LD (R-1-8)	13.24 ac.	2-9	5				66
009-050-007	LD (R-1-8)	12.26 ac.	2-9	5				61
<b>Subtotal - LD</b>					<b>0</b>	<b>1,089</b>	<b>1,089</b>	<b>2,178</b>
018-480-034	MD	10,748	7-15	12	2			2
018-480-035	MD	9,636	7-15	12	2			2

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
018-480-036	MD	9,635	7-15	12	2			2
012-161-020	MD (RM-3)	36,600	7-15	12	10			10
012-161-015	MD (RM-3)	42,000	7-15	12	11			11
012-161-049	MD (RM-3)	63,000	7-15	12	17			17
012-161-012	MD (RM-3)	6,300	7-15	12	1			1
012-161-010	MD (RM-3)	10,500	7-15	12	2			2
012-161-053	MD (RM-3)	12,420	7-15	12	3			3
012-161-052	MD (RM-3)	8,400	7-15	12	2			2
012-161-050	MD (RM-3)	21,420	7-15	12	5			5
012-161-021	MD (RM-3)	6,400	7-15	12	1			1
012-181-003	MD	55,440	7-15	12	15			15
012-173-003	MD	14,050	7-15	12	3			3
012-172-020	MD	6,630	7-15	12	1			1
012-343-027	MD	7,143	7-15	12	1			1
012-310-016	MD	217,627	7-15	12	59			59
012-310-057	MD	86,220	7-15	12	23			23
012-310-022	MD	34,848	7-15	12	9			9
012-310-024	MD	20,798	7-15	12	5			5
012-310-041	MD	22,596	7-15	12	6			6
014-153-015	MD	78408	7-15	12	21			21
012-232-040	MD (RM-3)	42,700	7-15	12	11			11
012-231-003	MD (RM-3)	80586	7-15	12	22			22
012-231-034	MD (RM-3)	12,352	7-15	12	3			3
012-221-012	MD (RM-3)	10,000	7-15	12	2			2
012-221-019	MD (RM-3)	8,755	7-15	12	2			2
012-193-021	MD (RM-3)	17,250	7-15	12	4			4
012-193-019	MD (RM-3)	17,250	7-15	12	4			4
012-193-017	MD (RM-3)	8,600	7-15	12	2			2
012-193-016	MD (RM-3)	6,020	7-15	12	1			1
010-221-016	MD (RM-3)	822	7-15	12	0			0
008-292-009	MD (RM-3)	9,425	7-15	12	2			2
008-410-024	MD	142877	7-15	12	39			39
008-410-046	MD	28,344	7-15	12	7			7
008-410-047	MD	28,354	7-15	12	7			7
008-410-048	MD	31,199	7-15	12	8			8
008-410-052	MD	19,940	7-15	12	5			5
008-410-051	MD	17,970	7-15	12	4			4
008-410-050	MD	20,568	7-15	12	5			5
008-410-049	MD	20,649	7-15	12	5			5
012-193-014	MD (RM-3)	15,000	7-15	12	4			4

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
012-202-005	MD (RM-3)	5,000	7-15	12	1			1
012-201-001	MD (RM-3)	13,000	7-15	12	3			3
012-201-003	MD (RM-3)	7,000	7-15	12	1			1
010-091-014	MD	10,416	7-15	12	2			2
010-221-018	MD	792	7-15	12	0			0
010-224-009	MD	4,650	7-15	12	1			1
010-226-010	MD	3,375	7-15	12	0			0
010-223-005	MD	6,590	7-15	12	1			1
010-199-005	MD	9,863	7-15	12	2			2
010-198-002	MD	6,600	7-15	12	1			1
008-570-016	MD	23,124	7-15	12	6			6
008-570-015	MD	13,768	7-15	12	3			3
008-570-026	MD	11,150	7-15	12	3			3
008-570-018	MD	30,069	7-15	12	8			8
008-570-017	MD	17,203	7-15	12	4			4
018-110-048	MD (RM-3)	3.84 ac.	7-15	12	46			46
018-102-055	MD (RM-3)	3 ac.	7-15	12	36			36
018-102-146	MD (RM-3)	1.96 ac.	7-15	12	23			23
018-102-147	MD (RM-3)	.40 ac.	7-15	12	4			4
018-102-063	MD (RM-3)	2.51 ac.	7-15	12	30			30
009-050-080	MD (RM-3)	3.17 ac.	7-15	12	38			38
009-050-085	MD (RM-3)	8.47 ac.	7-15	12	101			101
009-050-084	MD (RM-3)	2.73 ac.	7-15	12	32			32
009-050-012	MD (RM-3)	10.10 ac.	7-15	12	121			121
009-050-013	MD (RM-3)	1.24 ac.	7-15	12	14			14
009-050-014	MD (RM-3)	.33 ac.	7-15	12	3			3
014-171-001	MD (RM-3)	19,166	7-15	12	5			5
<b>Subtotal - MD</b>					<b>827</b>	<b>0</b>	<b>0</b>	<b>827</b>
014-211-017	MC	7,250	4-22	15	2			2
014-211-018	MC	3,250	4-22	15	1			1
<b>Subtotal - MC</b>					<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>
014-230-082	HD (RM-2)	9.11 ac.	10-22	15	136			136
010-310-046	HD (RM-2)	9.69 ac.	10-22	15	145			145
009-030-136 (portion)	HD (RM-2)	4.4 ac.	10-22	15	66			66
018-102-101	HD (RM-2)	2.74 ac.	10-22	15	41			41
018-102-154	HD (RM-2)	3.15 ac.	10-22	15	47			47
018-102-163	HD (RM-2)	1.41 ac.	10-22	15	21			21
018-102-095 (portion)	HD (RM-2)	30 ac.	10-22	15	450			450
<b>Subtotal - HD</b>					<b>906</b>	<b>0</b>	<b>0</b>	<b>906</b>
<b>Villagio' Master Plan</b>	VLD (R-1-12)	22.5 ac.	0-3	3			60	60

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**Appendix B**

City of Hanford Site (Address/APN)	General Plan/ Zoning	Parcel Size (sq.ft.)	Max. Density (Units/acre)	Realistic Density (Units/acre)	Potential Units			Total
					Lower	Moderate	Above Moderate	
	LD (R-1-6)	160.7 ac.	2-9	5.2		350	350	700
	MD (RM-3)	32.6 ac.	7-15	10.4	305			305
	HD (RM-2)	22.8 ac.	10-22	17.8	363			363
<i>Subtotal - Villagio</i>					<b>668</b>	<b>350</b>	<b>410</b>	<b>1,428</b>
<i>Live Oak<sup>2</sup> Master Plan</i>							130	130
	VLD (R-1-12)	50 ac.	0-3	2.6		700	700	1,400
	LD (R-1-6)	285.7 ac.	2-9	4.9				
	MD (RM-3)	4.23 ac.	7-15	7.1	30			30
<i>Subtotal - Live Oak</i>					<b>30</b>	<b>700</b>	<b>830</b>	<b>1,560</b>
<b>TOTALS</b>					<b>2,434</b>	<b>2,139</b>	<b>2,469</b>	<b>7,042</b>

Notes:

All multi-family sites are assigned to the lower-income category

Single-family sites with standard-sized lots assigned 50% moderate-income and 50% above-moderate-income categories

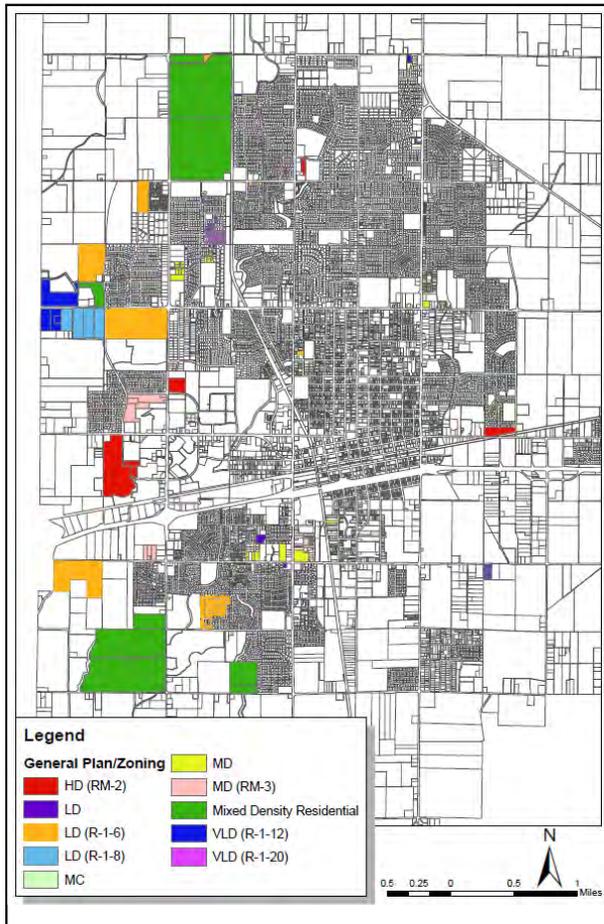
Single-family large lots (>1/2 acre) assigned to the above-moderate-income category

1. The Villagio project currently consists of 2 legal parcels (007-010-031 and 007-360-016). A Master Plan (PUD) was approved for this project in 2009 and a subdivision map has been filed for review. Prior to commencement of construction, the project requires final recordation of the annexation (which has been approved by the City and LAFCO), subdivision maps, and non-discretionary plan check and building permits. No phasing requirements have been imposed by the City, therefore the property owner may commence development of the entire project within the current planning period as market conditions allow.
2. The Live Oak project currently encompasses 25 legal parcels as shown in Figure B-1c. A Master Plan (PUD) and Development Agreement were approved by the City in 2009 and 2 tentative subdivision maps have also been approved for portions of the project. A 3<sup>rd</sup> subdivision map is currently under review. Following recordation of final subdivision maps, only non-discretionary plan check and building permits are necessary prior to construction. The Live Oak Master Plan allows 2<sup>nd</sup> units by-right above garages throughout the entire project, and this option will be offered by builders at the time of sale and construction. 2<sup>nd</sup> units represent a potential for over 1,500 additional lower-income units that are not counted in the approved dwelling unit totals. No phasing requirements have been imposed by the City, therefore the property owner may commence development of the entire project within the current planning period as market conditions allow.

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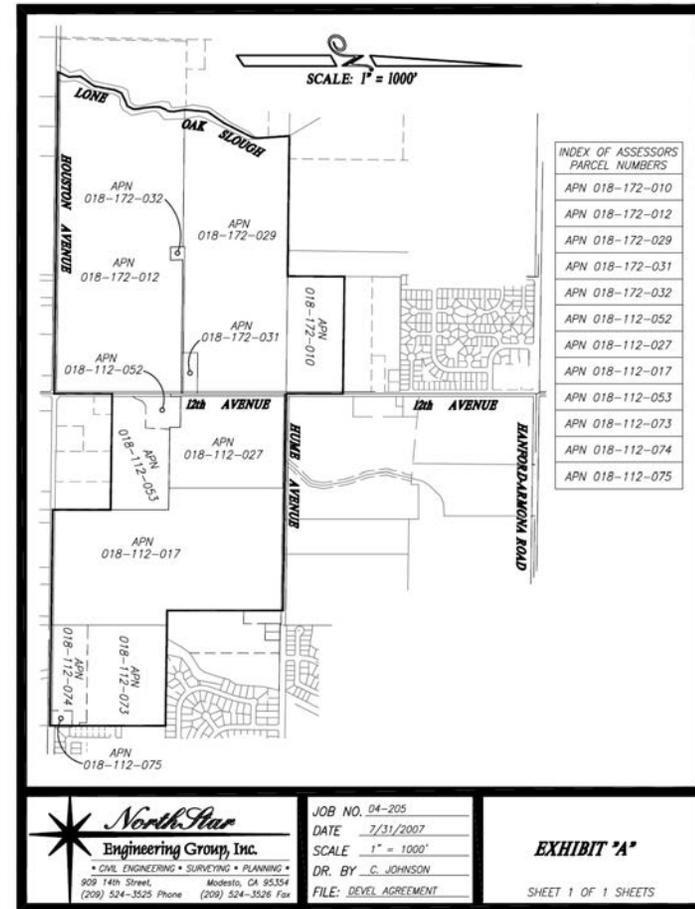
Appendix B

Figure B-1c: Land Inventory Map – City of Hanford



Appendix B

Assessors Parcels – Live Oak Project



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**Appendix B**

**Table B-1d: Residential Land Inventory - City of Lemoore**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023100002000	Very Low Density Res	RVLD	RA-40	0.76	3	2.5					1	1
023150001000	Very Low Density Res	RVLD	RA-20	0.40	3	2.5					1	1
023150002000	Very Low Density Res	RVLD	RA-20	5.64	3	2.5					14	14
023150003000	Very Low Density Res	RVLD	RA-20	4.84	3	2.5					12	12
023150004000	Very Low Density Res	RVLD	RA-20	1.36	3	2.5					3	3
0231500037000	Very Low Density Res	RVLD	RA-20	1.06	3	2.5					2	2
023150041000	Very Low Density Res	RVLD	R-1-7, RA-20	6.98	3	2.5					17	17
023150042000	Very Low Density Res	RVLD	R-1-7	0.13	3	2.5					0	0
023510037000	Very Low Density Res	RVLD	R-1-7,RM-3,RSC,CC	26.42	3	2.5	24.65	25.15			4	4
<b>Subtotal - Very Low Density</b>				<b>47.59</b>			<b>24.65</b>	<b>25.15</b>	<b>0</b>	<b>0</b>	<b>54</b>	<b>54</b>
020014004000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
020014009000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5						1
020021008000	Low Density SFR	RLD,RN	R-1-7	0.09	7	4.5						1
020025001000	Low Density SFR	RLD,RN	R-1-7	0.06	7	4.5						1
020025007000	Low Density SFR	RLD,RN	R-1-7	0.43	7	4.5						1
020031014000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
020093013000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
020111064000	Low Density SFR	RLD,RN	R-1-7	0.37	7	4.5						1
020111065000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1
020113034000	Low Density SFR	RLD,RN	R-1-7	0.38	7	4.5						1
020113035000	Low Density SFR	RLD,RN	R-1-7	0.71	7	4.5						3
020113038000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5						1
020122011000	Low Density SFR	RLD,RN	R-1-7	0.34	7	4.5						1
020122042000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
020132016000	Low Density SFR	RLD,RN	R-1-7, RM-2.5	0.11	7	4.5						1
020142009000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021080010000	Low Density SFR	RLD,RN	R-1-10	2.75	7	4.5						12
021100003000	Low Density SFR	RLD,RN	R-1-7	0.77	7	4.5						3
021110008000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021110009000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021250033000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021260004000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260006000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260007000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1

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**Appendix B**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
021260008000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260009000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260010000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021260011000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021260012000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260013000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021260014000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260015000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260016000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260017000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260018000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021260019000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260020000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260021000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260022000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260024000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260025000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260026000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260027000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260028000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260029000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260030000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260031000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021260032000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021260033000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
021260034000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
021260035000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
021260036000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260037000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
021260038000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
021260039000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
021260040000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
021260041000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
021260042000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021260043000	Low Density SFR	RLD,RN	R-1-7	12.02	7	4.5						54
021360067000	Low Density SFR	RLD,RN	R-1-7, CC	0.19	7	4.5						1
021430026000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
021460012000	Low Density SFR	RLD,RN	R-1-7	1.03	7	4.5						4
021580048000	Low Density SFR	RLD,RN	R-1-7, RSC	0.02	7	4.5						1
021610042000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021620002000	Low Density SFR	RLD,RN	R-1-7, UR	0.53	7	4.5						2
021620005000	Low Density SFR	RLD,RN	R-1-7, UR	2.02	7	4.5						9
021620007000	Low Density SFR	RLD,RN	R-1-7, UR	1.00	7	4.5						4
021620012000	Low Density SFR	RLD,RN	R-1-7, UR	1.31	7	4.5						5
021620013000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5						1
021630008000	Low Density SFR	RLD,RN	R-1-10	0.26	7	4.5						1
021780001000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780002000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021780003000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780004000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780005000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780009000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780010000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780011000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780012000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780013000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780014000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780015000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021780016000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1
021780017000	Low Density SFR	RLD,RN	R-1-7	0.28	7	4.5						1
021780018000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
021780019000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780020000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780021000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780022000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780023000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780024000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780025000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780026000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780027000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780028000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780029000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780030000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780031000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
021780032000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780033000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
021780034000	Low Density SFR	RLD,RN	R-1-7	0.27	7	4.5						1
021780035000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780036000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780037000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780038000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021780039000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021780040000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021780041000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021780042000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780043000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780044000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
021780045000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780046000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780047000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780048000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780049000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780050000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780051000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780052000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780055000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780056000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780057000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780058000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021780059000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780060000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780061000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780062000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780063000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021780064000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780065000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021780066000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021790019000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021800001000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
021800002000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1
021800003000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
021800004000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
021800005000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
021800032000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800033000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800034000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800035000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800036000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800037000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800038000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800039000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021800040000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800041000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800042000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021800043000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800044000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800045000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800046000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021800047000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021800048000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800049000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800050000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021800051000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800052000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800053000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800054000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021800055000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800057000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021800059000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800060000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800061000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021800062000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021800063000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021800068000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021800070000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021810005000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5						1
021810007000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021810008000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
021810009000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021810010000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021810011000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5						1
021810012000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1
021810013000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021810014000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021810016000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021810017000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021810018000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021810019000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
021810020000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1
021810021000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1
021810022000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021810023000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021810024000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021810025000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021810026000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021810027000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021820001000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
021820002000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021820003000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021820004000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021820005000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
021820006000	Low Density SFR	RLD,RN	R-1-7	0.34	7	4.5						1
021820007000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5						1
021820008000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5						1
021820009000	Low Density SFR	RLD,RN	R-1-7	0.30	7	4.5						1
021820010000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1
021820011000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021820012000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021820013000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1
021820014000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1
021820015000	Low Density SFR	RLD,RN	R-1-7	0.29	7	4.5						1
021820016000	Low Density SFR	RLD,RN	R-1-7	0.27	7	4.5						1
021820017000	Low Density SFR	RLD,RN	R-1-7	0.29	7	4.5						1
021820018000	Low Density SFR	RLD,RN	R-1-7	0.31	7	4.5						1
021820019000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1

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**Appendix B**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
021820020000	Low Density SFR	RLD,RN	R-1-7	0.29	7	4.5						1
021820021000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5						1
021820022000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021820023000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021820024000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021820025000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021820026000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021820027000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021820028000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021820029000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021820030000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021820031000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021820032000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
021820033000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
021830001000	Low Density SFR	RLD,RN	R-1-7, RA-20	20.83	7	4.5						93
023010002000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023010013000	Low Density SFR	RLD,RN	R-1-7, RM-2.5	2.20	7	4.5						9
023010014000	Low Density SFR	RLD,RN	R-1-7	0.82	7	4.5						3
023010015000	Low Density SFR	RLD,RN	R-1-7	2.39	7	4.5						10
023010016000	Low Density SFR	RLD,RN	R-1-7	0.48	7	4.5						2
023020005000	Low Density SFR	RLD,RN	R-1-7, RM-2	6.21	7	4.5						27
0230200055000	Low Density SFR	RLD,RN	R-1-7	0.48	7	4.5						2
023020062000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023020085000	Low Density SFR	RLD,RN	R-1-7	0.78	7	4.5						3
023040002000	Low Density SFR	RLD,RN	R-1-7	3.19	7	4.5						14
023040057000	Low Density SFR	RLD,RN	R-1-7	5.14	7	4.5						23
023040073000	Low Density SFR	RLD,RN	UR	1.02	7	4.5						4
023040074000	Low Density SFR	RLD,RN	UR	0.46	7	4.5						2
023070012000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1
023070013000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023070014000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023130001000	Low Density SFR	RLD,RN	R-1-10	0.09	7	4.5						1
023130016000	Low Density SFR	RLD,RN	R-1-10	2.86	7	4.5						12
023130020000	Low Density SFR	RLD,RN	R-1-10	3.15	7	4.5						14
023130030000	Low Density SFR	RLD,RN	R-1-10	3.80	7	4.5						17
023130034000	Low Density SFR	RLD,RN	R-1-10	0.57	7	4.5						2
023130035000	Low Density SFR	RLD,RN	R-1-10	0.46	7	4.5						2

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**Appendix B**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023130038000	Low Density SFR	RLD,RN	R-1-10	5.36	7	4.5						24
023130039000	Low Density SFR	RLD,RN	R-1-10	1.64	7	4.5						7
023130040000	Low Density SFR	RLD,RN	R-1-10	2.59	7	4.5						11
023130041000	Low Density SFR	RLD,RN	R-1-10	0.31	7	4.5						1
023130045000	Low Density SFR	RLD,RN	R-1-10	0.49	7	4.5						2
023150006000	Low Density SFR	RLD,RN	RA-20	0.73	7	4.5						3
023150009000	Low Density SFR	RLD,RN	RA-20	2.12	7	4.5						9
023150029000	Low Density SFR	RLD,RN	R-1-7, RA-20	0.41	7	4.5						1
023150030000	Low Density SFR	RLD,RN	R-1-7	0.48	7	4.5						2
023150033000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
023150049000	Low Density SFR	RLD,RN	RA-20	0.80	7	4.5						3
023150055000	Low Density SFR	RLD,RN	R-1-7, RA-20	0.88	7	4.5						3
023170002000	Low Density SFR	RLD,RN	R-1-7	1.84	7	4.5						8
023170003000	Low Density SFR	RLD,RN	R-1-7	3.08	7	4.5						13
023170004000	Low Density SFR	RLD,RN	R-1-7	2.31	7	4.5						10
023170009000	Low Density SFR	RLD,RN	R-1-7	1.09	7	4.5						4
023170010000	Low Density SFR	RLD,RN	R-1-7, ML	2.34	7	4.5						10
023170010000	Low Density SFR	RLD,RN	R-1-7, ML	5.54	7	4.5						24
023170013000	Low Density SFR	RLD,RN	R-1-7	8.78	7	4.5						39
023290012000	Low Density SFR	RLD,RN	R-1-7	5.21	7	4.5						23
023320005000	Low Density SFR	RLD,RN	R-1-7	4.96	7	4.5	1.621					22
023360008000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
023360009000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
023360010000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023360011000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
023360012000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023360013000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
023360014000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
023360015000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5						1
023360016000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
023360017000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
023360018000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
023360019000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023360020000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023360023000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023360024000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
023360025000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023360026000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.013				1
023360027000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5		0.227				1
023360028000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5		0.25				1
023360029000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5		0.22				1
023360030000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5		0.22				1
023360031000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360032000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360033000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360034000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360035000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360036000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5		0.20				1
023360037000	Low Density SFR	RLD,RN	R-1-7	0.31	7	4.5		0.31				1
023360047000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5		0.25				1
023360048000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023360049000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023360050000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5		0.23				1
023360051000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360053000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5		0.19				1
023360054000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360055000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5		0.19				1
023360056000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5		0.19				1
023360057000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.204				1
023360058000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.004				1
023360059000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023360060000	Low Density SFR	RLD,RN	R-1-7	0.30	7	4.5						1
023360064000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023360065000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1
023360066000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5		0.092				1
023360067000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360068000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5		0.23				1
023360069000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023360070000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5		0.23				1
023360071000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5		0.23				1
023360073000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023360074000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5		0.22				1
023360075000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5		0.21				1
023360077000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5		0.25				1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023360078000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023360079000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5		0.26				1
023360080000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023360081000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5		0.26				1
023360082000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023360084000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023360085000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5		0.184				1
023390060000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5		0.18				1
023390061000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5		0.16				1
023390062000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5		0.16				1
023390063000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5		0.16				1
023390064000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5		0.16				1
023390065000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5		0.16				1
023390066000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5		0.17				1
023390067000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5		0.24				1
023390068000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5		0.17				1
023390069000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5		0.18				1
023390070000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5		0.18				1
023390071000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5		0.18				1
023390072000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5		0.18				1
023390073000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5		0.23				1
023390074000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5		0.23				1
023390075000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5		0.22				1
023390076000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5		0.18				1
023390077000	Low Density SFR	RLD,RN	R-1-7	0.16	7	4.5		0.16				1
023390078000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5		0.26				1
023390079000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5		0.26				1
023390080000	Low Density SFR	RLD,RN	R-1-7	0.26	7	4.5		0.26				1
023390081000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5		0.20				1
023390082000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5		0.20				1
023480006000	Low Density SFR	RLD,RN	R-1-7, MP	21.71	7	4.5		21.71				97
023480031000	Low Density SFR	RLD,RN	R-1-7	5.85	7	4.5		5.85				26
023480037000	Low Density SFR	RLD,RN	R-1-7, MP	5.48	7	4.5		5.48				24
023480038000	Low Density SFR	RLD,RN	R-1-7,RM-3,MP	11.85	7	4.5		11.85				53
023510002000	Low Density SFR	RLD,RN	R-1-7	4.41	7	4.5	4.41	4.41				0
023510002000	Low Density SFR	RLD,RN	R-1-7, RSC	24.75	7	4.5	24.75	24.75				0
023510034000	Low Density SFR	RLD,RN	R-1-7,RM-3,RM-2	30.52	7	4.5	30.52	30.52				0

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023510036000	Low Density SFR	RLD,RN	R-1-7	35.49	7	4.5	35.49	35.49				0
023510037000	Low Density SFR	RLD,RN	R-1-7	1.15	7	4.5	1.15	1.15				0
023510037000	Low Density SFR	RLD,RN	R-1-7	7.86	7	4.5	7.86	7.86				0
023510038000	Low Density SFR	RLD,RN	RM-3,RM-2,RSC	11.47	7	4.5	11.47	11.47				0
023510038000	Low Density SFR	RLD,RN	RM-3, RSC	13.18	7	4.5	8.74	13.18				19
023510039000	Low Density SFR	RLD,RN	RM-3, RSC	5.50	7	4.5	2.28	5.50				14
023510040000	Low Density SFR	RLD,RN	R-1-7	23.64	7	4.5	2.70	23.64				94
023530013000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5						1
023530014000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
023600012000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600043000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023600044000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600045000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023600046000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023600047000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023600048000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600049000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
023600050000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023600051000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023600052000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023600053000	Low Density SFR	RLD,RN	R-1-7	0.20	7	4.5						1
023600054000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600055000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023600056000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600057000	Low Density SFR	RLD,RN	R-1-7	0.27	7	4.5						1
023600058000	Low Density SFR	RLD,RN	R-1-7	0.30	7	4.5						1
023600059000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600060000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600061000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023600062000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023600063000	Low Density SFR	RLD,RN	R-1-7	0.21	7	4.5						1
023600064000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600065000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600066000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600067000	Low Density SFR	RLD,RN	R-1-7	0.19	7	4.5						1
023600075000	Low Density SFR	RLD,RN	R-1-7	10.71	7	4.5						48
023610001000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1

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**Appendix B**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023610002000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610003000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610004000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610005000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610006000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610007000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610008000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610009000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610010000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610011000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610012000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610013000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610014000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610015000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610016000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610017000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610018000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610019000	Low Density SFR	RLD,RN	R-1-7	0.13	7	4.5						1
023610020000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610021000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610022000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610023000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610024000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610025000	Low Density SFR	RLD,RN	R-1-7	0.13	7	4.5						1
023610026000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
023610028000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1
023610029000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610030000	Low Density SFR	RLD,RN	R-1-7	0.13	7	4.5						1
023610031000	Low Density SFR	RLD,RN	R-1-7	0.13	7	4.5						1
023610032000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610033000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610034000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610035000	Low Density SFR	RLD,RN	R-1-7	0.13	7	4.5						1
023610036000	Low Density SFR	RLD,RN	R-1-7	0.13	7	4.5						1
023610037000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610038000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610039000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1

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**Appendix B**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023610040000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610041000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610042000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
023610043000	Low Density SFR	RLD,RN	R-1-7	0.23	7	4.5						1
023610044000	Low Density SFR	RLD,RN	R-1-7	0.14	7	4.5						1
023610045000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610046000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610047000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610048000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610049000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610050000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610051000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610052000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610053000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610054000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610055000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610056000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610057000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610058000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610059000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610060000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
023610061000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610062000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610063000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610065000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610066000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610067000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610068000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610069000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610070000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610071000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610072000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610073000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610074000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610075000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
023610076000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610077000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023610078000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610079000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610080000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610081000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610082000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610083000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
023610084000	Low Density SFR	RLD,RN	R-1-7	0.15	7	4.5						1
024052098000	Low Density SFR	RLD,RN	R-1-7	17.44	7	4.5						78
024340006000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
024340008000	Low Density SFR	RLD,RN	R-1-7	0.10	7	4.5						1
024340040000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
024340041000	Low Density SFR	RLD,RN	R-1-7	0.11	7	4.5						1
024340047000	Low Density SFR	RLD,RN	R-1-7	0.12	7	4.5						1
024360015000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
024360016000	Low Density SFR	RLD,RN	R-1-7	0.24	7	4.5						1
024360022000	Low Density SFR	RLD,RN	R-1-7	0.25	7	4.5						1
024360023000	Low Density SFR	RLD,RN	R-1-7	0.09	7	4.5						1
024380002000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
024380003000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
024380004000	Low Density SFR	RLD,RN	R-1-7	0.17	7	4.5						1
024380005000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
024380006000	Low Density SFR	RLD,RN	R-1-7	0.18	7	4.5						1
024380007000	Low Density SFR	RLD,RN	R-1-7	0.22	7	4.5						1
024380008000	Low Density SFR	RLD,RN	R-1-7, RSC	0.28	7	4.5						1
024380009000	Low Density SFR	RLD,RN	R-1-7, RSC	0.19	7	4.5						1
024380010000	Low Density SFR	RLD,RN	R-1-7, RSC	0.20	7	4.5						1
024380011000	Low Density SFR	RLD,RN	R-1-7, RSC	0.17	7	4.5						1
024380012000	Low Density SFR	RLD,RN	R-1-7, RSC	0.17	7	4.5						1
024380013000	Low Density SFR	RLD,RN	R-1-7, RSC	0.16	7	4.5						1
024380014000	Low Density SFR	RLD,RN	R-1-7, RSC	0.18	7	4.5						1
024380015000	Low Density SFR	RLD,RN	R-1-7, RSC	0.17	7	4.5						1
024380016000	Low Density SFR	RLD,RN	R-1-7, RSC	0.18	7	4.5						1
024380017000	Low Density SFR	RLD,RN	R-1-7, RSC	0.23	7	4.5						1
024380018000	Low Density SFR	RLD,RN	R-1-7, RSC	0.16	7	4.5						1
024380019000	Low Density SFR	RLD,RN	R-1-7, RSC	0.28	7	4.5						1
Subtotal - Low Density SFR				478.58			129.37	217.19	0	724	724	1,448
023480031000	Low Medium Density	RLMD,RN	RM-3,RM-2,PO	15.32	12	9		15.32		137		137

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
020191009000	Low Medium Density	RLMD,RN	RM-2.5	0.20	12	9				1		1
020191030000	Low Medium Density	RLMD,RN	RM-2.5	0.39	12	9				3		3
020192019000	Low Medium Density	RLMD,RN	RM-2.5	0.31	12	9				2		2
021500003000	Low Medium Density	RLMD,RN	R-1-7	2.81	12	9				25		25
020012004000	Low Medium Density	RLMD,RN	RM-2.5	0.19	12	9				1		1
020013013000	Low Medium Density	RLMD,RN	RM-2.5	0.17	12	9				1		1
020013010000	Low Medium Density	RLMD,RN	RM-2.5	0.09	12	9				1		1
020012001000	Low Medium Density	RLMD,RN	RM-2.5	0.07	12	9				1		1
020012009000	Low Medium Density	RLMD,RN	RM-2.5	0.37	12	9				3		3
020011001000	Low Medium Density	RLMD,RN	RM-2.5	0.31	12	9				2		2
020122037000	Low Medium Density	RLMD,RN	RM-2.5	0.10	12	9				1		1
020122031000	Low Medium Density	RLMD,RN	RM-2.5	0.33	12	9				3		3
020172056000	Low Medium Density	RLMD,RN	RM-3	0.85	12	9				7		7
020183001000	Low Medium Density	RLMD,RN	R-1-7	0.22	12	9				2		2
020184007000	Low Medium Density	RLMD,RN	R-1-7	0.23	12	9				2		2
020184008000	Low Medium Density	RLMD,RN	R-1-7	0.23	12	9				2		2
020184017000	Low Medium Density	RLMD,RN	R-1-7	0.09	12	9				1		1
023020011000	Low Medium Density	RLMD,RN	R-1-10	0.37	12	9				3		3
023150046000	Low Medium Density	RLMD,RN	RM-3	0.24	12	9				2		2
023150044000	Low Medium Density	RLMD,RN	RM-3	0.22	12	9				1		1
023150047000	Low Medium Density	RLMD,RN	RM-3	0.21	12	9				1		1
021360025000	Low Medium Density	RLMD,RN	RM-2.5	0.25	12	9				2		2
023140044000	Low Medium Density	RLMD,RN	RM-3	0.02	12	9				1		1
023140043000	Low Medium Density	RLMD,RN	RM-3	0.15	12	9				1		1
024390013000	Low Medium Density	RLMD,RN	RM-3, RSC	0.11	12	9				1		1
023360042000	Low Medium Density	RLMD,RN	RM-3	0.39	12	9		0.39		3		3
023590012000	Low Medium Density	RLMD,RN	RM-3	0.24	12	9		0.24		2		2
023590013000	Low Medium Density	RLMD,RN	RM-3	0.23	12	9		0.23		2		2
023590014000	Low Medium Density	RLMD,RN	RM-3	0.24	12	9		0.24		2		2
023590015000	Low Medium Density	RLMD,RN	RM-3	0.26	12	9		0.26		2		2
023590016000	Low Medium Density	RLMD,RN	RM-3	0.27	12	9		0.27		2		2
023590017000	Low Medium Density	RLMD,RN	RM-3	0.28	12	9		0.28		2		2
023590018000	Low Medium Density	RLMD,RN	RM-3	0.29	12	9		0.29		2		2
023590019000	Low Medium Density	RLMD,RN	RM-3	0.30	12	9		0.30		2		2
023590021000	Low Medium Density	RLMD,RN	RM-3	0.32	12	9		0.32		2		2
023590020000	Low Medium Density	RLMD,RN	RM-3	0.32	12	9		0.32		2		2
023020085000	Low Medium Density	RLMD,RN	R-1-7	5.14	12	9				46		46

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023360041000	Low Medium Density	RLMD,RN	RM-3	0.32	12	9		0.32		2		2
023480034000	Low Medium Density	RLMD,RN	CC	9.44	12	9		9.44		84		84
023480035000	Low Medium Density	RLMD,RN	CC	3.18	12	9		3.18		28		28
023480036000	Low Medium Density	RLMD,RN	CC	7.86	12	9		7.86		70		70
024390001000	Low Medium Density	RLMD,RN	RM-2.5	0.11	12	9				1		1
024390002000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390003000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390004000	Low Medium Density	RLMD,RN	RM-2.5	0.09	12	9				1		1
024390005000	Low Medium Density	RLMD,RN	RM-2.5	0.08	12	9				1		1
024390006000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390007000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390008000	Low Medium Density	RLMD,RN	RM-2.5	0.09	12	9				1		1
024390009000	Low Medium Density	RLMD,RN	RM-2.5	0.09	12	9				1		1
024390010000	Low Medium Density	RLMD,RN	RM-2.5	0.06	12	9				1		1
024390011000	Low Medium Density	RLMD,RN	RM-2.5	0.06	12	9				1		1
024390012000	Low Medium Density	RLMD,RN	RM-2.5	0.09	12	9				1		1
024390036000	Low Medium Density	RLMD,RN	RM-2.5	0.07	12	9				1		1
024390037000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390038000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390039000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390040000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390041000	Low Medium Density	RLMD,RN	RM-2.5	0.05	12	9				1		1
024390042000	Low Medium Density	RLMD,RN	RM-2.5	0.10	12	9				1		1
024390043000	Low Medium Density	RLMD,RN	RM-2.5	1.43	12	9				12		12
024390035000	Low Medium Density	RLMD,RN	RM-2.5	0.12	12	9				1		1
024390034000	Low Medium Density	RLMD,RN	RM-2.5	0.06	12	9				1		1
024390033000	Low Medium Density	RLMD,RN	RM-2.5	0.06	12	9				1		1
024390032000	Low Medium Density	RLMD,RN	RM-2.5	0.11	12	9				1		1
024390031000	Low Medium Density	RLMD,RN	RM-2.5	0.11	12	9				1		1
024390030000	Low Medium Density	RLMD,RN	RM-2.5	0.07	12	9				1		1
024390029000	Low Medium Density	RLMD,RN	RM-2.5	0.07	12	9				1		1
024390028000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.11	12	9				1		1
024390027000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.10	12	9				1		1
024390026000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.06	12	9				1		1
024390025000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.06	12	9				1		1
024390024000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.10	12	9				1		1
024390023000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.09	12	9				1		1

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City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
024390022000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.06	12	9				1		1
024390021000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.06	12	9				1		1
024390020000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.10	12	9				1		1
024390019000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.09	12	9				1		1
024390018000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.06	12	9				1		1
020022004000	Low Medium Density	RLMD,RN	R-1-7, RM-2.5	0.13	12	9				1		1
020022007000	Low Medium Density	RLMD,RN	R-1-7	0.05	12	9				1		1
020031030000	Low Medium Density	RLMD,RN	RM-2.5	1.49	12	9				13		13
020113048000	Low Medium Density	RLMD,RN	PO	0.20	12	9				1		1
024390017000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.07	12	9				1		1
024390016000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.11	12	9				1		1
024390015000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.06	12	9				1		1
024390014000	Low Medium Density	RLMD,RN	RM-2.5, RSC	0.07	12	9				1		1
020192035000	Low Medium Density	RLMD,RN	RM-2.5	0.16	12	9				1		1
023510040000	Low Medium Density	RLMD,RN	R-1-7, RM-2	4.74	12	9		4.74		42		42
023510038000	Low Medium Density	RLMD,RN	R-1-7	9.93	12	9		9.93		89		89
023510038000	Low Medium Density	RLMD,RN	R-1-7, RM-3	0.16	12	9	0.13			1		1
023510039000	Low Medium Density	RLMD,RN	R-1-7	16.00	12	9		16.00		143		143
023320005000	Low Medium Density	RLMD,RN	R-1-7, RM-3	3.48	12	9		3.48		31		31
021100062000	Low Medium Density	RLMD,RN	R-1-7	0.37	12	9				3		3
021100061000	Low Medium Density	RLMD,RN	R-1-7	0.37	12	9				3		3
023130014000	Low Medium Density	RLMD,RN	R-1-7	1.40	12	9				12		12
023130015000	Low Medium Density	RLMD,RN	R-1-10	0.69	12	9				6		6
Subtotal - Low Medium Density				105.08			0.13	73.42	0	860	0	860
023510042000	Medium Density MFR	RMD	CC	4.60	17	14	4.60	4.60	0			0
021070005000	Medium Density MFR	RMD	RM-2.5	2.91	17	14			40			40
021500004000	Medium Density MFR	RMD	R-1-7	5.46	17	14			76			76
021100064000	Medium Density MFR	RMD	R-1-7, RM-2.5	3.97	17	14			55			55
021100009000	Medium Density MFR	RMD	R-1-7	2.83	17	14			39			39
020021001000	Medium Density MFR	RMD	R-1-7	0.17	17	14			2			2
020064003000	Medium Density MFR	RMD	RM-2.5	0.38	17	14			5			5
020063017000	Medium Density MFR	RMD	CS	0.13	17	14			1			1
020064005000	Medium Density MFR	RMD	RM-2.5	0.19	17	14			2			2
023150019000	Medium Density MFR	RMD	ML	0.08	17	14			1			1
023150020000	Medium Density MFR	RMD	ML	0.47	17	14			6			6
023450007000	Medium Density MFR	RMD	CH	1.24	17	14			17			17
023510002000	Medium Density MFR	RMD	RSC	3.51	17	14	2.40	3.51	15			15

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**Appendix B**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
023020068000	Medium Density MFR	RMD	CH	0.69	17	14			9			9
023020066000	Medium Density MFR	RMD	CH	0.76	17	14			10			10
023020067000	Medium Density MFR	RMD	CH	0.67	17	14			9			9
023020065000	Medium Density MFR	RMD	R-1-7	2.04	17	14			28			28
023020090000	Medium Density MFR	RMD	RM-3	0.55	17	14			7			7
023020092000	Medium Density MFR	RMD	RM-3	0.38	17	14			5			5
023020091000	Medium Density MFR	RMD	RM-3	0.38	17	14			5			5
023170015000	Medium Density MFR	RMD	ML	1.64	17	14			22			22
023020064000	Medium Density MFR	RMD	RM-2	2.94	17	14			41			41
023360038000	Medium Density MFR	RMD	CH	0.41	17	14		0.41	5			5
023360039000	Medium Density MFR	RMD	CH	0.29	17	14		0.29	4			4
023360040000	Medium Density MFR	RMD	RM-3	0.21	17	14		0.21	2			2
023510041000	Medium Density MFR	RMD	RM-3, RSC	9.69	17	14	9.06	9.69	8			8
023510019000	Medium Density MFR	RMD	RM-2	1.35	17	14	1.35	1.35	0			0
023480026000	Medium Density MFR	RMD	CH	3.02	17	14		3.02	42			42
023170010000	Medium Density MFR	RMD	ML	2.24	17	14			31			31
023170001000	Medium Density MFR	RMD	ML	2.24	17	14			31			31
023170015000	Medium Density MFR	RMD	ML	1.64	17	14			22			22
023150023000	Medium Density MFR	RMD	ML	0.43	17	14			5			5
023180020000	Medium Density MFR	RMD	ML	0.47	17	14			6			6
Subtotal - Medium Density				77.01			17.41	23.08	551	0	0	551
020270008000	High Density Res	RHD	RM-2, R-1-7	0.25	25	18			4			4
020290007000	High Density Res	RHD	RM-2,CC	0.35	25	18			6			6
Subtotal - High Density				0.61			0.00	0.00	10	0	0	10
020041003000	Mixed-Use <sup>3</sup>	MU	CS	4.58	20	9			41			41
021240040000	Mixed-Use <sup>3</sup>	MU	ML	2.02	20	9	0.16		16			16
023170014000	Mixed-Use <sup>3</sup>	MU	CH	1.29	20	9			11			11
021330003000	Mixed-Use <sup>3</sup>	MU	CS	12.27	20	9			110			110
021340008000	Mixed-Use <sup>3</sup>	MU	PO	0.67	20	9			6			6
021350003000	Mixed-Use <sup>3</sup>	MU	ML	4.79	20	9	0.29		40			40
020043009000	Mixed-Use <sup>3</sup>	MU	CC	0.08	20	9			0			0
020042004000	Mixed-Use <sup>3</sup>	MU	CS	0.17	20	9			1			1
020042011000	Mixed-Use <sup>3</sup>	MU	CC	0.26	20	9			2			2
020042018000	Mixed-Use <sup>3</sup>	MU	CS	0.17	20	9			1			1
020042020000	Mixed-Use <sup>3</sup>	MU	CS	0.10	20	9			0			0
020053015000	Mixed-Use <sup>3</sup>	MU	CS, CC	0.26	20	9			2			2
020053006000	Mixed-Use <sup>3</sup>	MU	CC	0.17	20	9			1			1

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**Appendix B**

City of Lemoore Vacant Sites APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		FEMA 100 yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			Total
					Max	Realistic			Lower	Mod	Upper	
020054013000	Mixed-Use <sup>3</sup>	MU	CC	0.18	20	9			1			1
020050003000	Mixed-Use <sup>3</sup>	MU	CC	2.21	20	9			19			19
020062008000	Mixed-Use <sup>3</sup>	MU	CC	0.17	20	9			1			1
020062011000	Mixed-Use <sup>3</sup>	MU	CC	0.13	20	9			1			1
020082016000	Mixed-Use <sup>3</sup>	MU	CC	0.12	20	9			1			1
020092019000	Mixed-Use <sup>3</sup>	MU	CC	0.09	20	9			0			0
020092004000	Mixed-Use <sup>3</sup>	MU	CC	0.16	20	9			1			1
023020030000	Mixed-Use <sup>3</sup>	MU	CH	0.98	20	9			8			8
023020037000	Mixed-Use <sup>3</sup>	MU	CH	3.32	20	9			29			29
023310003000	Mixed-Use <sup>3</sup>	MU	CH	4.89	20	9			44			44
023310004000	Mixed-Use <sup>3</sup>	MU	CH	0.93	20	9			8			8
023020071000	Mixed-Use <sup>3</sup>	MU	CH	2.82	20	9			25			25
023020070000	Mixed-Use <sup>3</sup>	MU	CH	0.75	20	9			6			6
023020073000	Mixed-Use <sup>3</sup>	MU	CH	3.52	20	9			31			31
023020072000	Mixed-Use <sup>3</sup>	MU	CH	0.58	20	9			5			5
023020069000	Mixed-Use <sup>3</sup>	MU	CH	1.57	20	9			14			14
021660031000	Mixed-Use <sup>3</sup>	MU	CC	8.16	20	9			73			73
020092027000	Mixed-Use <sup>3</sup>	MU	CC	0.14	20	9			1			1
020042023000	Mixed-Use <sup>3</sup>	MU	CC	0.21	20	9			1			1
020041004000	Mixed-Use <sup>3</sup>	MU	CC	0.75	20	9			6			6
020101006000	Mixed-Use <sup>3</sup>	MU	CC	0.17	20	9			1			1
020101001000	Mixed-Use <sup>3</sup>	MU	CC	0.26	20	9			2			2
023510002000	Mixed-Use <sup>3</sup>	MU	R-1-7	2.16	20	9	2.16	2.16	0			0
023510042000	Mixed-Use <sup>3</sup>	MU	RM-3	4.46	20	9	4.46	4.46	0			0
023510040000	Mixed-Use <sup>3</sup>	MU	R-1-7, RM-2	11.09	20	9	11.09	11.09	0			0
023510040000	Mixed-Use <sup>3</sup>	MU	R-1-7, RM-2	7.25	20	9	2.20	7.25	45			45
023310060000	Mixed-Use <sup>3</sup>	MU	CH	27.34	20	9			246			246
Subtotal - Mixed Use				111.21			20.36	24.96	800	0	0	800
<b>TOTAL - VACANT LAND WITHIN CITY LIMITS</b>				<b>820.08</b>			<b>191.92</b>	<b>363.80</b>	<b>1,361</b>	<b>1,584</b>	<b>778</b>	<b>3,723</b>

VACANT AREAS WITHIN THE URBAN GROWTH BOUNDARY OF THE LEMOORE 2030 GENERAL PLAN

Lemoore Urban Growth Boundary Area	General Plan	Proposed Zoning	Existing Zoning	Acreage	Density		FEMA 100-yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			
					Max	Realistic			Lower	Mod	Upper	Total
UGBA	Agriculture/Rural Res	AR		40.51	0.2	0.05					2	2
UGBA	Agriculture/Rural Res	AR		9.00	0.2	0.05					0	0
UGBA	Agriculture/Rural Res	AR		5.69	0.2	0.05					0	0

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Lemoore Urban Growth Boundary Area	General Plan	Proposed Zoning	Existing Zoning	Acreage	Density		FEMA 100-yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			
					Max	Realistic			Lower	Mod	Upper	Total
UGBA	Agriculture/Rural Res	AR		19.39	0.2	0.05					0	0
UGBA	Agriculture/Rural Res	AR		43.67	0.2	0.05					2	2
UGBA	Agriculture/Rural Res	AR		13.06	0.2	0.05					0	0
UGBA	Agriculture/Rural Res	AR		2.59	0.2	0.05					0	0
UGBA	Agriculture/Rural Res	AR		33.12	0.2	0.05					1	1
UGBA	Agriculture/Rural Res	AR		45.24	0.2	0.05					2	2
UGBA	Agriculture/Rural Res	AR		67.51	0.2	0.05					3	3
Subtotal - Agriculture/Rural				279.78			232.19	413.72	0	0	10	10
UGBA	Very Low Density Res	RVLD	UGBA	12.44	3	2.5					31	31
UGBA	Very Low Density Res	RVLD	UGBA	49.45	3	2.5					123	123
UGBA	Very Low Density Res	RVLD	UGBA	0.94	3	2.5					2	2
UGBA	Very Low Density Res	RVLD	UGBA	0.93	3	2.5					2	2
UGBA	Very Low Density Res	RVLD	UGBA	0.93	3	2.5					2	2
UGBA	Very Low Density Res	RVLD	UGBA	0.94	3	2.5					2	2
UGBA	Very Low Density Res	RVLD	UGBA	1.02	3	2.5					2	2
UGBA	Very Low Density Res	RVLD	UGBA	1.21	3	2.5					3	3
UGBA	Very Low Density Res	RVLD	UGBA	1.21	3	2.5					3	3
UGBA	Very Low Density Res	RVLD	UGBA	6.00	3	2.5					14	14
UGBA	Very Low Density Res	RVLD	UGBA	8.96	3	2.5					22	22
UGBA	Very Low Density Res	RVLD	UGBA	31.73	3	2.5					79	79
UGBA	Very Low Density Res	RVLD	UGBA	43.45	3	2.5					108	108
UGBA	Very Low Density Res	RVLD	UGBA	3.90	3	2.5					9	9
UGBA	Very Low Density Res	RVLD	UGBA	123.12	3	2.5					307	307
UGBA	Very Low Density Res	RVLD	UGBA	6.67	3	2.5					16	16
UGBA	Very Low Density Res	RVLD	UGBA	168.94	3	2.5	56.49				281	281
UGBA	Very Low Density Res	RVLD	UGBA	13.85	3	2.5	7.22				16	16
024040006000	Very Low Density Res	RVLD	UGBA	75.82	3	2.5		17.47			189	189
024040006000	Very Low Density Res	RVLD	UGBA	24.05	3	2.5		0.18			60	60
024040006000	Very Low Density Res	RVLD	UGBA	6.34	3	2.5		6.34			15	15
023040041000	Very Low Density Res	RVLD	UGBA	1.98	3	2.5					4	4
023040055000	Very Low Density Res	RVLD	UGBA	29.54	3	2.5					73	73
023040056000	Very Low Density Res	RVLD	UGBA	4.20	3	2.5					10	10
Subtotal - Very Low Density Res									0	0	1,373	1,373
UGBA	Low Density SFR	RLD,RN	UGBA	39.77	7	4.5		39.77				178
UGBA	Low Density SFR	RLD,RN	UGBA	43.58	7	4.5						196
UGBA	Low Density SFR	RLD,RN	UGBA	12.93	7	4.5						58
UGBA	Low Density SFR	RLD,RN	UGBA	18.99	7	4.5						85
UGBA	Low Density SFR	RLD,RN	UGBA	5.05	7	4.5						22

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**Appendix B**

Lemoore Urban Growth Boundary Area	General Plan	Proposed Zoning	Existing Zoning	Acreage	Density		FEMA 100-yr <sup>1</sup>	LNAS <sup>2</sup>	Potential Units			
					Max	Realistic			Lower	Mod	Upper	Total
UGBA	Low Density SFR	RLD,RN	UGBA	27.20	7	4.5					122	
UGBA	Low Density SFR	RLD,RN	UGBA	17.03	7	4.5					76	
UGBA	Low Density SFR	RLD,RN	UGBA	3.87	7	4.5					17	
UGBA	Low Density SFR	RLD,RN	UGBA	7.90	7	4.5					35	
UGBA	Low Density SFR	RLD,RN	UGBA	8.59	7	4.5					38	
UGBA	Low Density SFR	RLD,RN	UR	44.12	7	4.5					198	
UGBA	Low Density SFR	RLD,RN	UGBA	73.37	7	4.5					330	
UGBA	Low Density SFR	RLD,RN	UGBA	57.47	7	4.5					258	
UGBA	Low Density SFR	RLD,RN	UGBA	24.44	7	4.5					109	
024040006000	Low Density SFR	RLD,RN	UGBA	31.42	7	4.5		20.909			141	
024040006000	Low Density SFR	RLD,RN	UGBA	85.56	7	4.5		59.235			385	
024051008000	Low Density SFR	RLD,RN	UGBA	2.75	7	4.5		2.75			12	
021570001000	Low Density SFR	RLD,RN	UGBA	19.77	7	4.5					88	
021630001000	Low Density SFR	RLD,RN	UGBA	9.50	7	4.5					42	
Subtotal - Low Density SFR									0	1,1950	1,1950	2,390
UGBA	Low Medium Density Res	RLMD,RN	UGBA	9.62	12	9				86	86	
UGBA	Low Medium Density Res	RLMD,RN	UGBA	29.60	12	9	12.39			154	154	
023020012000	Low Medium Density Res	RLMD,RN	UGBA	2.49	12	9				22	22	
024040006000	Low Medium Density Res	RLMD,RN	UGBA	29.03	12	9		29.03		261	261	
024040006000	Low Medium Density Res	RLMD,RN	UGBA	26.39	12	9		26.39		237	237	
UGBA	Low Medium Density Res	RLMD,RN	UGBA	6.14	12	9				55	55	
UGBA	Low Medium Density Res	RLMD,RN	UGBA	0.40	12	9				3	3	
Subtotal - Low Medium Density Res									0	818	0	818
UGBA	Mixed-Use <sup>3</sup>	MU	UGBA	5.43	20	9			48		48	
UGBA	Mixed-Use <sup>3</sup>	MU	UGBA	2.57	20	9			23		23	
Subtotal - Mixed Use									71		0	71
<b>Total - UGBA</b>				<b>121.16</b>			<b>76.10</b>	<b>202.09</b>	<b>71</b>	<b>2,013</b>	<b>2,578</b>	<b>4,662</b>

**NOTES:**

1. FEMA - Amount of Acreage in 100-year floodplain
2. LNAS- Amount of acreage within a Lemoore Naval Air Station noise contour
3. See Chapter 5, Program 4.7 regarding mixed-use development.

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**Appendix B**

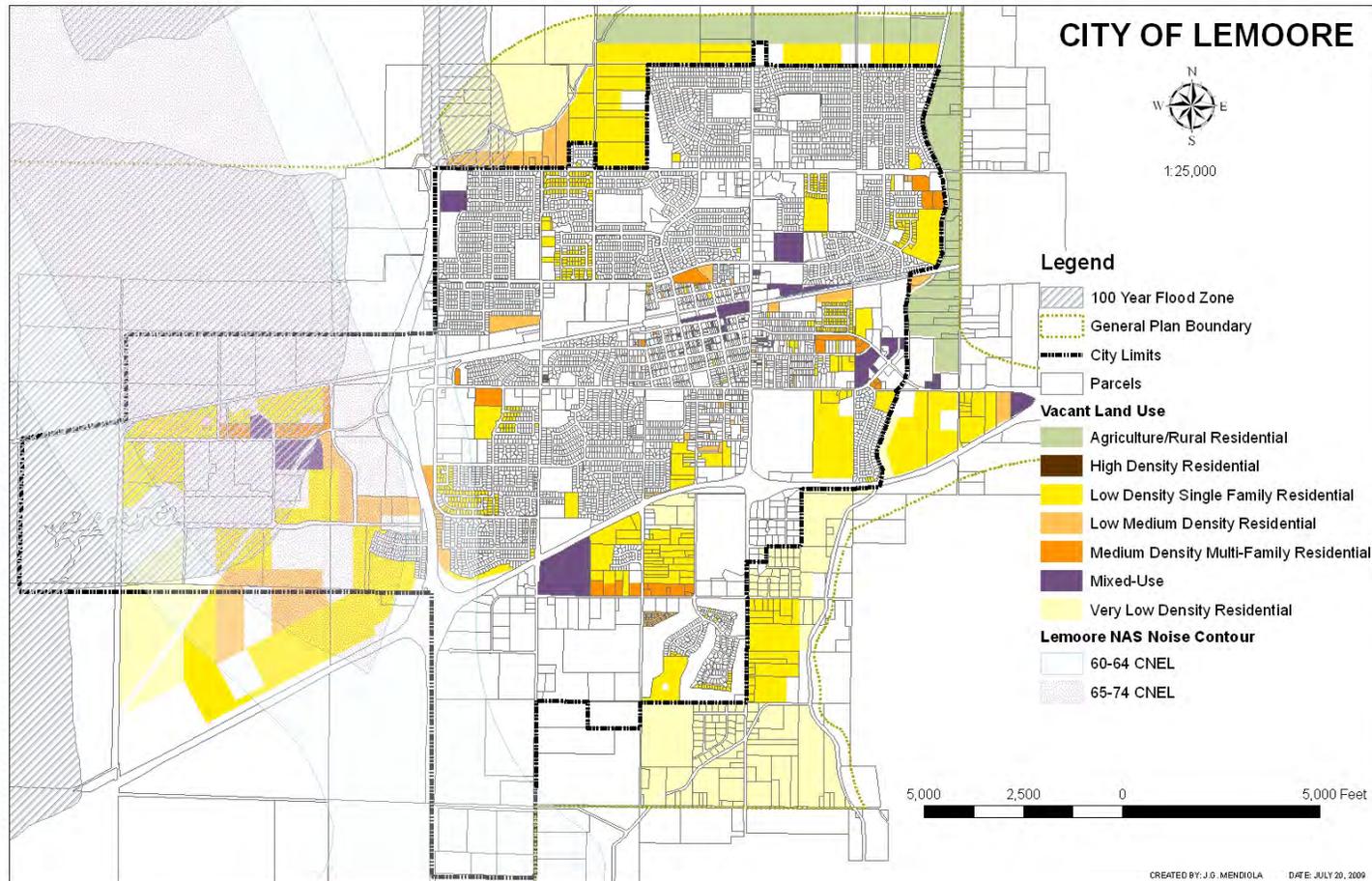
City of Lemoore Underutilized APN	General Plan	Proposed Zoning	Existing Zoning	Acreage	Densities		Existing Use (Type/Condition)	Potential Units			Total
					Max	Realistic		Lower	Mod	Upper	
023150005000	Low Density SFR	RLD,RN	RA-20	2.75	7	4.5	1 SFD / Substantial deterioration				12
023150007000	Low Density SFR	RLD,RN	RA-20	1.34	7	4.5	1 SFD / Sound				6
023150008000	Low Density SFR	RLD,RN	R-1-7	2.73	7	4.5	1 SFD / Minor deterioration				12
023150010000	Low Density SFR	RLD,RN	RA-20	0.56	7	4.5	1 SFD / Substantial deterioration				2
023150011000	Low Density SFR	RLD,RN	RA-20	0.22	7	4.5	1 SFD / Dilapidated				1
023150016000	Low Density SFR	RLD,RN	ML	1.15	7	4.5	OT / Commercial				5
023150026000	Low Density SFR	RLD,RN	R-1-7, RA-20	0.81	7	4.5	1 SFD / Sound				3
023150027000	Low Density SFR	RLD,RN	R-1-7, RA-20	0.77	7	4.5	1 SFD / Sound				3
023150028000	Low Density SFR	RLD,RN	R-1-7, RA-20	1.18	7	4.5	1 SFD / Sound				3
023150031000	Low Density SFR	RLD,RN	R-1-7, RA-20	1.01	7	4.5	1 SFD / Sound				4
023150032000	Low Density SFR	RLD,RN	R-1-7, RA-20	1.79	7	4.5	1 SFD / Minor deterioration				8
023150036000	Low Density SFR	RLD,RN	R-1-7, RA-20	2.61	7	4.5	1 SFD / Sound				9
023150050000	Low Density SFR	RLD,RN	RA-20	1.92	7	4.5	1 SFD / Sound				7
023150051000	Low Density SFR	RLD,RN	R-1-7, RA-20	1.16	7	4.5	1 SFD / Sound				4
023150052000	Low Density SFR	RLD,RN	R-1-7, RA-20	1.22	7	4.5	1 SFD / Sound				4
023150054000	Low Density SFR	RLD,RN	R-1-7, RA-20	1.49	7	4.5	1 SFD / Sound				5
023170001000	Low Density SFR	RLD,RN	R-1-7	7.49	7	4.5	OT / Commercial				33
023170006000	Low Density SFR	RLD,RN	R-1-7, ML	2.00	7	4.5	1 SFD / Minor deterioration				9
023150015000	Low Density SFR	RLD,RN	RA-20	1.49	7	4.5	NA / Industrial				5
023150053000	Low Density SFR	RLD,RN	RA-20	2.44	7	4.5	1 SFD / Sound				9
023430018000	Low Medium Density	RLMD,RN	UR	9.93	12	9	1 SFD / Moderate deterioration		75		75
023150018000	Medium Density MFR	RMD	ML	0.36	17	14	NA / Industrial	4			4
023420011000	Medium Density MFR	RMD	RM-3	6.94	17	14	1 SFD / Moderate deterioration / Industrial	82			82
023170011000	Medium Density MFR	RMD	ML	2.41	17	14	OT / Commercial	33			33
023150022000	Medium Density MFR	RMD	ML	0.63	17	14	OT / Commercial	8			8
023150021000	Medium Density MFR	RMD	ML	4.93	17	14	1 SFD / Minor deterioration	69			69
023150017000	Medium Density MFR	RMD	ML	1.18	17	14	NA / Industrial	14			14
<b>TOTAL - WITHIN CITY LIMITS</b>								<b>210</b>	<b>147</b>	<b>72</b>	<b>429</b>
UGBA	Very Low Density Res	RVLD	UGBA	44.73	3	2.5				111	111

Key:  
 SF → Single Family  
 OT → Other  
 Building Type / Condition of Structure / Comments

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**Appendix B**

**Figure B-1d: Land Inventory Map – City of Lemoore**



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**Appendix B**

**Table B-1e: Residential Land Inventory – Unincorporated Kings County**

County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
Very Low Density Residential								
018173001000	VLD	RRE	1 du/ac	0.48	1	1	Yes	None
018173010000	VLD	RRE	1 du/ac	0.59	1	1	Yes	None
018490014000	VLD	RRE	1 du/ac	0.78	1	1	Yes	None
018490061000	VLD	RRE	1 du/ac	1.00	1	1	Yes	None
018490068000	VLD	RRE	1 du/ac	1.18	1	1	Yes	None
018173018000	VLD	RRE	1 du/ac	1.38	1	1	Yes	None
018173018000	VLD	RRE	1 du/ac	1.68	2	2	Yes	None
018490085000	VLD	RRE	1 du/ac	2.01	2	2	Yes	None
018173017000	VLD	RRE	1 du/ac	2.59	3	3	Yes	None
018173017000	VLD	RRE	1 du/ac	2.70	3	3	Yes	None
018173017000	VLD	RRE	1 du/ac	3.10	3	3	Yes	None
018490022000	VLD	RRE	1 du/ac	8.33	8	8	Yes	None
016042075000	VLD	RRE	1 du/ac	0.12	1	1	Septic & Well	Variance Required
009160009000	VLD	RRE	1 du/ac	0.17	1	1	Septic & Well	Variance Required
009160028000	VLD	RRE	1 du/ac	0.17	1	1	Septic & Well	Variance Required
007030008000	VLD	RRE	1 du/ac	0.21	1	1	Septic & Well	Variance Required
018201086000	VLD	RRE	1 du/ac	0.27	1	1	Septic & Well	Variance Required
018210079000	VLD	RRE	1 du/ac	0.29	1	1	Septic & Well	Variance Required
018121065000	VLD	RRE	1 du/ac	0.30	1	1	Septic & Well	Variance Required
018121064000	VLD	RRE	1 du/ac	0.32	1	1	Septic & Well	Variance Required
018130001000	VLD	RRE	1 du/ac	0.43	1	1	Septic & Well	Variance Required
018130011000	VLD	RRE	1 du/ac	0.45	1	1	Septic & Well	Variance Required
018130025000	VLD	RRE	1 du/ac	0.48	1	1	Septic & Well	Variance Required
016032006000	VLD	RRE	1 du/ac	0.48	1	1	Septic & Well	Variance Required
016042033000	VLD	RRE	1 du/ac	0.49	1	1	Septic & Well	Variance Required
016043044000	VLD	RRE	1 du/ac	0.49	1	1	Septic & Well	Variance Required
016043004000	VLD	RRE	1 du/ac	0.50	1	1	Septic & Well	Variance Required
016042067000	VLD	RRE	1 du/ac	0.73	1	1	Septic & Well	Variance Required
016042019000	VLD	RRE	1 du/ac	0.77	1	1	Septic & Well	Variance Required
016041037000	VLD	RRE	1 du/ac	0.79	1	1	Septic & Well	Variance Required
016041036000	VLD	RRE	1 du/ac	0.82	1	1	Septic & Well	Variance Required
016150010000	VLD	RRE	1 du/ac	0.84	1	1	Septic & Well	Variance Required
016150004000	VLD	RRE	1 du/ac	0.85	1	1	Septic & Well	Variance Required
016150019000	VLD	RRE	1 du/ac	0.86	1	1	Septic & Well	Variance Required
016160071000	VLD	RRE	1 du/ac	0.87	1	1	Septic & Well	Variance Required

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**Appendix B**

County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
016160062000	VLD	RRE	1 du/ac	0.90	1	1	Septic & Well	Variance Required
016160015000	VLD	RRE	1 du/ac	0.92	1	1	Septic & Well	Variance Required
016160067000	VLD	RRE	1 du/ac	0.92	1	1	Septic & Well	Variance Required
014143009000	VLD	RRE	1 du/ac	0.94	1	1	Septic & Well	Variance Required
014143008000	VLD	RRE	1 du/ac	0.96	1	1	Septic & Well	Variance Required
014143013000	VLD	RRE	1 du/ac	0.96	1	1	Septic & Well	Variance Required
014143011000	VLD	RRE	1 du/ac	0.96	1	1	Septic & Well	Variance Required
014400002000	VLD	RRE	1 du/ac	0.96	1	1	Septic & Well	Variance Required
002251015000	VLD	RRE	1 du/ac	0.98	1	1	Septic & Well	Variance Required
002251006000	VLD	RRE	1 du/ac	0.98	1	1	Septic & Well	Variance Required
009050030000	VLD	RRE	1 du/ac	0.98	1	1	Septic & Well	Variance Required
009050031000	VLD	RRE	1 du/ac	0.99	1	1	Septic & Well	Variance Required
009080001000	VLD	RRE	1 du/ac	1.00	1	1	Septic & Well	None
009080017000	VLD	RRE	1 du/ac	1.00	1	1	Septic & Well	None
009080027000	VLD	RRE	1 du/ac	1.01	1	1	Septic & Well	None
009110001000	VLD	RRE	1 du/ac	1.01	1	1	Septic & Well	None
009110003000	VLD	RRE	1 du/ac	1.01	1	1	Septic & Well	None
009130002000	VLD	RRE	1 du/ac	1.01	1	1	Septic & Well	None
009160034000	VLD	RRE	1 du/ac	1.02	1	1	Septic & Well	None
005030013000	VLD	RRE	1 du/ac	1.02	1	1	Septic & Well	None
005030012000	VLD	RRE	1 du/ac	1.02	1	1	Septic & Well	None
005090005000	VLD	RRE	1 du/ac	1.02	1	1	Septic & Well	None
004261029000	VLD	RRE	1 du/ac	1.03	1	1	Septic & Well	None
004261021000	VLD	RRE	1 du/ac	1.04	1	1	Septic & Well	None
004261028000	VLD	RRE	1 du/ac	1.05	1	1	Septic & Well	None
004270003000	VLD	RRE	1 du/ac	1.05	1	1	Septic & Well	None
004270016000	VLD	RRE	1 du/ac	1.05	1	1	Septic & Well	None
004270036000	VLD	RRE	1 du/ac	1.06	1	1	Septic & Well	None
004270006000	VLD	RRE	1 du/ac	1.07	1	1	Septic & Well	None
023040022000	VLD	RRE	1 du/ac	1.08	1	1	Septic & Well	None
023040024000	VLD	RRE	1 du/ac	1.09	1	1	Septic & Well	None
023040023000	VLD	RRE	1 du/ac	1.10	1	1	Septic & Well	None
0340500041000	VLD	RRE	1 du/ac	1.10	1	1	Septic & Well	None
034060051000	VLD	RRE	1 du/ac	1.10	1	1	Septic & Well	None
034060037000	VLD	RRE	1 du/ac	1.10	1	1	Septic & Well	None
034060002000	VLD	RRE	1 du/ac	1.11	1	1	Septic & Well	None
034060050000	VLD	RRE	1 du/ac	1.12	1	1	Septic & Well	None
034080013000	VLD	RRE	1 du/ac	1.12	1	1	Septic & Well	None

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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
034080034000	VLD	RRE	1 du/ac	1.12	1	1	Septic & Well	None
034080031000	VLD	RRE	1 du/ac	1.13	1	1	Septic & Well	None
034101008000	VLD	RRE	1 du/ac	1.13	1	1	Septic & Well	None
034101018000	VLD	RRE	1 du/ac	1.13	1	1	Septic & Well	None
034101017000	VLD	RRE	1 du/ac	1.13	1	1	Septic & Well	None
034101027000	VLD	RRE	1 du/ac	1.13	1	1	Septic & Well	None
034102017000	VLD	RRE	1 du/ac	1.13	1	1	Septic & Well	None
034102024000	VLD	RRE	1 du/ac	1.14	1	1	Septic & Well	None
034102025000	VLD	RRE	1 du/ac	1.14	1	1	Septic & Well	None
034102019000	VLD	RRE	1 du/ac	1.14	1	1	Septic & Well	None
034160017000	VLD	RRE	1 du/ac	1.14	1	1	Septic & Well	None
034160016000	VLD	RRE	1 du/ac	1.15	1	1	Septic & Well	None
044120024000	VLD	RRE	1 du/ac	1.17	1	1	Septic & Well	None
044120021000	VLD	RRE	1 du/ac	1.18	1	1	Septic & Well	None
044120004000	VLD	RRE	1 du/ac	1.19	1	1	Septic & Well	None
009090012000	VLD	RRE	1 du/ac	1.20	1	1	Septic & Well	None
021050009000	VLD	RRE	1 du/ac	1.20	1	1	Septic & Well	None
021050007000	VLD	RRE	1 du/ac	1.20	1	1	Septic & Well	None
009120005000	VLD	RRE	1 du/ac	1.21	1	1	Septic & Well	None
009090017000	VLD	RRE	1 du/ac	1.21	1	1	Septic & Well	None
005100004000	VLD	RRE	1 du/ac	1.21	1	1	Septic & Well	None
005100002000	VLD	RRE	1 du/ac	1.21	1	1	Septic & Well	None
005100003000	VLD	RRE	1 du/ac	1.21	1	1	Septic & Well	None
005100001000	VLD	RRE	1 du/ac	1.22	1	1	Septic & Well	None
005100014000	VLD	RRE	1 du/ac	1.22	1	1	Septic & Well	None
005100013000	VLD	RRE	1 du/ac	1.22	1	1	Septic & Well	None
005100012000	VLD	RRE	1 du/ac	1.25	1	1	Septic & Well	None
005100010000	VLD	RRE	1 du/ac	1.25	1	1	Septic & Well	None
005100009000	VLD	RRE	1 du/ac	1.25	1	1	Septic & Well	None
005100007000	VLD	RRE	1 du/ac	1.25	1	1	Septic & Well	None
005100008000	VLD	RRE	1 du/ac	1.26	1	1	Septic & Well	None
005100006000	VLD	RRE	1 du/ac	1.32	1	1	Septic & Well	None
005100005000	VLD	RRE	1 du/ac	1.35	1	1	Septic & Well	None
014410004000	VLD	RRE	1 du/ac	1.44	1	1	Septic & Well	None
016150025000	VLD	RRE	1 du/ac	1.45	1	1	Septic & Well	None
016150024000	VLD	RRE	1 du/ac	1.47	1	1	Septic & Well	None
009120006000	VLD	RRE	1 du/ac	1.55	2	2	Septic & Well	None
004270051000	VLD	RRE	1 du/ac	1.63	2	2	Septic & Well	None

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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
014410010000	VLD	RRE	1 du/ac	1.68	2	2	Septic & Well	None
005050035000	VLD	RRE	1 du/ac	1.69	2	2	Septic & Well	None
009160016000	VLD	RRE	1 du/ac	1.70	2	2	Septic & Well	None
009160015000	VLD	RRE	1 du/ac	1.73	2	2	Septic & Well	None
009160014000	VLD	RRE	1 du/ac	1.73	2	2	Septic & Well	None
009160051000	VLD	RRE	1 du/ac	1.74	2	2	Septic & Well	None
009160050000	VLD	RRE	1 du/ac	1.74	2	2	Septic & Well	None
009160049000	VLD	RRE	1 du/ac	1.82	2	2	Septic & Well	None
009160032000	VLD	RRE	1 du/ac	1.85	2	2	Septic & Well	None
009160021000	VLD	RRE	1 du/ac	1.93	2	2	Septic & Well	None
009160022000	VLD	RRE	1 du/ac	1.94	2	2	Septic & Well	None
009160023000	VLD	RRE	1 du/ac	2.05	2	2	Septic & Well	None
009160024000	VLD	RRE	1 du/ac	2.15	2	2	Septic & Well	None
009160025000	VLD	RRE	1 du/ac	2.28	2	2	Septic & Well	None
009160026000	VLD	RRE	1 du/ac	2.40	2	2	Septic & Well	None
009160029000	VLD	RRE	1 du/ac	2.42	2	2	Septic & Well	None
009160027000	VLD	RRE	1 du/ac	2.44	2	2	Septic & Well	None
009160030000	VLD	RRE	1 du/ac	2.53	3	3	Septic & Well	None
009160031000	VLD	RRE	1 du/ac	2.54	3	3	Septic & Well	None
009160020000	VLD	RRE	1 du/ac	2.57	3	3	Septic & Well	None
009160048000	VLD	RRE	1 du/ac	2.77	3	3	Septic & Well	None
009160047000	VLD	RRE	1 du/ac	2.88	3	3	Septic & Well	None
009160046000	VLD	RRE	1 du/ac	3.00	3	3	Septic & Well	None
009160045000	VLD	RRE	1 du/ac	3.01	3	3	Septic & Well	None
009160044000	VLD	RRE	1 du/ac	3.02	3	3	Septic & Well	None
009160043000	VLD	RRE	1 du/ac	3.03	3	3	Septic & Well	None
009160041000	VLD	RRE	1 du/ac	3.04	3	3	Septic & Well	None
009160042000	VLD	RRE	1 du/ac	3.21	3	3	Septic & Well	None
009160040000	VLD	RRE	1 du/ac	3.30	3	3	Septic & Well	None
009160039000	VLD	RRE	1 du/ac	3.55	4	4	Septic & Well	None
009160038000	VLD	RRE	1 du/ac	3.84	4	4	Septic & Well	None
009160037000	VLD	RRE	1 du/ac	3.96	4	4	Septic & Well	None
009160036000	VLD	RRE	1 du/ac	4.01	4	4	Septic & Well	None
009160035000	VLD	RRE	1 du/ac	4.11	4	4	Septic & Well	None
009160033000	VLD	RRE	1 du/ac	4.69	5	5	Septic & Well	None
009080030000	VLD	RRE	1 du/ac	7.16	7	7	Septic & Well	None
009080031000	VLD	RRE	1 du/ac	7.62	8	8	Septic & Well	None
009080032000	VLD	RRE	1 du/ac	7.77	8	8	Septic & Well	None

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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
009080033000	VLD	RRE	1 du/ac	8.20	8	8	Septic & Well	None
009080034000	VLD	RRE	1 du/ac	8.45	8	8	Septic & Well	None
016042076000	VLD	RRE	1 du/ac	9.11	9	9	Septic & Well	None
016042076000	VLD	RRE	1 du/ac	11.34	8	8	Septic & Well	None
016150004000	VLD	RRE	1 du/ac	12.82	9	9	Septic & Well	None
009070042000	VLD	RRE	1 du/ac	14.84	10	10	Septic & Well	None
009130003000	VLD	RRE	1 du/ac	47.16	33	33	Septic & Well	None
<b>Subtotal - Very Low Density Residential</b>				<b>350.1</b>	<b>334</b>			
<b>Low Density Residential</b>								
026120034000	LD	R-1-20	1-2 du/ac	0.97	2	2	Yes	None
026100028000	LD	R-1-20	1-2 du/ac	1.77	4	4	Yes	None
026100031000	LD	R-1-20	1-2 du/ac	3.68	7	7	Yes	None
014162046000	LD	R-1-20	1-2 du/ac	0.20	1	0	Septic & Well	Variance Required
014161041000	LD	R-1-20	1-2 du/ac	0.25	1	1	Septic & Well	Variance Required
014162040000	LD	R-1-20	1-2 du/ac	0.27	1	1	Septic & Well	Variance Required
014162007000	LD	R-1-20	1-2 du/ac	0.29	1	1	Septic & Well	Variance Required
014162069000	LD	R-1-20	1-2 du/ac	0.30	1	1	Septic & Well	Variance Required
014162070000	LD	R-1-20	1-2 du/ac	0.35	1	1	Septic & Well	Variance Required
014186018000	LD	R-1-20	1-2 du/ac	0.52	1	1	Septic & Well	Variance Required
014186010000	LD	R-1-20	1-2 du/ac	0.54	1	1	Septic & Well	Variance Required
009150024000	LD	R-1-20	1-2 du/ac	0.61	1	1	Septic & Well	Variance Required
009150005000	LD	R-1-20	1-2 du/ac	0.70	1	1	Septic & Well	Variance Required
009150028000	LD	R-1-20	1-2 du/ac	0.81	1	2	Septic & Well	Variance Required
005050006000	LD	R-1-20	1-2 du/ac	0.82	1	2	Septic & Well	Variance Required
005050007000	LD	R-1-20	1-2 du/ac	0.89	1	2	Septic & Well	Variance Required
005050008000	LD	R-1-20	1-2 du/ac	0.90	1	2	Septic & Well	Variance Required
023040041000	LD	R-1-20	1-2 du/ac	0.96	1	2	Septic & Well	Variance Required
023040055000	LD	R-1-20	1-2 du/ac	1.06	1	2	Septic & Well	None
023040056000	LD	R-1-20	1-2 du/ac	1.15	1	2	Septic & Well	None
023040051000	LD	R-1-20	1-2 du/ac	1.63	1	3	Septic & Well	None
023040050000	LD	R-1-20	1-2 du/ac	1.98	2	4	Septic & Well	None
023040042000	LD	R-1-20	1-2 du/ac	2.03	2	4	Septic & Well	None
024063039000	LD	R-1-20	1-2 du/ac	2.75	2	6	Septic & Well	None
024063041000	LD	R-1-20	1-2 du/ac	4.20	4	8	Septic & Well	None
024063047000	LD	R-1-20	1-2 du/ac	5.32	5	11	Septic & Well	None
024063033000	LD	R-1-20	1-2 du/ac	6.36	6	13	Septic & Well	None
024063042000	LD	R-1-20	1-2 du/ac	9.31	9	19	Septic & Well	None
024063034000	LD	R-1-20	1-2 du/ac	9.97	10	20	Septic & Well	None

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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
024063030000	LD	R-1-20	1-2 du/ac	13.76	13	28	Septic & Well	None
024063026000	LD	R-1-20	1-2 du/ac	28.83	40	40	Septic & Well	None
014162013000	LD	R-1-20	1-2 du/ac	30.91	43	43	Septic & Well	None
<b>Subtotal - Low Density Residential</b>				<b>134.09</b>	<b>166</b>			
<b>Low Medium Density Residential</b>								
016182014000	LMD	R-1-12	2-4 cu/ac	0.31	1	1	Yes	None
016182039000	LMD	R-1-12	2-4 cu/ac	0.32	1	1	Yes	None
016182040000	LMD	R-1-12	2-4 cu/ac	0.33	1	1	Yes	None
016182041000	LMD	R-1-12	2-4 cu/ac	0.33	1	1	Yes	None
016182007000	LMD	R-1-12	2-4 cu/ac	0.33	1	1	Yes	None
016183016000	LMD	R-1-12	2-4 cu/ac	0.33	1	1	Yes	None
016183021000	LMD	R-1-12	2-4 cu/ac	0.33	1	1	Yes	None
016183010000	LMD	R-1-12	2-4 cu/ac	0.34	1	1	Yes	None
026132026000	LMD	R-1-12	2-4 du/ac	2.08	4	6	Yes	None
026132016000	LMD	R-1-12	2-4 du/ac	3.49	7	10	Yes	None
026132015000	LMD	R-1-12	2-4 du/ac	3.92	8	11	Yes	None
026132018000	LMD	R-1-12	2-4 du/ac	9.85	21	28	Yes	None
010310001000	LMD	R-1-12	2-4 du/ac	0.13	1	1	Septic & Well	Variance Required
010320114000	LMD	R-1-12	2-4 du/ac	0.15	1	1	Septic & Well	Variance Required
010320008000	LMD	R-1-12	2-4 du/ac	0.16	1	1	Septic & Well	Variance Required
010320112000	LMD	R-1-12	2-4 du/ac	0.31	1	1	Septic & Well	Variance Required
010320111000	LMD	R-1-12	2-4 du/ac	0.32	1	1	Septic & Well	Variance Required
010320042000	LMD	R-1-12	2-4 du/ac	0.32	1	1	Septic & Well	Variance Required
010320113000	LMD	R-1-12	2-4 du/ac	0.32	1	1	Septic & Well	Variance Required
014143022000	LMD	R-1-12	2-4 du/ac	0.33	1	1	Septic & Well	Variance Required
014171064000	LMD	R-1-12	2-4 du/ac	0.37	1	1	Septic & Well	Variance Required
014171049000	LMD	R-1-12	2-4 du/ac	0.38	1	2	Septic & Well	Variance Required
014171067000	LMD	R-1-12	2-4 du/ac	0.38	1	2	Septic & Well	Variance Required
014171011000	LMD	R-1-12	2-4 du/ac	0.43	1	2	Septic & Well	Variance Required
014171042000	LMD	R-1-12	2-4 du/ac	0.70	1	3	Septic & Well	Variance Required
014171041000	LMD	R-1-12	2-4 du/ac	0.73	1	3	Septic & Well	Variance Required
014171072000	LMD	R-1-12	2-4 du/ac	0.89	1	4	Septic & Well	Variance Required
014230034000	LMD	R-1-12	2-4 du/ac	1.30	1	5	Septic & Well	None
014230035000	LMD	R-1-12	2-4 du/ac	1.37	1	5	Septic & Well	None
014230079000	LMD	R-1-12	2-4 du/ac	1.68	2	7	Septic & Well	None
014230033000	LMD	R-1-12	2-4 du/ac	1.91	2	8	Septic & Well	None
014230077000	LMD	R-1-12	2-4 du/ac	1.94	2	8	Septic & Well	None
014251022000	LMD	R-1-12	2-4 du/ac	3.04	3	12	Septic & Well	None

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014251039000	LMD	R-1-12	2-4 du/ac	3.41	3	14	Septic & Well	None
014251018000	LMD	R-1-12	2-4 du/ac	4.31	4	12	Septic & Well	None
014251027000	LMD	R-1-12	2-4 du/ac	4.31	4	12	Septic & Well	None
014251016000	LMD	R-1-12	2-4 du/ac	8.46	8	24	Septic & Well	None
024303005000	LMD	R-1-12	2-4 du/ac	10.74	10	30	Septic & Well	None
034016015000	LMD	R-1-12	2-4 du/ac	17.65	17	49	Septic & Well	None
034016015000	LMD	R-1-12	2-4 du/ac	50.91	107	143	Septic & Well	None
014171012000	LMD	R-1-12	2-4 du/ac	59.03	124	165	Septic & Well	None
010320115000	LMD	R-1-12	2-4 du/ac	91.22	192	255	Septic & Well	None
<b>Subtotal - Low Medium Density Residential</b>				<b>289.16</b>	<b>543</b>			
<b>Medium Density Residential</b>								
018012030000	MD	R-1-6	4-7 du/ac	0.10	1	1	Yes	None
018012076000	MD	R-1-6	4-7 du/ac	0.11	1	1	Yes	None
018191008000	MD	R-1-6	4-7 du/ac	0.12	1	1	Yes	None
018270006000	MD	R-1-6	4-7 du/ac	0.13	1	1	Yes	None
018270057000	MD	R-1-6	4-7 du/ac	0.13	1	1	Yes	None
018022051000	MD	R-1-6	4-7 du/ac	0.16	1	1	Yes	None
018022052000	MD	R-1-6	4-7 du/ac	0.17	1	1	Yes	None
018351001000	MD	R-1-6	4-7 du/ac	0.17	1	1	Yes	None
018490025000	MD	R-1-6	4-7 du/ac	0.18	1	1	Yes	None
018490024000	MD	R-1-6	4-7 du/ac	0.19	1	1	Yes	None
018490037000	MD	R-1-6	4-7 du/ac	0.23	1	2	Yes	None
018490044000	MD	R-1-6	4-7 du/ac	0.28	2	2	Yes	None
018490004000	MD	R-1-6	4-7 du/ac	0.43	3	3	Yes	None
018490004000	MD	R-1-6	4-7 du/ac	0.45	3	3	Yes	None
018490047000	MD	R-1-6	4-7 du/ac	0.46	3	3	Yes	None
018041029000	MD	R-1-6	4-7 du/ac	0.66	4	5	Yes	None
018051005000	MD	R-1-6	4-7 du/ac	0.70	4	5	Yes	None
018051022000	MD	R-1-6	4-7 du/ac	0.71	4	5	Yes	None
018074015000	MD	R-1-6	4-7 du/ac	1.09	7	8	Yes	None
018074010000	MD	R-1-6	4-7 du/ac	1.49	9	10	Yes	None
018073021000	MD	R-1-6	4-7 du/ac	1.80	8	9	Yes	None
018073013000	MD	R-1-6	4-7 du/ac	2.39	10	12	Yes	None
018073003000	MD	R-1-6	4-7 du/ac	2.43	10	12	Yes	None
018092016000	MD	R-1-6	4-7 du/ac	2.44	10	12	Yes	None
018012056000	MD	R-1-6	4-7 du/ac	3.02	13	15	Yes	None
018101027000	MD	R-1-6	4-7 du/ac	3.82	16	19	Yes	None
018101026000	MD	R-1-6	4-7 du/ac	3.95	17	19	Yes	None

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**Appendix B**

County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
018563016000	MD	R-1-6	4-7 du/ac	7.03	30	34	Yes	None
018790007000	MD	R-1-6	4-7 du/ac	10.18	43	50	Yes	None
018790008000	MD	R-1-6	4-7 du/ac	11.96	50	59	Yes	None
018270058000	MD	R-1-6	4-7 du/ac	14.92	63	73	Yes	None
018270059000	MD	R-1-6	4-7 du/ac	16.19	68	79	Yes	None
018150035000	MD	R-1-6	4-7 du/ac	0.14	1	1	Yes	None
018150016000	MD	R-1-6	4-7 du/ac	0.15	1	1	Yes	None
016140062000	MD	R-1-6	4-7 du/ac	0.15	1	1	Yes	None
016172049000	MD	R-1-6	4-7 du/ac	0.15	1	1	Yes	None
016173040000	MD	R-1-6	4-7 du/ac	0.17	1	1	Yes	None
016171084000	MD	R-1-6	4-7 du/ac	0.17	1	1	Yes	None
016293014000	MD	R-1-6	4-7 du/ac	0.28	2	2	Yes	None
016293015000	MD	R-1-6	4-7 du/ac	0.34	2	2	Yes	None
016294007000	MD	R-1-6	4-7 du/ac	2.55	11	12	Yes	None
016294004000	MD	R-1-6	4-7 du/ac	4.97	21	24	Yes	None
016294015000	MD	R-1-6	4-7 du/ac	11.83	50	58	Yes	None
042111005000	MD	R-1-6	4-7 du/ac	0.13	1	1	Yes	None
042119006000	MD	R-1-6	4-7 du/ac	0.13	1	1	Yes	None
042112033000	MD	R-1-6	4-7 du/ac	0.13	1	1	Yes	None
042143002000	MD	R-1-6	4-7 du/ac	0.13	1	1	Yes	None
042143005000	MD	R-1-6	4-7 du/ac	0.14	1	1	Yes	None
042142011000	MD	R-1-6	4-7 du/ac	0.15	1	1	Yes	None
042142003000	MD	R-1-6	4-7 du/ac	0.21	1	1	Yes	None
038240063000	MD	R-1-6	4-7 du/ac	0.49	3	3	Yes	None
038240098000	MD	R-1-6	4-7 du/ac	0.99	6	7	Yes	None
038240098000	MD	R-1-6	4-7 du/ac	1.02	6	7	Yes	None
038240098000	MD	R-1-6	4-7 du/ac	1.44	9	10	Yes	None
038240098000	MD	R-1-6	4-7 du/ac	1.65	7	8	Yes	None
038240098000	MD	R-1-6	4-7 du/ac	2.26	9	11	Yes	None
038240098000	MD	R-1-6	4-7 du/ac	3.33	14	16	Yes	None
038240073000	MD	R-1-6	4-7 du/ac	15.09	63	74	Yes	None
026132026000	MD	R-1-6	4-7 du/ac	0.18	1	1	Yes	None
026132016000	MD	R-1-6	4-7 du/ac	0.19	1	1	Yes	None
026132018000	MD	R-1-6	4-7 du/ac	0.21	1	1	Yes	None
026141019000	MD	R-1-6	4-7 du/ac	5.99	25	29	Yes	None
026153013000	MD	R-1-6	4-7 du/ac	6.85	29	34	Yes	None
018140054000	MD	R-1-6	4-7 du/ac	0.15	1	1	Septic & Well	Variance Required
018121027000	MD	R-1-6	4-7 du/ac	0.17	1	1	Septic & Well	Variance Required

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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
018121028000	MD	R-1-6	4-7 du/ac	0.17	1	1	Septic & Well	Variance Required
014151033000	MD	R-1-6	4-7 du/ac	0.18	1	1	Septic & Well	Variance Required
014151023000	MD	R-1-6	4-7 du/ac	0.18	1	1	Septic & Well	Variance Required
014151038000	MD	R-1-6	4-7 du/ac	0.18	1	1	Septic & Well	Variance Required
014153020000	MD	R-1-6	4-7 du/ac	0.21	1	1	Septic & Well	Variance Required
014153001000	MD	R-1-6	4-7 du/ac	0.22	1	2	Septic & Well	Variance Required
014153024000	MD	R-1-6	4-7 du/ac	0.22	1	2	Septic & Well	Variance Required
014153006000	MD	R-1-6	4-7 du/ac	0.24	1	2	Septic & Well	Variance Required
014152014000	MD	R-1-6	4-7 du/ac	0.34	2	2	Septic & Well	Variance Required
014153023000	MD	R-1-6	4-7 du/ac	0.34	2	2	Septic & Well	Variance Required
002255001000	MD	R-1-6	4-7 du/ac	0.40	2	3	Septic & Well	Variance Required
002252007000	MD	R-1-6	4-7 du/ac	0.40	2	3	Septic & Well	Variance Required
002253009000	MD	R-1-6	4-7 du/ac	0.41	2	3	Septic & Well	Variance Required
034016015000	MD	R-1-6	4-7 du/ac	0.41	2	3	Septic & Well	Variance Required
018140008000	MD	R-1-6	4-7 du/ac	0.45	3	3	Septic & Well	Variance Required
018140060000	MD	R-1-6	4-7 du/ac	0.50	3	4	Septic & Well	Variance Required
018150005000	MD	R-1-6	4-7 du/ac	0.85	5	6	Septic & Well	Variance Required
018140055000	MD	R-1-6	4-7 du/ac	1.03	6	7	Septic & Well	None
018140058000	MD	R-1-6	4-7 du/ac	2.18	9	11	Septic & Well	None
018140057000	MD	R-1-6	4-7 du/ac	2.35	10	12	Septic & Well	None
018140059000	MD	R-1-6	4-7 du/ac	13.48	57	66	Septic & Well	None
<b>Subtotal - Medium Density Residential</b>				<b>174.76</b>	<b>774</b>			
<b>Medium High Density Residential</b>								
018083001000	MHD	RM-3	7-11 du/ac	0.12	1	1	Yes	None
018082004000	MHD	RM-3	7-11 du/ac	0.16	1	2	Yes	None
018101051000	MHD	RM-3	7-11 du/ac	0.17	2	2	Yes	None
018101043000	MHD	RM-3	7-11 du/ac	0.20	2	2	Yes	None
018101043000	MHD	RM-3	7-11 du/ac	1.34	12	15	Yes	None
018202049000	MHD	RM-3	7-11 du/ac	3.94	25	30	Yes	None
018602017000	MHD	RM-3	7-11 du/ac	5.10	32	39	Yes	None
018562001000	MHD	RM-3	7-11 du/ac	11.40	72	88	Yes	None
018150035000	MHD	RM-3	7-11 du/ac	0.30	3	3	Yes	None
018150015000	MHD	RM-3	7-11 du/ac	0.37	3	4	Yes	None
016171024000	MHD	RM-3	7-11 du/ac	0.54	5	6	Yes	None
016171046000	MHD	RM-3	7-11 du/ac	0.58	5	6	Yes	None
016171044000	MHD	RM-3	7-11 du/ac	2.78	24	29	Yes	None
042100010000	MHD	RM-3	7-11 du/ac	0.10	1	1	Yes	None
042100009000	MHD	RM-3	7-11 du/ac	0.10	1	1	Yes	None

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**Appendix B**

County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
042100075000	MHD	RM-3	7-11 du/ac	0.15	1	2	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.17	2	2	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.27	2	3	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.35	3	4	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.42	4	5	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.45	4	5	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.46	4	5	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.50	5	6	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.62	6	7	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.89	8	10	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	0.94	8	10	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	1.11	10	12	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	1.11	10	12	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	1.27	11	14	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	1.31	12	14	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	1.80	11	14	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	1.95	12	15	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	2.15	14	17	Yes	None
042100075000	MHD	RM-3	7-11 du/ac	2.24	14	17	Yes	None
042100012000	MHD	RM-3	7-11 du/ac	2.55	16	20	Yes	None
042100012000	MHD	RM-3	7-11 du/ac	2.81	18	22	Yes	None
042129018000	MHD	RM-3	7-11 du/ac	2.83	18	22	Yes	None
042129009000	MHD	RM-3	7-11 du/ac	2.87	18	22	Yes	None
042145012000	MHD	RM-3	7-11 du/ac	2.89	18	22	Yes	None
042144002000	MHD	RM-3	7-11 du/ac	2.93	18	23	Yes	None
038240063000	MHD	RM-3	7-11 du/ac	2.93	18	23	Yes	None
026120038000	MHD	RM-3	7-11 du/ac	0.12	1	1	Yes	None
026120039000	MHD	RM-3	7-11 du/ac	0.24	2	3	Yes	None
026120039000	MHD	RM-3	7-11 du/ac	0.28	3	3	Yes	None
026131033000	MHD	RM-3	7-11 du/ac	0.29	3	3	Yes	None
026131044000	MHD	RM-3	7-11 du/ac	0.31	3	3	Yes	None
026131034000	MHD	RM-3	7-11 du/ac	0.41	4	5	Yes	None
026161020000	MHD	RM-3	7-11 du/ac	0.57	5	6	Yes	None
026161019000	MHD	RM-3	7-11 du/ac	0.69	6	8	Yes	None
026161018000	MHD	RM-3	7-11 du/ac	1.35	12	15	Yes	None
026161017000	MHD	RM-3	7-11 du/ac	1.63	10	13	Yes	None
026120043000	MHD	RM-3	7-11 du/ac	2.48	16	19	Yes	None
026120043000	MHD	RM-3	7-11 du/ac	3.95	25	30	Yes	None

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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
026120042000	MHD	RM-3	7-11 du/ac	4.11	26	32	Yes	None
026131033000	MHD	RM-3	7-11 du/ac	5.19	33	40	Yes	None
018140025000	MHD	RM-3	7-11 du/ac	0.35	3	4	Septic & Well	None
018140023000	MHD	RM-3	7-11 du/ac	0.93	8	10	Septic & Well	None
018150005000	MHD	RM-3	7-11 du/ac	1.53	10	12	Septic & Well	None
<b>Subtotal - Medium High Density Residential</b>				<b>89.60</b>	<b>624</b>			
<b>High Density Residential</b>								
018202042000	HD	RM-2	11-24 du/ac	0.15	2	4	Yes	None
018070002000	HD	RM-2	11-24 du/ac	0.25	4	6	Yes	None
018077020000	HD	RM-2	11-24 du/ac	0.52	8	12	Yes	None
018077002000	HD	RM-2	11-24 du/ac	0.89	13	21	Yes	None
018075005000	HD	RM-2	11-24 du/ac	3.89	41	65	Yes	None
016140065000	HD	RM-2	11-24 du/ac	1.53	16	26	Yes	None
042100075000	HD	RM-2	11-24 du/ac	0.16	2	4	Yes	None
042100075000	HD	RM-2	11-24 du/ac	0.40	6	10	Yes	None
042100075000	HD	RM-2	11-24 du/ac	0.40	6	10	Yes	None
042100075000	HD	RM-2	11-24 du/ac	0.48	7	12	Yes	None
042100075000	HD	RM-2	11-24 du/ac	0.88	13	21	Yes	None
042100075000	HD	RM-2	11-24 du/ac	0.88	13	21	Yes	None
042100075000	HD	RM-2	11-24 du/ac	0.93	14	22	Yes	None
042100075000	HD	RM-2	11-24 du/ac	1.05	16	25	Yes	None
042100012000	HD	RM-2	11-24 du/ac	1.10	17	26	Yes	None
042100012000	HD	RM-2	11-24 du/ac	1.16	17	28	Yes	None
042100012000	HD	RM-2	11-24 du/ac	1.28	19	31	Yes	None
042100012000	HD	RM-2	11-24 du/ac	1.30	20	31	Yes	None
042112009000	HD	RM-2	11-24 du/ac	2.15	23	36	Yes	None
042134010000	HD	RM-2	11-24 du/ac	2.20	23	37	Yes	None
042149008000	HD	RM-2	11-24 du/ac	2.63	28	44	Yes	None
042142014000	HD	RM-2	11-24 du/ac	2.75	29	46	Yes	None
026162004000	HD	RM-2	11-24 du/ac	0.52	8	12	Yes	None
026162004000	HD	RM-2	11-24 du/ac	0.56	8	13	Yes	None
<b>Subtotal - High Density Residential</b>				<b>28.06</b>	<b>353</b>			
<b>Very High Density Residential</b>								
018150016000	VHD	RM-1.5	24-30 du/ac	0.86	21	21	Yes	None
018150016000	VHD	RM-1.5	24-30 du/ac	2.22	37	47	Yes	None
042100075000	VHD	RM-1.5	24-30 du/ac	0.40	10	12	Yes	None
042100075000	VHD	RM-1.5	24-30 du/ac	0.96	23	29	Yes	None

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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
042100012000	VHD	RM-1.5	24-30 du/ac	1.30	31	39	Yes	None
<b>Subtotal - Very High Density Residential</b>				<b>5.74</b>	<b>122</b>			
<b>Mixed Use</b>								
018012026000	DMU	DMU	10-20 du/ac	0.10	1	2	Yes	None
018022038000	DMU	DMU	10-20 du/ac	0.12	1	2	Yes	None
018022004000	DMU	DMU	10-20 du/ac	0.14	1	3	Yes	None
018076012000	DMU	DMU	10-20 du/ac	0.18	2	4	Yes	None
018076011000	DMU	DMU	10-20 du/ac	0.24	2	5	Yes	None
018071013000	DMU	DMU	10-20 du/ac	0.24	2	5	Yes	None
018076013000	DMU	DMU	10-20 du/ac	0.26	3	5	Yes	None
018270046000	DMU	DMU	10-20 du/ac	0.69	7	14	Yes	None
018150016000	DMU	DMU	10-20 du/ac	0.19	2	4	Yes	None
018150016000	DMU	DMU	10-20 du/ac	0.19	2	4	Yes	None
016171049000	DMU	DMU	10-20 du/ac	0.27	3	5	Yes	None
016171048000	DMU	DMU	10-20 du/ac	1.70	12	24	Yes	None
026132035000	DMU	DMU	10-20 du/ac	0.16	2	3	Yes	None
026132031000	DMU	DMU	10-20 du/ac	0.16	2	3	Yes	None
026132027000	DMU	DMU	10-20 du/ac	0.17	2	3	Yes	None
026132030000	DMU	DMU	10-20 du/ac	0.19	2	4	Yes	None
026132032000	DMU	DMU	10-20 du/ac	0.29	3	6	Yes	None
026143022000	DMU	DMU	10-20 du/ac	0.54	5	11	Yes	None
026152016000	DMU	DMU	10-20 du/ac	0.56	6	11	Yes	None
026152001000	DMU	DMU	10-20 du/ac	0.78	8	16	Yes	None
026152015000	DMU	DMU	10-20 du/ac	0.97	10	19	Yes	None
026161009000	DMU	DMU	10-20 du/ac	1.95	14	27	Yes	None
018270001000	MU	MU	10-20 du/ac	2.02	14	28	Yes	None
018270001000	MU	MU	10-20 du/ac	2.34	16	33	Yes	None
018101051000	MU	MU	10-20 du/ac	2.79	20	39	Yes	None
018101002000	MU	MU	10-20 du/ac	3.23	23	45	Yes	None
018101002000	MU	MU	10-20 du/ac	3.34	23	47	Yes	None
018101032000	MU	MU	10-20 du/ac	3.89	27	54	Yes	None
018101043000	MU	MU	10-20 du/ac	4.27	30	60	Yes	None
018101049000	MU	MU	10-20 du/ac	5.06	35	71	Yes	None
018101049000	MU	MU	10-20 du/ac	7.47	52	105	Yes	None
018012070000	MU	MU	10-20 du/ac	11.93	84	167	Yes	None
018101002000	MU	MU	10-20 du/ac	12.32	86	172	Yes	None
042127001000	MU	MU	10-20 du/ac	0.10	1	2	Yes	None
042127006000	MU	MU	10-20 du/ac	0.10	1	2	Yes	None

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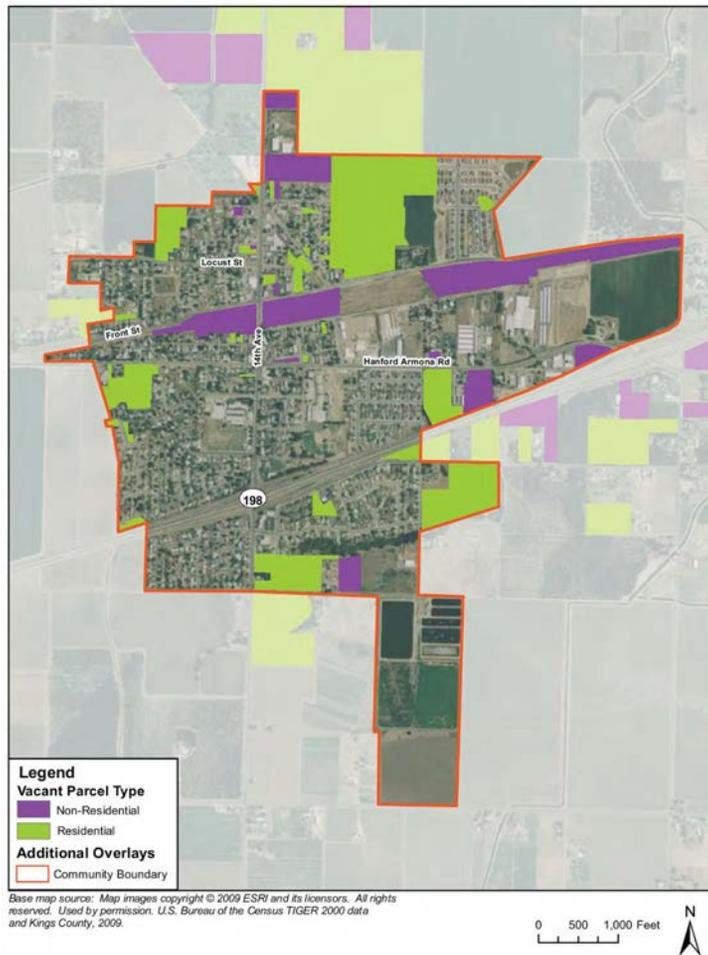
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County Unincorp. APN	GP Desig.	Zone District	Allowable Density Range	Acres	Realistic Capacity	Maximum Capacity	Infrastructure Capacity	On-site Constraints
042126010000	MU	MU	10-20 du/ac	0.13	1	3	Yes	None
042126011000	MU	MU	10-20 du/ac	0.14	1	3	Yes	None
042126006000	MU	MU	10-20 du/ac	0.14	1	3	Yes	None
042126001000	MU	MU	10-20 du/ac	0.17	2	3	Yes	None
042136009000	MU	MU	10-20 du/ac	0.18	2	4	Yes	None
Subtotal - Mixed Use				69.71	510			
<b>TOTALS</b>				<b>1141.23</b>	<b>3,426</b>			

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Appendix B

Figure B-1e: Land Inventory Map – Unincorporated Kings County (Armona)



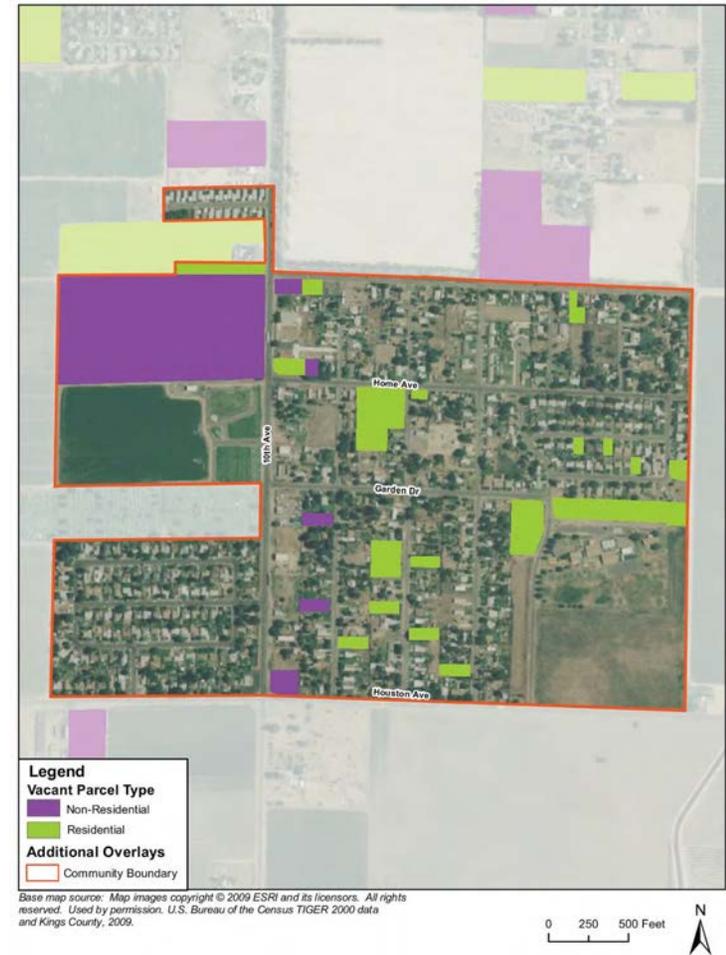
Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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2009-2014  
 Draft Housing Element

Appendix B

Figure B-1e: Land Inventory Map – Unincorporated Kings County (Home Garden)



Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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Appendix B

Figure B-1e: Land Inventory Map – Unincorporated Kings County (Kettleman City)



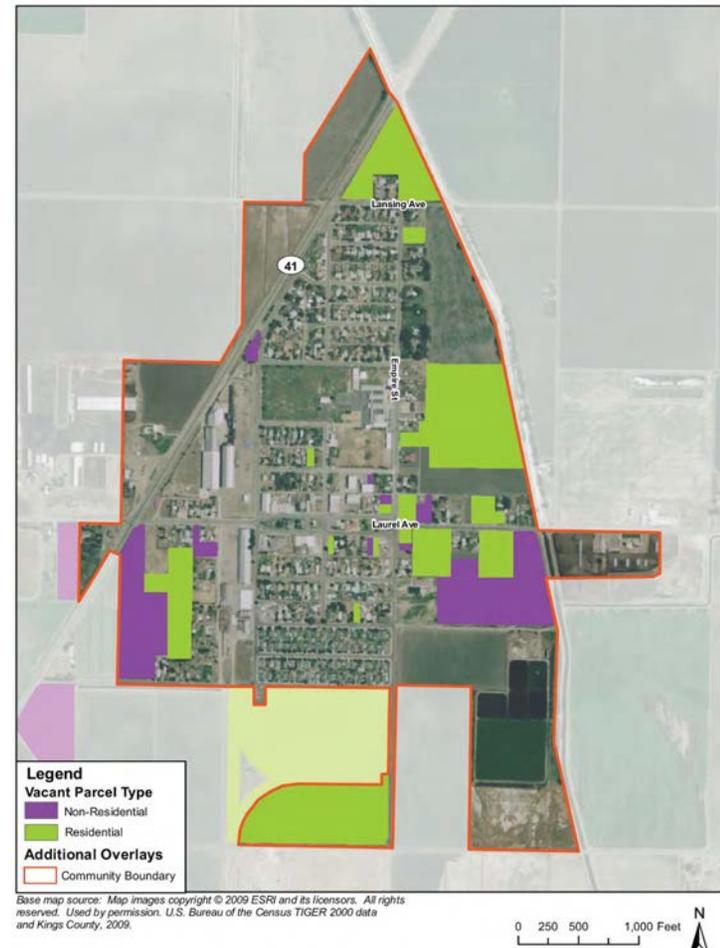
Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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2009-2014  
 Draft Housing Element

Appendix B

Figure B-1e: Land Inventory Map – Unincorporated Kings County (Stratford)



Kings County and Cities of  
 Avenal, Corcoran, Hanford and Lemoore

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Appendix C

**Appendix C Public Participation Summary**

Public participation is an important component of the planning process, and this update to the Housing Element has provided residents and other interested parties numerous opportunities for review and comment. Public notices for all Housing Element meetings and public hearings were mailed to a list of interested persons and organizations and published in the local newspaper in advance of each meeting, as well as posting the notices on each jurisdiction's website. The draft Housing Element was made available for review at City Halls, the County Government Center, the Kings County Association of Governments office, and libraries, and was also posted on each jurisdiction's website.

After receiving comments on the draft Housing Element from the State Housing and Community Development Department, a proposed final Housing Element was prepared and made available for public review prior to public hearings and adoption by each City Council and the Board of Supervisors.

Table C-1 includes a list of opportunities for public involvement in the preparation of this Housing Element update. Table C-2 provides the list of persons and organizations that were notified of the availability of the draft Housing Element as well as public meeting notices.

**Table C-1. Public Meeting Summary  
 2009 Kings County Housing Element Update**

Date	Meeting
2/26/2009	Avenal study session
2/2/2009	Corcoran study session
3/10/2009	Hanford study session
3/17/2009	Lemoore study session
3/12/2009	Kings County study session
8/3/2009	Corcoran Planning Commission/City Council public meeting
8/3/2009	Kings County PC public meeting
8/12/2009	Avenal Planning Commission/City Council public meeting
8/24/2009	Hanford Planning Commission/City Council public meeting
8/24/2009	Lemoore Planning Commission/City Council public meeting
8/25/2009	Kings County Board of Supervisors public meeting
TBD	Avenal Planning Commission/City Council public hearings
TBD	Corcoran Planning Commission/City Council public hearings
TBD	Hanford Planning Commission/City Council public hearings
TBD	Lemoore Planning Commission/City Council public hearings
TBD	Kings County Planning Commission/Board of Supervisors public hearings

Appendix C

Table C-3 summarizes the public comments received during the preparation of the Housing Element update along with a description of how those comments were addressed in the element.

After receiving comments on the draft Housing Element from the state Department of Housing and Community Development, a proposed final Housing Element was prepared and made available for public review prior to adoption by each City Council and the Board of Supervisors.

**Table C-2. Public Notice List  
 2009-2014 Kings County Housing Element Update**

PEGGY GREGORY AG EXTENSION 1400 W. LACEY BLVD. HANFORD, CA 93230	MARY ANNE FORD SHERMAN BEHAVIORAL HEALTH DIRECTOR 1400 W. LACEY BLVD. HANFORD, CA 93230
ROMAN V. BENITEZ SR. COMMUNITY PLANNER & LIAISON OFFICER 750 ENTERPRISE AVENUE NAS LEMOORE, CA 93246	TIM NISWANDER AGRICULTURAL COMMISSIONER 1400 W. LACEY BLVD. HANFORD, CA 93230
KETTLEMAN CITY CSD P.O. BOX 179 KETTLEMAN CITY CA 93239	ARMONA COMMUNITY SERVICES DISTRICT P.O. BOX 486 ARMONA, CA 93202
HOME GARDEN CSD 11677 2ND PLACE HANFORD, CA 93230	STRATFORD PUD 19681 RAILROAD AVENUE P. O. BOX 85 STRATFORD, CA 93266
LEMOORE ADVANCE 339 W. 'D' STREET LEMOORE, CA 93245	JAY SALTER KINGS COUNTY ECONOMIC DEVELOPMENT CORP. 120 N. IRWIN STREET HANFORD, CA 93230
CORCORAN JOURNAL P.O. BOX 487 CORCORAN, CA 93212	SALVATION ARMY 380 E IVY STREET HANFORD, CA 93230
LOUISE CARDOSA HANFORD SENTINEL P.O. BOX 9 HANFORD, CA 93232	DIWATA FONTE FRESNO BEE 525 W. MAIN STREET, SUITE F VISALIA, CA 93291-6149

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KINGS TIMBERLAND 1220 JEPSON AVENUE CORCORAN, CA 93212	DIANA PECK KINGS COUNTY FARM BUREAU 870 GREENFIELD AVENUE HANFORD, CA 93230
CAROLINE FARRELL CENTER ON RACE, POVERTY & THE ENVIRONMENT 1224 JEFFERSON STREET, SUITE 25 DELANO, CA 93215	RANDY MCNARY HOUSING AUTHORITY OF KINGS COUNTY 670 SOUTH IRWIN STREET HANFORD, CA 93230
GREENACTION ONE HALLIDIE PLAZA, SUITE 760 SAN FRANCISCO, CA 94102	NANETTE VILLARREAL KINGS UNITED WAY 11050 13TH AVE HANFORD, CA 93230
KINGS COUNTY OFFICE OF EDUCATION 1144 W. LACEY BLVD. HANFORD, CA 93230	CENTRAL VALLEY CHRISTIAN HOUSING DEVELOPMENT 2222 W. SUNNYSIDE AVE VISALIA, CA 93277
AMERICAN RED CROSS MARIE DAVIS 505 WEST MAIN STREET VISALIA, CALIFORNIA 93291	CORNERSTONE RECOVERY SYSTEMS TOM DOYLE 801 W. 7 <sup>TH</sup> STREET POST OFFICE BOX 1124 HANFORD, CALIFORNIA 93232
CHAMPIONS RECOVERY ALTERNATIVE PROGRAMS SUE WEISENHAUS-BRAZ 700 NORTH IRWIN STREET HANFORD, CALIFORNIA 93230	CORCORAN EMERGENCY AID MARILYN NOLAN 2121 W. WHITLEY AVE POST OFFICE BOX 393 CORCORAN, CALIFORNIA 93212
KINGS COMMUNITY ACTION ORGANIZATION EMERGENCY SVCS PROGRAM AND WOMAN'S SHELTER LUPE GARCIA	LEMOORE CHRISTIAN AID, INC. JANEY CASTILLO 224 N. LEMOORE AVE. POST OFFICE BOX 134
YMCA OF KINGS COUNTY LAURA T. MARTIN 1010 W. GRANGEVILLE BLVD HANFORD, CALIFORNIA 93230	OPERATION LIFE TRANSFORMED KIM MARRERO 748 W. SANDSTONE COURT HANFORD, CALIFORNIA 93230
KINGS COUNTY COMMISSION ON AGING ADULT SOCIAL DAY CARE PROGRAM SHARON L.T. DEMASTERS 1197 SOUTH DRIVE	THE SALVATION ARMY MAJOR GREGORY MOODY 380 E. IVY STREET POST OFFICE BOX 987 HANFORD, CALIFORNIA 93232

Appendix C

KINGS PARTNERSHIP FOR CHILDREN- SAT. ENRICHMENT PROGRAM DR. KIM WILDEY 11593 SOUTH 10TH AVE, POST OFFICE BOX 185	CHURCH OF THE SAVIOUR, SOUP KITCHEN CAROL DYER 519 NORTH DOUTY STREET HANFORD, CALIFORNIA 93230
K-POP 3056 CASTRO VALLEY BLVD, SUITE 186 CASTRO VALLEY, CA 94546	UNITED CEREBRAL PALSY OF CENTRAL CALIFORNIA DEBBIE GIBSON 606 WEST SIXTH STREET HANFORD, CALIFORNIA 93230
CHAMPIONS RECOVERY ALTERNATIVE PROGRAMS SUE WEISENHAUS-BRAZ 700 NORTH IRWIN STREET HANFORD, CALIFORNIA 93230	SELF HELP ENTERPRISES TOM COLLISHAW 8445 W ELOWIN CT VISALIA, CA 93291-9262
	SELF HELP ENTERPRISES DOUG PINGEL 8445 W ELOWIN CT VISALIA, CA 93291-9262

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Appendix C

**Table C-3. Summary of Public Comments  
 2009-2014 Kings County Housing Element Update**

Comment	Response
How does the recession affect the regional housing needs – will it be reduced?	The RHNA was prepared and adopted based on a statewide long-term growth forecast. Each jurisdiction’s needs will not be revised due to current economic conditions; however, it is important to note that the RHNA is a planning tool, not a construction mandate. If housing production slows due to overall economic conditions, jurisdictions will not be penalized if they are making a good-faith effort to facilitate development.
Our city has a lot of affordable housing. More move-up housing is needed to create a balanced community and stimulate economic development.	In preparing the Regional Housing Needs Plan, KCAG and the jurisdictions considered current housing affordability and allocations were adjusted accordingly.
The need for affordable housing and special needs housing is greater than the supply.	Significant public subsidies are required to make affordable and special needs housing development feasible. It is unfortunate that the resources are less than the need, particularly under current economic conditions. Public agencies are expected to use their powers such as land use planning and zoning regulations to remove constraints and facilitate housing production, to the extent feasible.
Is the potential residential development capacity estimated in the land inventory tables based on General Plan or zoning? Does it reflect areas outside the current City boundaries but within the Sphere of Influence? What happens if zoning designations change?	The land inventory is based on both General Plan and zoning designations of territory within the current City limits only. It is anticipated that zone changes will occur during the planning period. No change to the Housing Element is necessary unless zone changes were to reduce the City’s potential sites for housing below the level required to accommodate the RHNA.
Does farmworker housing need to be adjacent to an agricultural zone?	Housing for farmworkers does not need to be on or adjacent to agricultural land, although special rules apply to employee housing on land zoned for agriculture (the Employee Housing Act). Farmworker housing may be built wherever other types of housing are permitted, such as multi-family apartments.
Where did the population forecast in the	The California Department of Finance,

Appendix C

Housing Element come from?	Demographic Research Unit prepares updated forecasts of population and housing on a regular basis for California and its counties.
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**EXHIBIT B**

Initial Study and Negative Declaration  
for the

*2009-2014 Kings County Housing Element*

Kings County Exh. F

Kings County Exh. F

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**DRAFT**

**INITIAL STUDY and NEGATIVE DECLARATION**

**KINGS COUNTY 2009-2014 HOUSING ELEMENT UPDATE**

**Lead Agency:** County of Kings  
Community Development Agency  
1400 W. Lacey Blvd., Bldg. 6  
Hanford, CA 93230

**Contact:** Jeremy Kinney, Senior Planner  
559-582-3211 ext. 2673  
[Jeremy.Kinney@co.kings.ca.us](mailto:Jeremy.Kinney@co.kings.ca.us)

March 31, 2010

Kings County Exh. F

Kings County Exh. F

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**A. Project Description**

- 1. Project title: **2009-2014 Housing Element Update**
- 2. Lead agency name and address: **County of Kings  
Community Development Agency  
1400 W. Lacey Blvd., Bldg. 6  
Hanford, CA 93230**
- 3. Contact person and phone number: **Jeremy Kinney, Senior Planner  
559-582-3211, ext. 2673  
[Jeremy.Kinney@co.kings.ca.us](mailto:Jeremy.Kinney@co.kings.ca.us)**
- 4. Project location: **Unincorporated county areas**
- 5. Project sponsor's name and address: **County of Kings – Community Development Agency**
- 6. General plan designation: **Countywide - varies**
- 7. Zoning: **Countywide - varies**
- 8. Description of project: *(Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)*

Overview

California Government Code Section 65302(c) mandates that each city and county shall include a Housing Element in its General Plan, and that the Housing Element be updated periodically to reflect current conditions and legal requirements. The County's previous Housing Element was adopted in 2003, and state law requires that the element be updated for the 2009 – 2014 planning period.

The Housing Element is required to identify and analyze existing and projected housing needs, and include statements of the County's goals, policies, quantified objectives, and programs for the preservation, improvement, and development of housing. In adopting its Housing Element, the County must consider local conditions and context, including economic, environmental, and fiscal factors, as well as community goals as set forth elsewhere in the General Plan.

In cooperation with the Kings County Association of Governments, the County and the cities of Avenal, Corcoran, Hanford and Lemoore have collaborated to prepare a joint Housing Element document covering all five jurisdictions. The Housing Element is available for review at the County Community Development Agency office, City Halls, public libraries, and on the County website at: <http://www.conexusplanning.com/kingsco.html>

Housing Element Contents

The Housing Element is comprised of the following chapters:

- Introduction and overview of Housing Element contents and requirements (Chapter 1);
- Analysis of population, household and employment trends, characteristics of the housing stock, and a

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summary of current and projected housing needs (Chapter 2);

- Evaluation of resources and opportunities that will facilitate the development and preservation of housing for all economic segments of the community (Chapter 3);
- Review of potential constraints to meeting identified housing needs (Chapter 4);
- A Housing Plan to address identified needs, including housing goals, policies and programs (Chapter 5);
- Glossary of Terms (Chapter 6);
- Evaluation of housing accomplishments during the previous planning period (Appendix A);
- Inventory of potential sites for residential development (Appendix B); and
- Summary of public involvement during the Housing Element update process (Appendix C).

Legal Framework for the Housing Element

State law requires that Housing Elements comply with the statutory provisions of California Government Code Section 65580 et seq. The Housing Element is unique among General Plan elements in the extent to which state law prescribes local policies, and the legislature has granted the California Department of Housing and Community Development (HCD) the authority to review local governments' housing elements and issue findings regarding whether, in its opinion, the housing element substantially complies with the requirements of state law. Cities and counties are required to submit draft housing elements to HCD for review prior to adoption, and must also submit adopted elements for review. Failure to adopt a housing element that HCD finds to be in compliance with state law may result in the loss of eligibility for community development grant funds and jurisdictions may be required to prepare more frequent housing element updates in the future. Cities are also required to report annually to HCD regarding their progress in implementing the policies and programs contained in the Housing Element.

Relationship of the Housing Element to the General Plan

The Housing Element is one of the mandated elements of the General Plan under state law. While the time horizon for a General Plan is often 20 years or more, state law requires housing elements to be updated on a more frequent schedule. The new Housing Element covers the period 2009 – 2014.

State law also requires all elements of the General Plan to be internally consistent. The Housing Element contains policies and assumptions regarding housing development that are consistent with the land use patterns described in the Land Use Element. The programmatic actions called for in Chapter 5 of the Housing Element would not change the location or intensity of new residential development anticipated in the Land Use Element (see Exhibit A-1, Land Use Element Map on p. 7).

Key Issues

Since the Housing Element is revised periodically, this update represents a fine-tuning process rather than a wholesale overhaul. Many of the County's efforts have been successful and should be continued throughout the remainder of this planning period. Appendix A of the Housing Element includes a detailed review of previous policies and programs contained in the 2003 Housing Element, and identifies those components that are working well and those that should be revised to reflect changed circumstances or take advantage of new opportunities or lessons learned over the past few years.

Some new policies and programs contained in the draft Housing Element are the result of changes in state law or local conditions. The most significant of these proposed changes are summarized below:

County of Kings

A. REGIONAL HOUSING NEEDS ALLOCATION (RHNA) AND QUANTIFIED OBJECTIVES

The Regional Housing Needs Allocation (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the 7½-year period from January 2007 through June 2014. Communities must demonstrate how they will address this need through the process of updating the Housing Elements of their General Plans.

In determining the housing allocation for the five jurisdictions within Kings County, the Kings County Association of Governments (KCAG) developed an allocation methodology with the assistance of the Kings Regional Housing Technical Advisory Committee (KRHTAC). This methodology takes into account local growth assumptions and considers certain criteria as specified in Government Code §65584(a). The criteria used in this methodology include an analysis of available data on local housing, population, economic, and other growth factors. One growth assumption deemed relevant to housing growth and demand within Kings County is the housing needs of Naval Air Station Lemoore personnel. Although the housing unit allocations in the RHNA are not required to take into account the military base, the Indian reservation, or prison populations, the Naval Air Station Lemoore is identified as a relevant factor. Using the assumptions and methodology detailed within the RHNA plan, KCAG in coordination with the KRHTAC derived the distribution of each jurisdiction's share of the regional housing need and allocated the units according to the four income categories for housing affordability.

The goal of the RHNA Plan is to promote a fair distribution of attainable housing among the four cities and the unincorporated County in a way that also helps to meet the state's housing goals. Attainable housing is defined as housing that is both sufficient in supply and affordably priced. The total housing units specified in the RHNA plan for each jurisdiction are not to be construed as quotas for development. The RHNA Plan only determines the number and affordability of housing units that jurisdictions need to plan for through land use policies, regulations, infrastructure plans, and other housing assistance programs. Construction and development of these allocations is not a requirement of the RHNA plan.

All new units built or preserved after January 1, 2007 are credited in the new RHNA period. A discussion of how each jurisdiction's land inventory accommodates this growth need is provided in Chapter 3 of the Housing Element.

**Kings County Regional Housing Needs, 2007-2014**

Jurisdiction	Extremely Low*	Very Low*	Low	Moderate	Above Mod	Total
Avenal	40	40	126	214	291	711
Corcoran	40	40	160	295	370	905
Hanford	723	723	1,015	938	2,359	5,758
Lemoore	374	374	534	502	1,237	3,021
Unincorporated	69	68	193	316	448	1,094
<b>Kings County total</b>	<b>1,246</b>	<b>1,245</b>	<b>2,028</b>	<b>2,265</b>	<b>4,705</b>	<b>11,489</b>

\* 50% of VL units are assumed to be extremely-low per state law  
 Source: KCAG 2008

Cities must demonstrate that their land use plans and regulations provide realistic opportunities for development commensurate with the type and amount of housing identified in the RHNA during the new planning period. This is accomplished through a parcel-level analysis of vacant and



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“underutilized” sites with a potential for additional residential development or redevelopment (see Appendix B of the Draft Housing Element). State law provides guidance regarding how cities estimate development potential, with the two most important factors being zoning (especially allowable density and development standards) and previous experience with affordable housing. Recent amendments to state law specify that in Kings County and many other areas of the San Joaquin Valley, a “default” density of 20 units per acre is considered to be appropriate to facilitate construction of lower-income housing. However, state law also provides that jurisdictions may utilize other assumptions based on local conditions. As discussed in Chapter 4 of the Housing Element, all of the jurisdictions in Kings County allow multi-family development at densities greater than 20 units/acre, excluding density bonus, in at least one multi-family zone. In addition to multi-family zones, Lemoore allows mixed-use development at densities up to 20 units/acre. However, most new multi-family developments in Kings County – including affordable projects by non-profit developers – are built at densities significantly lower than the “default” density. Conversations with non-profits confirmed that densities in the range of 12-15 units/acre are typical and sufficient to make such projects feasible. This density range allows two-story projects with large units (3-4 bedrooms) as well as spacious community facilities such as play areas for children.

It is also important to note that the RHNA is a *planning target*, *not a development quota*. While state law requires cities and counties to demonstrate that their land use plans and regulations could accommodate the type and amount of housing identified in the RHNA, the law does *not* require that sites identified in the Housing Element as suitable for affordable housing be developed for that purpose. The law recognizes that local governments generally do not build housing, and development depends on many factors including property owner desires, interested builders, available financing, and prevailing market forces.

To determine whether Kings County jurisdictions have adequate sites with realistic capacity for development commensurate with the RHNA, an analysis of vacant and underutilized parcels was conducted (see Housing Element Chapter 3 and Appendix B). The analysis included a review of recent development trends and a thorough review of potential development sites. The most significant aspect of this analysis deals with the capacity of the County and cities to accommodate their need for new lower-income units. As described in Chapter 3, the Housing Element demonstrates that each jurisdiction has adequate sites to accommodate its RHNA.

State law also requires that the Housing Element establish “Quantified Objectives” for the maintenance, preservation, improvement and development of housing during the new planning period<sup>1</sup>. The quantified objectives for new construction set forth in the Draft Housing Element are consistent with existing General Plan and zoning land use designations in each jurisdiction.

In summary:

- The RHNA identifies each jurisdiction’s fair share of the region’s housing needs for the 2007-2014 period
- The RHNA is a planning target, not a development quota
- Jurisdictions must demonstrate the availability of adequate sites, either vacant or underutilized, with appropriate zoning and development standards to accommodate the new housing need identified in the RHNA
- Sufficient opportunities for new development exist within each of the five jurisdictions to accommodate their RHNA obligations, and no changes to existing General Plan and zoning land use designations are necessary

<sup>1</sup> Government Code Sec. 65583(b)(1)

County of Kings

- The Quantified Objectives for new housing construction established in the Housing Element are consistent with both the RHNA and the level of development assumed in the General Plans for each jurisdiction

**For purposes of CEQA analysis, it is important to note that the amount of new housing development anticipated in the RHNA and the Housing Element is consistent with the land use designations in the 2035 General Plan (see Exhibit A-1). The General Plan was the subject of CEQA analysis which is incorporated herein by reference and available for review at the County Community Development Agency. The draft Housing Element would not alter the quantity of, or grant any additional entitlements for, anticipated development that was the subject of the CEQA evaluation in the 2035 General Plan EIR.**

While demonstrating the availability of adequate sites for residential development commensurate with the RHNA is one of the most noteworthy issues contained in the Draft Housing Element, other new policies and programs described below are proposed in response to changes in state law or local circumstances.

B. TRANSITIONAL AND SUPPORTIVE HOUSING

Transitional housing is a temporary (often six months to two years) facility for a homeless individual or family that is transitioning to permanent housing. Supportive housing may be longer term and includes a supportive services component (e.g. job skills training, rehabilitation counseling, assistance with daily necessities, etc.) to allow individuals to gain necessary life skills in support of independent living. Senate Bill (SB) 2 of 2007 requires that transitional and supportive housing be treated as residential uses that are subject to only those requirements that apply to other residential uses of the same type in the same zone. Transitional/supportive housing is not explicitly addressed in the Zoning Code, therefore the Housing Plan includes a commitment to amend the Code in conformance with SB 2 (see Program 5.9 in Chapter 5).

C. HOUSING FOR PERSONS WITH SPECIAL NEEDS

State law requires that jurisdictions review their zoning regulations, development standards and procedures as part of the Housing Element update to ensure that they do not pose undue constraints on the provision and use of housing by persons with disabilities or other special needs. The County’s analysis indicated that some provisions of the Code may require revisions to ensure adequate provision for special needs housing in conformance with state law. Therefore, programs are included in the Housing Element to amend the Code in the following areas to remove constraints and facilitate the provision of housing for persons and families with special needs:

- Farmworker housing – amend the Code to define agricultural employee housing with up to 12 units or 36 beds as an agricultural use in compliance with Health & Safety Code Secs. 17021.5 and 17021.6 (Program 5.11).
- Large community care facilities – amend the Zoning Code to allow care facilities for 7 or more persons subject to a CUP (Program 5.12).
- Reasonable Accommodation – adopt procedures for reviewing and approving requests for modifications to zoning and building codes that are necessary to ensure reasonable accommodation for persons with disabilities (Program 5.12).
- Single Room Occupancy – adopt a definition and objective development standards to facilitate the establishment of SRO facilities (Program 5.17).

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Other policies and programs contained in the Housing Plan (Chapter 5) represent a continuation of existing policies and activities with only minor refinements.

9. Surrounding land uses and setting:

The Housing Element is a General Plan policy document and encompasses the entire unincorporated area.

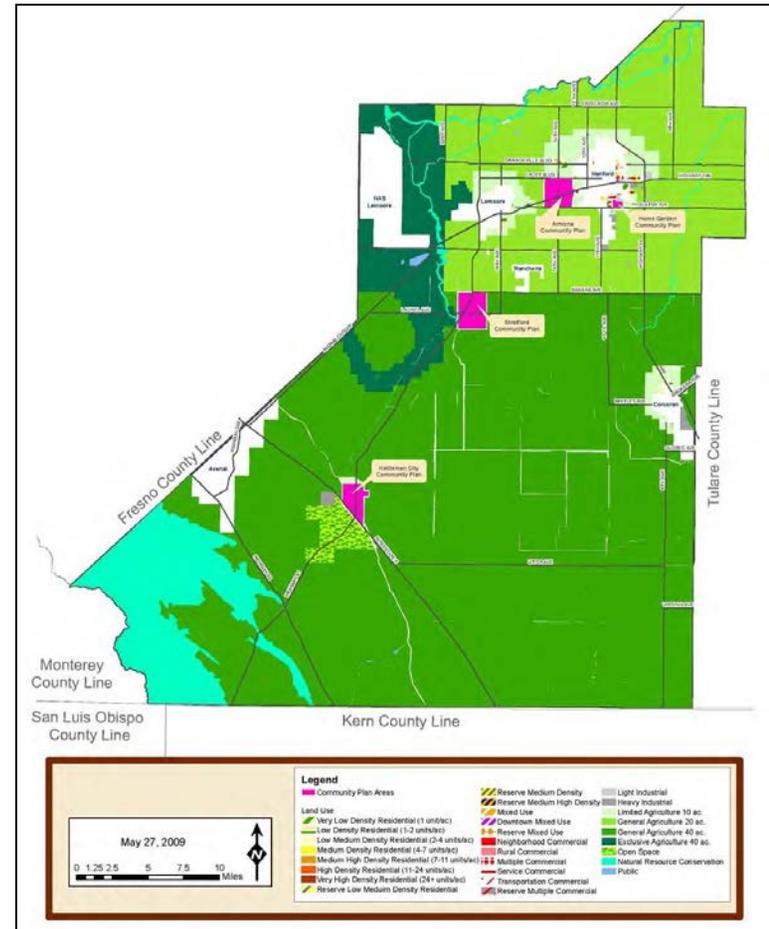
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement)

State law requires jurisdictions to submit the draft Housing Element to the California Department of Housing and Community Development (HCD) for review, and that the County consider HCD's comments prior to its adoption.

Review of specific development proposals by other governmental agencies may be required prior to development of new housing anticipated in the Housing Element. Appropriate public agency review will be determined at the time specific development applications are submitted.

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**EXHIBIT A-1**  
**2035 General Plan Land Use Designations**  
**Unincorporated Kings County**



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**B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

N/A	Aesthetics	N/A	Agricultural Resources	N/A	Air Quality
N/A	Biological Resources	N/A	Cultural Resources	N/A	Geology/Soils
N/A	Hazards & Hazardous Materials	N/A	Hydrology/Water Quality	N/A	Land Use/Planning
N/A	Mineral Resources	N/A	Noise	N/A	Population/Housing
N/A	Public Services	N/A	Recreation	N/A	Transportation/Traffic
N/A	Utilities/Service Systems	N/A	Mandatory Findings of Significance		

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_, 2010

Printed Name: Jeremy Kinney  
 Senior Planner

For: Kings County Community Development Agency

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**C. EVALUATION OF ENVIRONMENTAL IMPACTS**

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a.) Earlier Analysis Used. Identify and state where they are available for review.
- b.) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c.) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, including a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

- 9) The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

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INTRODUCTION

In assessing the environmental impacts of the 2009-2014 Housing Element update it should be recognized that the type, location and design of development projects are controlled primarily by the Land Use Element of the General Plan, the Zoning Ordinance, Community Plans and Specific Plans. The Housing Element is a policy document that reflects and anticipates development as described in other County plans and ordinances, and does not regulate development. No changes to the allowable intensity, quantity or location of new housing development are proposed in the Housing Element. In some cases (such as for transitional/supportive housing or single-room-occupancy housing) the Housing Element identifies changes to land use policies or regulations that the County intends to implement, however those changes will require amendments to other documents such as the General Plan Land Use Element or Zoning Ordinance prior to implementation. The specific details of those changes to the documents is unknown at this time and is speculation at best. Therefore future proposed changes will be subject to a subsequent public review and approval process that includes CEQA analysis. While this Initial Study describes the general characteristics and potential impacts associated with development anticipated in the Housing Element, specific analysis of the potential impacts of future developments cannot be conducted until detailed development plans and/or regulations are prepared.

The proposed Code amendments regarding transitional/supportive housing, agricultural employee housing, single-room-occupancy (SRO) housing, and reasonable accommodation for persons with disabilities are required by state law. These Code amendments will be subject to a subsequent public review and approval process that includes appropriate CEQA documentation when the amendments are initiated by the County.

ANALYSIS

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**I. AESTHETICS.** *Would the project:*

a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Impact Discussion (a-d): As noted in the Project Description, the Housing Element identifies a need for 1,094 additional housing units during the 2007-2014 period in the unincorporated areas of Kings County. This level of development is consistent with the General Plan and zoning, and no change to land use designations is proposed. While new residential developments could create light and glare, zoning regulations and conditions of approval will ensure that lighting is designed in a manner that minimizes such impacts. Prior to development, each new project will be the subject of CEQA review and appropriate standards, conditions and mitigation measures will be determined at that time. Potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**II. AGRICULTURE and FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

*Would the project:*

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
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Impact Discussion: The Housing Element assumes that future development will be consistent with the land use designations contained in the General Plan Land Use Element. These land use designations have been established to encourage the protection of agricultural resources and direct urban development primarily to areas within cities or their spheres of influence. Locations of future growth has been designated for urbanization in the *2035 Kings County General Plan*. Therefore, adoption of the Housing Element would have no new adverse impact on farmland resources.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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Impact Discussion: See II.a, above. Adoption of the Housing Element would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and therefore no new adverse impacts would result.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
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Impact Discussion: There is no designated forest land or timberland within the county, and therefore no adverse impacts would result.

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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Impact Discussion: There is no designated forest land or timberland within the county, and therefore no adverse impacts would result.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?					X
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Impact Discussion: See II.a and II.c above. The Housing Element would involve no other changes that would be expected to result in the conversion of farmland or forest land, and no mitigation measures are necessary in connection with the Housing Element update.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**III. AIR QUALITY.** Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.  
*Would the project:*

a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Impact Discussion (a-e):

**Overview of Air Quality and the Regulatory Framework**

Air quality in the San Joaquin Valley ranks among the worst in the country for ozone and particulate matter, exposing the residents of Kings County to unacceptable levels of air pollution. Regional and local air quality is impacted by topography, dominant airflows, atmospheric inversions, location and season. The combination of topography and inversion layers generally prevents dispersion of air pollutants.

Kings County is located within the San Joaquin Valley Air Basin (SJVAB), which is under the oversight of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD includes the counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and the Valley portion of Kern County. The SJVAPCD is responsible for controlling emissions primarily from stationary sources, but also has authority to control certain area sources and indirect sources. The SJVAPCD and the state Air Resources Board maintain air quality monitoring stations throughout the basin. The SJVAPCD, in coordination with the eight Valley regional transportation agencies, is also responsible for developing, updating, and implementing the Air Quality Attainment Plans (AQAPs) to comply with federal and state ambient air quality standards for the SJVAB.

Kings County is a partner in the San Joaquin Valley Blueprint process, and was one of the first local governments to actively participate and lend guidance in the Kings County Blueprint Growth Scenario efforts

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lead by the Kings County Association of Governments (KCAG). The Blueprint process is a regional multi-year effort to develop a preferred growth scenario and planning principles to guide development through the year 2050. The Blueprint Urban Growth Boundaries allow future growth to be concentrated around existing urban areas, and an analysis of urban land uses within the County illustrate that Kings County has enough land designated to accommodate the growth expected by 2050. The Preferred Growth Scenario was approved by the KCAG Commission in July 2008. The goals, objectives, and policies of the General Plan are consistent with the Preferred Growth Scenario and with the goals, objectives and policies of the *Air Quality Element* of the County General Plan. The *Air Quality Element* is consistent with all other elements of the General Plan, including the proposed Housing Element update.

**Air Quality Impacts**

New development anticipated in the Housing Element would generate both short-term and long-term pollutant emissions due to new vehicle trips, use of equipment, and off-site power and natural gas generation. Air pollutant emissions associated with new developments could occur over the short-term for demolition, site preparation and construction activities. In addition, emissions and odors could result from the long-term operation of new developments. However, no changes to the development patterns described in the Land Use Element are proposed in the Housing Element update.

**Short-Term Construction-Related Impacts.** Air quality impacts may occur during site preparation and construction activities related to new housing development. Sources of emissions during this phase include equipment exhaust emissions generated during demolition of an existing structure, site preparation and subsequent construction. To minimize construction-related air quality impacts, future development projects will be required to comply with the following SJVAPCD regulations.

- SJVAPCD Regulation VIII – Fugitive PM10 Prohibitions. Rule 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track-out, etc.
- SJVAPCD Rule 4601 – Architectural Coatings. The purpose of this rule is to limit Volatile Organic Compounds (VOC) emissions from architectural coatings.
- SJVAPCD Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit VOC emissions by restricting the application and manufacturing of certain types of asphalt for paving and maintenance operations.

Additionally, future development projects will be evaluated for potential construction-related air quality impacts. Where appropriate, specific mitigation measures will be required to reduce potential impacts. Because the proposed Housing Element is consistent with the Land Use and Air Quality elements of the General Plan, no new significant impacts would occur and no mitigation measures are necessary at this time.

**Long-Term Air Quality Impacts.** Long-term air quality impacts are those associated with the emissions produced from project-generated vehicle trips as well as from stationary sources related to the use of natural gas and electricity for heating, cooling, lighting, fireplaces, etc. The following existing SJVAPCD regulations help to reduce these impacts.

- SJVAPCD Rule 4901 – Wood Burning Fireplaces and Wood Burning Heaters. The purposes of this rule are to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices, and to establish a public education program to reduce wood burning emissions.

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- SJVAPCD Rule 9510 – Indirect Source Review. This rule reduces the impact of NOX and PM10 emissions from growth. The rule places requirements on applicable development projects in order to reduce emissions through on-site mitigation, off-site SJVAPCD-administered projects, or a combination of the two.

In addition to these SJVAPCD requirements, the following local transit programs help to reduce vehicle emissions by reducing the use of individual automobiles.

- The Agricultural Industries Transportation Services (AITS) program operated by Kings Area Rapid Transit (KART) provides a valuable service to agricultural workers and farmers while also providing significant air quality benefits by reducing vehicle trips. The program is designed to provide qualified agricultural workers in Kings, Kern, Tulare, Fresno and Madera Counties with safe, reliable, and affordable vans they can use and drive themselves and others to work.
- The Kings Area Rapid Transit (KART) Vanpool program provides vanpool services in a public/private partnership supporting the needs of employers and employees. This successful program reduces vehicle trips and increases average vehicle ridership to provide significant air quality benefits. The program uses eight and 15 passenger vans for groups that wish to carpool to and from work. The cost is based upon the number of passengers and the distance traveled each month. Ridership and participation has progressively increased as travel expenses rise and commuters seek more affordable means of dependable and direct modes of transport to and from work. Currently, KART Vanpool program provides vans for employees of 10 correctional facilities and as an incentive to State employees they receive a rebate of up to \$65/month.

Because the proposed Housing Element is consistent with other elements of the General Plan, no new significant impacts would be expected and no mitigation measures are necessary at this time.

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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES. *Would the project:*

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	

Impact Discussion (a-e): As noted in the Project Description, the Housing Element identifies a need for 1,094 additional housing during the 2007-2014 planning period. This development is expected to occur on sites that are currently designated for residential development.

Prior to development, proposed plans will be reviewed in detail, and will be the subject of a separate CEQA review to assess potential impacts to biological resources. If any potential impacts are identified, appropriate standards, conditions and mitigation measures will be established at that time. Since the Housing Element would not increase the level of development beyond what is currently allowed, no additional impacts would occur and no mitigation measures are necessary at this time.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
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Impact Discussion: There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans applicable to the unincorporated area. Therefore, the proposed project would not result in new impacts in this regard.

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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact

V. CULTURAL RESOURCES. *Would the project:*

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Impact Discussion

a-d): The proposed Housing Element identifies a need for 1,094 additional housing units during the 2007-2014 planning period. This development is expected to occur on sites currently designated for residential development. Future development sites could contain sensitive historical, cultural, archaeological or paleontological resources. However, each new development will be required to comply with all applicable State and Federal regulations concerning preservation, salvage, or handling of archaeological resources. In addition, each development shall be required to comply with all applicable State and Federal regulations concerning burial sites. Although future development sites may have already been disturbed, human remains in a previously unknown burial site could potentially be encountered during construction activities associated with development of new housing. Prior to development, proposed plans will be reviewed in detail to assess potential impacts to cultural resources. If any potential impacts are identified, appropriate standards, conditions and mitigation measures will be established at that time. Since the Housing Element would not increase the level of development beyond what is currently allowed, no new significant impacts would occur and no mitigation measures are necessary at this time.

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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact

VI. GEOLOGY AND SOILS. *Would the project:*

a) Expose people or structures to potential substantial adverse affects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Impact Discussion (a-e): Although Kings County is located within a relatively low seismic hazard area compared to many parts of California, some major fault zones are located within 6 miles of the county line. These faults have the potential to expose people or structures to significant impacts as a result of a fault rupture and seismic ground shaking.

The potential for liquefaction in the planning area is considered to be low. While some areas of the San Joaquin Valley have experienced significant subsidence due to groundwater pumping, the unincorporated planning area is not considered to be at risk of subsidence or settlement.

Grading associated with future development could result in soil erosion. Also, some areas may have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water, or where very-low-density development is planned. While it is not possible to determine site-specific potential impacts related to future developments at this time, some general requirements designed to minimize geological impacts will apply to all new development. This includes compliance with the California Code of Regulations Title 24. Compliance with these building standards is considered the best possible means of reducing geologic hazards. In addition, as part of the County's planning and development review process, future development projects may be required to prepare site-specific geotechnical studies to determine appropriate construction methods to address potential hazards such as liquefaction. No new significant impacts would occur and no mitigation measures are necessary in connection with this Housing Element amendment.

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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**VII. GREENHOUSE GAS EMISSIONS.** *Would the project:*

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Impact Discussion (a-b): Kings County is predicted to experience significant population growth in the coming years (53 percent between 2008 and 2030). Accommodating this amount of growth presents a challenge for attaining and maintaining air quality standards and for reducing greenhouse gas emissions. The increase in population is expected to be accompanied by a similar increase in vehicle miles traveled (VMT) (52.8 percent between 2008 and 2030).

The California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006, which charged the California Air Resources Board (CARB) with developing regulations on how the state would address global climate change. AB 32 focuses on reducing greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexafluoride (SF6). AB 32 requires that greenhouse gases emitted in California be reduced to 1990 levels by the year 2020. CARB is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. By January 1, 2008, CARB was required to determine what the statewide greenhouse gas emissions level was in 1990, and approve a statewide greenhouse gas emissions limit to apply to the 2020 benchmark. CARB adopted the 1990 greenhouse gas emission inventory/2020 emissions limit of 427 million metric tons of carbon dioxide equivalent (MMTCO2e) on December 6, 2007. CARB then developed a document referred to as the "Scoping Plan" that assigns reduction targets to sectors responsible for the emissions. Local governments must achieve reductions through land use measures that will be substantially dependent on the General Plan for success. Statewide, CARB expects to target local governments with reducing GHGs by 5 million metric tons of CO<sub>2</sub> equivalent by 2020.

Senate Bill 375 was signed by the Governor on September 30, 2008. The legislation addresses implementation of the 2006 Global Warming Act. The bill assures that the decisions about how to achieve greenhouse gas emissions from cars and light trucks will remain in the hands of locally elected officials. SB 375 aligns what have been three separate planning processes - one for transportation, one for housing, and one for reducing greenhouse gas emissions - into a single process. This will provide more certainty for General Plans and assures better coordination between state agencies.

Because the Housing Element assumes that development will occur consistent with the adopted growth forecast, the Regional Housing Needs Plan, and the Land Use Element of the General Plan, it would not cause an increase in greenhouse gas emissions beyond the level currently projected to occur. Therefore, no new significant impacts are anticipated and no mitigation measures are necessary at this time.

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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**VII. HAZARDS AND HAZARDOUS MATERIALS.** *Would the project:*

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	

Impact Discussion (a-c): Hazardous materials are routinely used and transported on major highways traversing the county. Therefore, future residents, workers, and visitors in this area could be exposed to hazards from the use, disposal, and transport of hazardous materials. New housing development would result in the use and disposal of household-type hazardous wastes. However, it is unlikely that such developments would result in the release of hazardous materials into the environment at a level that would result in a significant public hazard. Potential impacts related to the transport and exposure of people to hazardous materials will be analyzed as part of site-specific development proposals, and mitigation measures will be imposed where appropriate. Potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
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Impact Discussion: The potential exists for hazardous materials sites to exist in future development areas due to prior agricultural use and other activities. Grading operations could expose construction workers, future residents and the general public to these hazardous materials. Potential impacts associated with any such hazardous materials will be analyzed as part of each development proposal prior to construction. Potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	

Impact Discussion (e-f): Two public airports are located in the county - Hanford Municipal Airport and Corcoran Airport. In addition, Naval Air Station-Lemoore is located in the northwestern portion of the county. In 1994 Kings County completed the "Kings County Airport Land Use Compatibility Plan." The purpose of the Plan was to establish procedures and criteria by which the County of Kings and the cities of Corcoran and Hanford can address compatibility issues when making planning decisions regarding land uses within the spheres of influence of public use airports. The Plan criteria are intended to ensure that local General Plans, specific plans, and zoning ordinances take into account factors which influence compatibility between airports

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and the surrounding land uses. The "Kings County Airport Land Use Compatibility Plan" is incorporated into the Kings County General Plan by reference. The Plan only affects public use airports (Hanford Municipal Airport and the Corcoran Airport). The General Plan goals, objectives, and policies concerning the "Kings County Airport Land Use Compatibility Plan" are found in the Health & Safety Element of the 2035 Kings County General Plan. All land use decisions for projects located within the Airport Operational Area of Influence will be subject to the criteria identified in the Health & Safety Element. No new significant impacts would occur and no mitigation measures are necessary in connection with this Housing Element amendment.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
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Impact Discussion: Future residential development could result in congestion at intersections and along roadways, which could impede access by emergency vehicles and interfere with adopted response or evacuation plans. However, as part of the County's planning and development review process, future projects will be evaluated to determine whether any such hazards could occur and appropriate corrective measures will be required. New potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
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Impact Discussion: The county unincorporated area is located in a predominantly agricultural area and is not subject to high wildland fire hazards. No new significant impacts would occur and no mitigation measures are necessary in connection with this Housing Element amendment.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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VIII. HYDROLOGY AND WATER QUALITY. *Would the project:*

a) Violate any water quality standards or waste discharge requirements?			X	
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Impact Discussion: New development could impact water quality through runoff and wastewater discharge. However, all future developments will be required to comply with applicable federal, state and local water quality requirements such as the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) program. Additionally, through the County's development review process, future projects will be evaluated for potential site-specific water quality and flooding impacts. Development projects will be required to prepare water quality plans and/or incorporate "Best Management Practices" (BMPs) into their construction operations to reduce erosion, siltation and water pollution both during and after construction. Compliance with these regulations would be expected to reduce water quality impacts to a level that is less than significant. New potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
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Impact Discussion: Development consistent with Housing Element assumptions would result in increased water consumption having the potential to deplete groundwater supplies. Additionally, new developments will result in an increased amount of impervious surfaces and the potential to decrease groundwater recharge. These potential impacts related to groundwater supplies and recharge at this point would be speculative without site development specific information and will be analyzed as part of the planning and development review process for future projects. New potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	

Impact Discussion (c-i): Future residential developments could result in modification of existing drainage patterns through grading and construction of homes, streets and other facilities. Such changes to drainage patterns could result in substantial erosion or siltation on- or off-site, as well as greater risk of flooding from increased runoff. However, prior to development of any new projects, potential impacts related to alteration of drainage patterns and flood hazards will be analyzed and appropriate conditions will be required. In addition, existing policies require the provision of adequate storm water drainage facilities and prevent residential development within designated floodways. New potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

j) Inundation by seiche, tsunami, or mudflow?				X
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Impact Discussion: There are no large bodies of water within the unincorporated area that could cause inundation by seiche, tsunami, or mudflow. Therefore, there would be no impacts related to inundation as a result of the Housing Element.

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**IX. LAND USE AND PLANNING.** *Would the project:*

a) Physically divide an established community?			X	
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Impact Discussion: Future residential development as anticipated in the Housing Element update would be consistent with the land use patterns established in the Land Use Element of the General Plan. As such, the Housing Element would not have the potential to divide an existing community. However, as part of the planning and development review process, all new projects will be evaluated to determine potential impacts and any appropriate mitigation measures will be imposed. No mitigation measures are necessary at this time.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but to limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
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Impact Discussion: New residential development will be required to comply with all applicable plans and regulations, including the General Plan, specific plans, and the Zoning Ordinance. Some revisions to the Zoning Code regarding development standards and procedures for transitional/supportive housing, community care facilities and single-room-occupancy (SRO) facilities are proposed in the Housing Element. While no potentially significant impacts are anticipated as a result of those proposed changes, they will be subject to public review and environmental analysis as part of the Zoning Ordinance amendment process prior to adoption. In addition, prior to development of any new housing project, CEQA analysis will be conducted to evaluate the project's conformance with applicable policies and regulations. Potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
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Impact Discussion: There are no habitat conservation areas in the county. No impacts would occur and no mitigation measures are necessary in connection with this Housing Element amendment.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**X. MINERAL RESOURCES.** *Would the project:*

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

Impact Discussion (a-b): The Housing Element amendment assumes development patterns consistent with the Land Use Element, and therefore would have no new impacts on mineral resources. However, prior to development of specific projects, potential site-specific impacts to mineral resources will be evaluated as part of the planning and development review process and any appropriate requirements will be applied at that time. No

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new impacts would occur and no mitigation measures are necessary in connection with this Housing Element amendment.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**XI. NOISE.** *Would the project result in:*

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Impact Discussion (a-d): Future residential developments would be expected to result in short-term construction-related noise impacts, including groundborne vibration that could exceed established standards. Required compliance with the County's noise regulations and restrictions on construction hours will help to mitigate these impacts. Development would also be expected to result in an incremental increase in long-term noise levels from increased vehicular traffic as well as new stationary sources of noise. As part of the planning and development review process, projects will be subject to site-specific analysis of potential noise impacts and any appropriate mitigation measures will be imposed at that time. New potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Impact Discussion (e-f): Hanford Municipal Airport and Corcoran Airport, as well as Naval Air Station-Lemoore are located in Kings County, and future residential development could expose people to aircraft noise. However, the Housing Element would not alter the development patterns shown in the Land Use Element. Therefore no new impacts would occur and no mitigation measures are necessary in connection with this Housing Element amendment.

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ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**XII. POPULATION AND HOUSING.** *Would the project:*

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
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Impact Discussion: The new residential development anticipated in the Housing Element would directly induce population growth. However, the level of population growth assumed in the Housing Element is consistent with the 2035 General Plan. Further, the County is required by state law to accommodate its fair share of regional housing needs, therefore this population growth is not considered an adverse environmental impact under CEQA. Potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

Impact Discussion (b-c): It is expected that most new residential development would occur on vacant land and therefore would not displace existing houses or people. In the case of redevelopment projects covered under County redevelopment plans, the County prohibits eminent domain of residential properties. Potential impacts of this Housing Element amendment, if any, would be less than significant and no mitigation measures are necessary at this time.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**XIII. PUBLIC SERVICES.**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

Impact Discussion: New residential development would be expected to increase the demand for public services. As part of the planning and development review process, all new developments will be evaluated to determine the level of demand for public services and appropriate mitigation measures will be imposed to ensure that adequate service levels are maintained. Since the Housing Element assumes the same level of development described in the Land Use Element of the 2035 General Plan, no new impacts would result from the Housing Element amendment

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and no mitigation measures are necessary at this time.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**XIV. RECREATION.**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Impact Discussion (a-b): New residential development would be expected to increase the demand for parks and recreation facilities. As part of the planning and development review process, all new developments will be evaluated to determine the level of demand for recreational facilities and appropriate mitigation measures will be imposed to ensure that adequate service levels are maintained. Since the Housing Element assumes the same level of development described in the Land Use Element of the 2035 General Plan, no new impacts would result from the Housing Element amendment and no mitigation measures are necessary at this time.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**XV. TRANSPORTATION / TRAFFIC.** *Would the project:*

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	

Impact Discussion (a-g): New residential development anticipated by the 2009-2014 Housing Element would be expected to generate increased traffic on the road network and could also result in hazardous road conditions, inadequate emergency access or insufficient parking. However, as part of the planning and development review process, all new developments will be evaluated to determine the extent of traffic impacts relative to road

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capacity, design, emergency access and parking, and appropriate mitigation measures will be imposed to ensure that safe design standards and adequate service levels are maintained. The traffic impact fees that new residential developments are required to pay will help to mitigate the impact of additional traffic through funding of new road improvements. Since the Housing Element assumes the same level of development described in the Land Use Element, no new traffic impacts would result from the Housing Element amendment and no mitigation measures are necessary at this time.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**XVI. UTILITIES AND SERVICE SYSTEMS.** *Would the project:*

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Impact Discussion (a-g): New residential development anticipated in the Housing Element would be expected to increase the demand for utilities and service systems, including water, wastewater treatment, storm water drainage, and solid waste disposal; however this demand would not be expected to exceed that anticipated in the 2035 General Plan. As part of the planning and development review process, all new developments will be evaluated to determine the level of demand for these facilities and appropriate mitigation measures will be imposed to ensure that adequate service levels are maintained. Since the Housing Element assumes the same level of development described in the Land Use Element of the 2035 General Plan, no new impacts to utilities and service systems would result from the Housing Element amendment and no mitigation measures are necessary at this time.

ISSUES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife			X	
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species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
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Impact Discussion: Under state law, each city and county is required to prepare a Housing Element that, among other things, identifies how the jurisdiction's fair share of regional housing growth needs will be accommodated. Unincorporated Kings County's fair share of new housing need, as established by the Regional Housing Needs Plan, is 1,094 units for the period 2007-2014. The Housing Element is consistent with the growth assumptions in the Land Use Element of the 2035 General Plan and would not convey any development entitlements nor change any existing General Plan land use or zoning designations that control the location or intensity of future residential developments. While individual residential developments anticipated in the Housing Element update could have significant adverse impacts on the environment, such impacts cannot be fairly evaluated until specific development proposals are presented to the County for review. Accordingly, as part of the County's planning and development review process, specific project proposals will be evaluated prior to approval and appropriate conditions and measures will be required to mitigate any potential impacts as required by CEQA.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
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Impact Discussion: As noted above, the Housing Element identifies a need for 1,094 additional residential units during the 2007-2014 period in the unincorporated area of the County and includes commitments to amend zoning regulations regarding some types of special needs housing such as transitional/supportive housing, community care facilities, and single-room-occupancy facilities. However, these program commitments do not convey any development entitlements nor identify the specific size or configuration of any particular project. While the new residential developments anticipated in the Housing Element update could have significant adverse impacts on the environment, including cumulative impacts, such impacts cannot be fairly evaluated until specific development proposals are presented for review. Accordingly, as part of the County's planning and development review process, future projects will be evaluated prior to approval and appropriate conditions will be required to mitigate any potential impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
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Impact Discussion: New residential development anticipated in the Housing Element update could have significant adverse impacts; however, the Housing Element is a policy document that does not convey development entitlements for any specific site or project. As a result, any potential impacts cannot be fairly evaluated until specific development proposals are presented to the County for review. Accordingly, as part of the County's planning and development review process, each project will be evaluated prior to construction and appropriate conditions and measures will be required to mitigate any potential impacts.

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**D. REFERENCES**

County of Kings 2035 General Plan and EIR

The document cited above is available for review at the Kings County Government Center.

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**E. DISTRIBUTION LIST**

County Clerk  
State Clearinghouse  
Kings County Association of Governments  
City of Avenal  
City of Corcoran  
City of Hanford  
City of Lemoore  
County of Fresno  
County of Kern  
County of Monterey  
County of San Luis Obispo  
County of Tulare  
Naval Air Station-Lemoore

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Staff Report

**KINGS COUNTY PLANNING COMMISSION  
STAFF REPORT**

**Change of Zone District Boundaries No. 09-01  
Zoning Ordinance No. 269  
May 3, 2010**

**APPLICANT:** Lawrence Coelho, 10431 8 ¾ Avenue, Hanford, CA 93230

**APPLICANT’S AGENT:** None

**PROPERTY OWNER:** Lawrence and Shirley Coelho, 10431 8 ¾ Avenue, Hanford, CA 93230

**LOCATION:** The project site is located on the south side of State Route 198 and 3<sup>rd</sup> Street, between 8 ¾ Avenue and the 8 ½ Avenue alignment, in the Hanford City fringe area.

**PROPOSED CHANGE:** The applicant proposes a change of zone district boundaries for the eastern half of a parcel located at 10431 8 ¾ Avenue, Hanford (APN: 016-060-014) from Service Commercial (CS) zoning to Heavy Industrial (MH) to establish consistency with the 2035 *Kings County General Plan* land use designation as described in Figure LU – 16.

**GENERAL DESCRIPTION:** The east half of Assessor’s Parcel Number 016-060-014.

**LEGAL DESCRIPTION:** ALL THAT PORTION of the East Half of the Northwest Quarter and the East Half of the West Half of the Northwest Quarter of Section 32, Township 18 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Kings, State of California, which lies South of a line commencing at a point in the center line of the County Road along the West line thereof, (the center line of said County Road also being the West line of the East Half of the West Half of the Northwest Quarter of said Section 32), 1109.38 feet North along said center line from a point in the center line of the County Road on the South line of said Northwest Quarter of said Section 32; thence North 89 degrees 59’ East to the East line of said Northwest Quarter of said Section 32.

**CURRENT USE OF THE SITE:** The eastern half of the parcel is mostly vacant with the exception of a pre-existing wastewater lagoon on the southeast corner in addition to a portion of the parcel currently being used to store and dry manure from cow corrals.

**LAND USE SURROUNDING**

Kings County Exh. F

C.Z.D.B. No. 09-01

Kings County Exh. F

Page 1

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Staff Report

Staff Report

**THE SITE:** The project site is located in an unincorporated area on the south side of State Route 198, between State Route 43 and 9<sup>th</sup> Avenue, adjacent to the southeastern portion of the City of Hanford. Surrounding land uses include agricultural field crops to the south and the east, Heavy Industrial (MH) and City Service Commercial (SC) zone districts to the west, and County residential (R16 and R18) zone districts and City Service Commercial (SC) zone districts to the north.

**ENVIRONMENTAL REVIEW:** On April 22, 2010, the environmental review period ended for this proposal. A review of this project in compliance with the *California Environmental Quality Act (CEQA)* indicates that the project will not cause significant adverse impacts to the environment. There is no evidence in the record that indicates that the project has potential for adverse effects on wildlife, resources or habitat for wildlife. A copy of the Initial Study is attached.

**PROJECT REVIEW:**

February 27, 2009	Applicant submitted Change of Zone District Boundary No. 09-01
April 15, 2009	Application certified complete
April 1, 2010	Begin 20-day review period for environmental review
April 22, 2010	20 day environmental review period ends
May 3, 2010	Planning Commission hearing for C.Z.D.B. No. 09-01

**DISCUSSION:** Figure LU-16 located in the Land Use Element of the *2035 Kings County General Plan* designates the site as Heavy Industrial.

The site has been within the Service Commercial (CS) zone district since August 13, 1985, when the Kings County Board of Supervisors adopted Ordinance No. 269-2-85 amending Map No. 302.004 to change the zoning from General Agricultural (AG) to Service Commercial (CS).

The project site is a portion of an existing legal parcel of land that is 47.75 acres in size with two Assessor's Parcel Numbers, 016-060-024 and 016-060-014 and was created when a Parcel Map recorded on March 14, 1986, in Book 9 at Page 77 of Parcel Maps, Kings County Records. The project site is a portion of Assessor's Parcel Number 016-060-014 which is 33.65 acres in size.

Assessor's Parcel Number 016-060-014 is located within the City of Hanford Primary Sphere of Influence and is designated a City of Hanford Fringe Area.

**STAFF ANALYSIS:** In order for the Commission to approve this application and send it on to the Board of Supervisors, the following findings must be made:

A. The change is required to achieve the objectives of the zoning ordinance prescribed in Section 101.

- B. The change is consistent with the purposes and intended application of the proposed zone classification.
- C. The change of zone is consistent with the *2035 Kings County General Plan*.

With regard to these findings, staff recommends that the Commission can make positive findings in each of the cases as follows:

Pursuant to finding A, staff comments that the proposed zone change will ensure consistency with the objectives and policies of the general plan, specifically: The *2035 Kings County General Plan*. The proposed zone change is recommended so that the general plan land use designations and site specific zoning are consistent.

Pursuant to finding B, staff comments that the proposed zone change would be consistent with the purposes and intended application of the zone classification proposed by the applicant which conforms with Article 14 of the *Kings County Zoning Ordinance*.

Pursuant to finding C, the proposed zone change is consistent with the *2035 Kings County General Plan*, specifically:

- 1. "The Land Use Map of Hanford Fringe", Figure LU-16 of the *2035 Kings County General Plan's* Land use Element, currently designates the project site as Heavy Industrial.
  - A. Page LU-15, Section 3, of the "Land Use Element" states that "Commercial uses can be mutually beneficial to other land uses when located within communities and other unincorporated urban areas where patrons reside."
  - A. Page LU-15, Section 3, of the "Land Use Element" states that the Service Commercial Designation is intended primarily for establishments engaged in servicing equipment, materials and products, but which do not require the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sale. Land requirements for most commercial service uses generally dictate its application along major streets of the County which generally lie close to highway commercial and industrial districts.
  - A. Page LU-15, Section 3, of the "Land Use Element" states that commercial designations are implemented by the *Zoning Ordinance*, which allows varying degrees of intensity of use. Standards for development are contained in the zoning and subdivision ordinances and the *County Improvement Standards*.
  - B. Page LU-45, Policy E1.1.1 states the following: "Require urban growth to be contiguous to existing urban development and annex to a city in order to ensure coordinated urban growth according to that City's General Plan policies. Commercial and industrial development may be considered for development in the County when annexation is not feasible or practical, but must develop public improvements to City standards."
  - C. Page LU-43, Objective D1.5.1 of the "Land Use Element" states "Increase economic reinvestment by directing future commercial and industrial development to existing Community District areas as outlined in each Community Plan in order to meet the daily needs of residents and provide employment opportunities near residences and transportation routes."

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Staff Report

- 2. The project site is located adjacent to the City of Hanford in the urban fringe. The city provides the sites water and sewer services.

STAFF RECOMMENDATION: The staff recommends that the Commission:

- 1. Find the Negative Declaration for Change of Zone District Boundaries No. 09-01 to be adequate.
- 2. Find that Change of Zone District Boundaries No. 09-01 is consistent with the purposes and intended application of the zone classification proposed.
- 3. Find that Change of Zone District Boundaries No. 09-01 will achieve the objectives of the zoning ordinance.
- 4. Find that Change of Zone District Boundaries No. 09-01 is consistent with the 2035 Kings County General Plan.
- 5. Find that Zone Map No. 302.004 shall be amended to reflect said changes.
- 6. Adopt Resolution No. 10-05, recommending that the Board of Supervisors approve Change of Zone District Boundaries No. 09-01.

Prepared by the Kings County Community Development Agency (Jeremy Kinney) on April 20, 2010. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

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BEFORE THE KINGS COUNTY PLANNING COMMISSION  
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING CHANGE )  
OF ZONE DISTRICT BOUNDARIES NO. 09-01 )  
(LAWRENCE COELHO - CVM, KINGS COUNTY)

RESOLUTION NO. 10-05

Re: Lawrence Coelho - CVM, and  
the County of Kings

\* \* \* \* \*

WHEREAS, the California Government Code, Section 65300, requires that the planning agency of each county or city prepare, and the legislative body adopt, a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, on December 14, 2009, after a duly noticed public hearing, the Kings County Planning Commission adopted Resolution No. 09-15 approving the Kings County General Plan and recommending its adoption by the Kings County Board of Supervisors; and

WHEREAS, on January 26, 2010, after a duly noticed public hearing, the Kings County Board of Supervisors adopted Resolution No. 10-002 adopting the Kings County General Plan; and

WHEREAS, the Change in Zone District Boundary is consistent with the adopted Kings County General Plan; and

WHEREAS, the California Government Code, Section 65103 requires the implementation of the general plan through actions, including but not limited to the administration of specific plans and zoning and subdivision ordinances; and

WHEREAS, on February 27, 2009, the property owner, Lawrence Coelho, 10431 8 ¾ Avenue, Hanford, CA 93230, and the County of Kings 1400 W. Lacey Blvd. Hanford, CA 93230, initiated this change of zone district boundaries to change the zoning designation for certain properties from Service Commercial (CS) to Heavy Industrial (MH), described as follows:

GENERAL DESCRIPTION: Assessor's Parcel Number 016-060-014.

LEGAL DESCRIPTION: ALL THAT PORTION of the East Half of the Northwest Quarter and the East Half of the West Half of the Northwest Quarter of Section 32, Township 18 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Kings, State of California, which lies South of a line commencing at a point in the center line of the County Road along the West line thereof, (the center line of said County Road also being the West line of the East Half of the West Half of the Northwest Quarter of said Section 32), 1109.38 feet North along said center line from a point in the center line of the County Road on the South line of said Northwest Quarter of said Section 32; thence North 89 degrees 59' East to the East line of said Northwest Quarter of said Section 32.

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**WHEREAS**, on may 3, 2010, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

**WHEREAS**, this Commission has duly reviewed the contents of proposed Change of Zone District Boundaries No. 09-01, as well as comments and testimony received from the public and interested governmental agencies.

**NOW, THEREFORE, BE IT RESOLVED**, that after consideration of evidence submitted by all concerned parties, the applicants, and the Staff, this Commission hereby finds that:

1. An Initial Study of the project has been conducted by the Lead Agency to evaluate the potential for any adverse environmental impact and a negative declaration has been prepared.
2. Review of the project for compliance with the *California Environmental Quality Act (CEQA)* found there will not be significant adverse impacts to the environment.
3. Change of Zone District Boundaries No. 09-01:
  - A. Is consistent with the *2035 Kings County General Plan*,
  - B. Will achieve the objectives of the zoning ordinance, and
  - C. Is consistent with the purposes and intended application of the zone classification proposed.
4. The commission approves Change of Zone District Boundary Resolution 10-05.

**BE IT FURTHER RESOLVED**, that this Commission adopts Resolution No. 10-05, recommending that the Board of Supervisors approve Change of Zone District Boundaries No. 09-01, and that Zone Map No. 302.004 be amended to reflect said changes as referenced on attached Exhibit A.

The foregoing Resolution was adopted on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held on May 3, 2010, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

KINGS COUNTY PLANNING COMMISSION

\_\_\_\_\_  
Mark Cartwright, Chairperson

WITNESS, my hand this \_\_\_\_ day of May 2010

\_\_\_\_\_  
Gregory R. Gatzka  
Secretary to the Commission

cc: Kings County Board of Supervisors  
Kings County Counsel  
Lawrence Coelho

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**INITIAL STUDY/NEGATIVE DECLARATION**

**PROJECT TITLE:** Change of Zone District Boundaries No. 09-01

**LEAD AGENCY NAME AND ADDRESS:** Kings Co. Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA 93230

**CONTACT PERSON AND PHONE NUMBER:** Jeremy Kinney, (559) 582-3211, Extension 2673

**PROJECT LOCATION:** 10431 8 ¼ Avenue, Hanford, CA

**PROJECT APPLICANT'S NAME AND ADDRESS:** Lawrence Coelho, 10431 8 ¼ Avenue, Hanford, CA

**GENERAL PLAN DESIGNATION:** Currently designated under the new Kings County General Plan as Heavy Industrial (MH)

**ZONE DISTRICT:** The western half of the parcel is zoned Heavy Industrial (MH) and the eastern half of the parcel is zoned Service Commercial (CS)

**DESCRIPTION OF PROJECT:** The proposed site comprised of the eastern half of APN 016-060-014 has been within the Service Commercial (CS) zone district since August 13, 1985, when the Kings County Board of Supervisors adopted Ordinance No. 269-2-85 amending Map No. 302.004 to change the zoning from General Agricultural (AG) to Service Commercial (CS). The western half of the site was changed to the Heavy Industrial (MH) zone district. To remain consistent with the sites built environment the 1993 Kings County General Plan continued the land use designation of the western portion of APN 016-060-014 which remained Heavy Industrial and the eastern half of the parcel remained Service Commercial. On January 26, 2010, the Kings County Board of Supervisors adopted a comprehensive update to the 1993 Kings County General plan. This updated General Plan changed the general plan designation of the eastern portion of APN 016-060-014 from Service Commercial to Heavy Industrial thereby designating the entire parcel Heavy Industrial. Government Code Section 65860 requires zoning ordinances to be consistent with the jurisdictions general plan. In order to bring this parcel into compliance with the 2035 Kings County General Plan the applicant is proposing a change of zone district boundaries for the eastern half of the parcel located at 10431 8 ¼ Avenue, Hanford (APN: 016-060-014) from the current Service Commercial (CS) zone district to Heavy Industrial (MH). This change will make the zone district for the entire parcel consistent with the current general plan designation.

A Program Environmental Impact Report (PEIR) was prepared for the 2035 Kings County General Plan which analyzed all feasible environmental impacts associated with changes proposed through the conversion of agricultural land to urban uses and the change in designation from one type of urban use to another. All land use designation changes were calculated within the County's land use jurisdiction resulting in 97 acres of commercially designated land being converted to an industrial designation. This proposal is within the scope of the PEIR approved by the Kings County Board of Supervisors on January 26, 2010, and adequately describes the change in land use designation for the purposes of CEQA.

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This project proposes to convert approximately 16.83 acres from the Service Commercial (CS) zone district to a Heavy Industrial (MH) zone district and will not result in any changes to the environment. Future construction projects on the site may trigger the need for additional CEQA review.

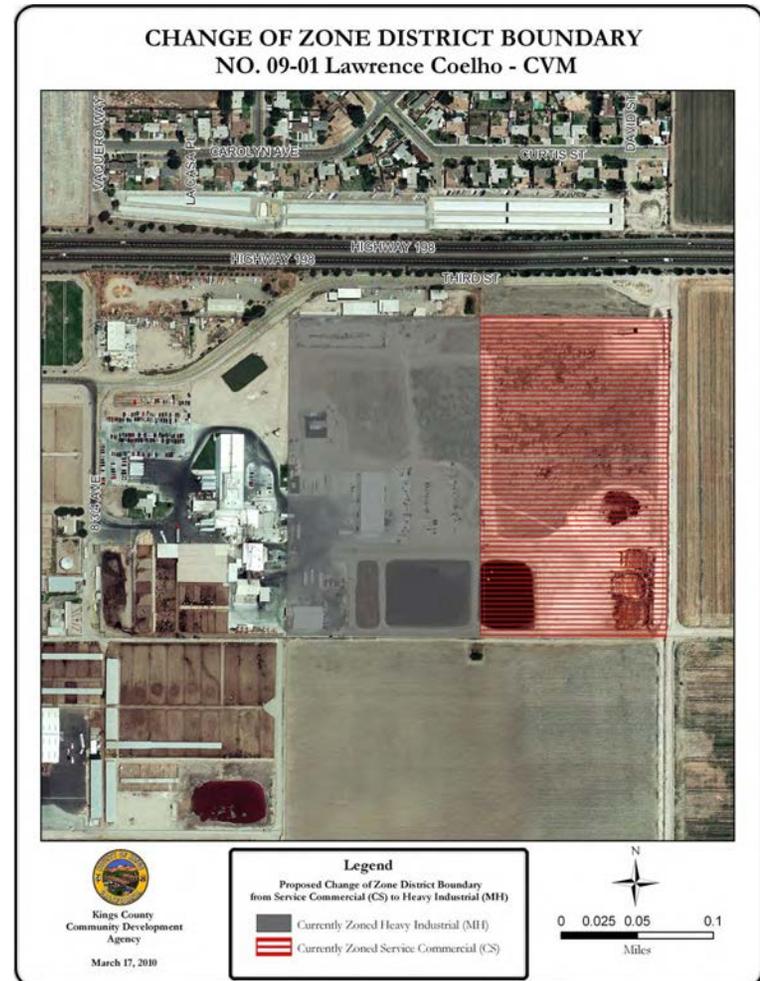
**CURRENT USE OF THE SITE:** The eastern half of the parcel is mostly vacant with the exception of a pre-existing wastewater lagoon on the southeast corner in addition to a portion of the parcel currently being used to store and dry manure from cow corrals.

**SURROUNDING LAND USES AND SETTING:** The project site is located in an unincorporated area on the south side of State Route 198, between State Route 43 and 9<sup>th</sup> Avenue, adjacent to the southeastern portion of the City of Hanford. Surrounding land uses include agricultural field crops to the south and the east, Heavy Industrial (MH) and City Service Commercial (SC) zone districts to the west, and County residential (R16 and R18) zone districts and City Service Commercial (SC) zone districts to the north.

**PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:** Kings County Planning Commission and Kings County Board of Supervisors

**PROJECT SUMMARY:**  
 The applicant proposes a change of zone district boundaries for the eastern half of a parcel located at 10431 8 3/4 Avenue, Hanford (APN: 016-060-014) from Service Commercial (CS) zoning to Heavy Industrial (MH) to establish consistency with the 2035 Kings County General Plan land use designation as described in Figure 1.

Figure 1 – Change of Zone District Boundary No. 09-01 Lawrence Coelho - CVM



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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agricultural Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology/Water Quality
Land Use/Planning	Mineral Resources	Noise
Population/Housing	Public Services	Recreation
Transportation/Traffic	Utilities/Service Systems	Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

April 1, 2010  
Date

Jeremy Kinney, Planner  
Printed Name

Kings County Community Development Agency  
For

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to project like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effect from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

**Substantiation for Sections I. a., b., c., and d.:**

- a. There are no scenic vistas in the vicinity of the project site. The project site within the "urban" area of Armona, and is partially developed with structures.
- b. There are no scenic resources in the vicinity of the project site.
- c. The proposed project will be consistent with the existing visual character of the surrounding area.
- d. The proposed Change of Zone District Boundaries will not produce a new light and glare source since it will not make any physical change to the environment.

II. AGRICULTURAL RESOURCES - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact

(Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.)

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?				X

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Substantiation for Sections II. a., b., and c.:

- a. The Kings County Important Farmland Map of 2006 prepared by the Department of Conservation Farmland Mapping and Monitoring Program classifies the project site as “Farmland of Local Importance” The proposed change of zone district boundaries will not remove any agricultural land from production and will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- b. The project site currently contains a wastewater lagoon and empty field utilized by the adjacent meat processing facility. The project site is not in an established Agricultural Preserve. The proposed project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. The *Kings County General Plan* designates the project site as Heavy Industrial (MH).
- c. Not applicable.

III. <u>AIR QUALITY</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Substantiation for Sections III. a., b., c., d., and e.:

- a. The proposed change of zone district boundaries will not make any physical changes to the environment. Therefore there will be no air quality impacts from the proposed project.
- b. See substantiation for Section III.a. above.
- c. See substantiation for Section III.a. above.
- d. The proposed project will not create pollution concentrations.
- e. The proposed project will not create any odors.

IV. <u>BIOLOGICAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?				X
c) Have a substantial adverse effect on federally protected Wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct				X

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removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat Conservation plan?				X

Substantiation for Sections IV. a., b., c., d., e., and f.:

The project site currently contains a wastewater lagoon and is located within the Hanford “urban fringe” area. The city provides water and sewer service to the site. The proposed project will not impact any biological resources.

- a. The *Biological Resources Survey* and the *Resource Conservation Element* of the *Kings County General Plan* does not identify any potentially sensitive habitats in this area. The proposed change of zone district boundaries will not make any physical changes to the environment. Therefore there will be no impacts to biological resources from the proposed project.
- b. See Substantiation for Section IV(a) above.
- c. See Substantiation for Section IV(a) above.
- d. See Substantiation for Section IV(a) above.
- e. The proposed project does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, since the project will not result in physical changes to the land. See Substantiation for Section IV(a) above.
- f. The proposed project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat Conservation plan since the project will not result in physical changes to the land. See Substantiation for Section IV(a) above.

V. <u>CULTURAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Substantiation for Sections V. a., b., c., and d.:

The project site is located within the Hanford “urban fringe.” The proposed change in the zone district is from Service Commercial (CS) to Heavy Industrial (MH). The project site does not contain features such as watercourses, springs, ponds, or elevated ground such as ridges and knolls that could be considered archaeologically or historically sensitive. No known cultural resources have been located at the project site.

- a. There are no known historical structures or monuments on the site.
- b. The proposed project will not cause a substantial adverse change in the significance of an archaeological resource since it will not result in any physical change to the environment.
- c. See Substantiation for Section V.a. and Section V.b. above.
- d. There are no known burials within the project area.

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VI. <b>GEOLOGY AND SOILS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines & Geology Special Publication 42.)				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Substantiation for Sections VI. a., b., c., d., and e.:

- a. Kings County, including the project site, is located on a broad alluvial plain lying between the Sierra Nevada foothills and the Coastal Range. The project site is situated on remnants of an alluvial fan, and is underlain sandy alluvium derived from granite. Elevation of the project site ranges between 71-79 feet above mean sea level. The project site is located in a V<sub>1</sub> Seismic Zone (Page HS-10 of the Health and Safety Element, 2035 Kings County General Plan). Amplification of shaking is reduced by the damping effect of the thick sedimentary section, but its moderately close proximity to the San Andreas fault zone results in the expectation of moderately high shaking characteristics. The greatest potential for geologic disaster in Kings County is posed by the San Andreas Fault, which is located approximately four (4) miles west of the Kings County line (as shown in Figure HS-1 of the 2035 Kings County General Plan). The San Andreas fault is located approximately 56 miles Southwest of the project site.
  - i. Section II A. Geologic Hazards, Page HS-8 of the "Health and Safety Element" states that the potential for extensive rupture is considered to be minimal, since no major fault systems are known to exist in Kings County.
  - ii. Moderate to moderately high ground shaking has occurred, and will occur periodically, from earthquakes. Section II A. Geologic Hazards, Page HS-6 of the "Health and Safety Element" states that "The potential for ground shaking is discussed in terms of the percent probability of exceeding peak ground acceleration (% g) in the next 50 years. It varies from 20-30% g in the northeast third of the County, including the cities of Hanford, Lemoore, Corcoran, and the Santa Rosa Rancheria....."
  - iii. A. Geologic Hazards, Page HS-11 of the "Health and Safety Element" states that the danger of liquefaction and subsidence occurring within the County is considered to be minimal.
  - iv. A. Geologic Hazards, Page HS-6 of the "Health and Safety Element" states that "Kings County, however, is fortunate to have very "low" to "Moderate" risk because landslide areas are located in remote uninhabited sections of southwest Kings County."
- b. The proposed change of zone district boundaries will not result in substantial soil erosion or the loss of topsoil since it will not result in any physical change to the environment.
- c. See Substantiation for Items VI (a) and (b) above.
- d. The Department of Conservations Web Soil Survey indicated onsite soils consist of two soil map unit's called the Kimberlina fine sandy loam, saline-alkali and the Kimberlina fine sandy loam, sandy substratum. Both of these soils are comprised of 12.0 percent clay material resulting in minimum potential for soil expansion.

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- e. The change of zone district boundaries will not utilize a septic system since it will not make any physical change to the environment and any future development would connect to the operations existing city water and sewer services.

VII. <b>GREENHOUSE GAS EMISSIONS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Substantiation for Sections VII. a., and b.:

- a. -The California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006, which charged the California Air Resources Board (ARB) with developing regulations on how the state would address global climate change. AB 32 focuses on reducing greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexafluoride (SF6). AB 32 requires that greenhouse gases emitted in California be reduced to 1990 levels by the year 2020. ARB is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. By January 1, 2008, ARB was required to determine what the statewide greenhouse gas emissions level was in 1990, and approve a statewide greenhouse gas emissions limit to apply to the 2020 benchmark. ARB adopted the 1990 greenhouse gas emission inventory/2020 emissions limit of 427 million metric tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>) on December 6, 2007. ARB then developed a document referred to as the "Scoping Plan" that assigns reduction targets to sectors responsible for the emissions. Local governments must achieve reductions through land use measures that will be substantially dependent on the General Plan for success. Statewide, ARB expects to target local governments with reducing GHGs by 5 million metric tons of CO<sub>2</sub> equivalent by 2020. Senate Bill 375 was signed by the Governor on September 30, 2008. The legislation addresses implementation of the 2006 Global Warming Act. The bill assures that the decisions about how to achieve greenhouse gas emissions from cars and light trucks will remain in the hands of locally elected officials. SB 375 aligns what have been three separate planning processes - one for transportation, one for housing, and one for reducing greenhouse gas emissions - into a single process. This will provide more certainty for General Plans and assures better coordination between state agencies. Because the proposed project will not alter the environment, it will not cause an increase in greenhouse gas emissions. Therefore, no new significant impacts are anticipated and no mitigation measures are necessary at this time.
- b. See the substantiation for Section VII a.

VIII. <b>HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where			X	

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such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk or loss injury or death involving wildland fires, including where, wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Substantiation for Sections VII. a., b., c., d., e., f., g., and h.:

- The project will not involve the use of hazardous materials during construction or operation since the project does not involve construction activities or any changes to the environment.
- See Substantiation for Item VII (a) above.
- See Substantiation for Item VII (a) above.
- The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- The nearest airport to the project site is the Hanford Municipal Airport approximately 0.84 miles to the west. The southwestern corner of the proposed project site primarily comprised of the wastewater lagoon is within the Hanford Municipal Airport Compatibility Zone C – Common Traffic Pattern. This zone normally accepts the following uses:
  - Uses in Zone B
  - Parks, playgrounds
  - General retail, offices, etc. (2 – story maximum)
  - Low-intensity manufacturing, food processing
  - Two-story motels
 The project will not affect the Airport Land Use Compatibility Plan since the project will not affect the environment. No impacts in this regard would occur.
- The project site is not within the vicinity of a private airstrip.
- The proposed project will not alter any of the existing traffic routes.
- The project site is surrounded by industrial, commercial, and agricultural land uses. These land use types are not associated with wildland fires and preclude the possibility of exposure to wildland fires.

IX. <u>HYDROLOGY AND WATER QUALITY</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a				X

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manner which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Substantiation for Sections VIII. a., b., c., d., e., f., g., h., i., and j.:

- The proposed change of zone district boundaries will not violate any water quality standards or waste discharge requirements since it will not result in any physical change to the environment.
- The project site is located within the service area of the City of Hanford who provides the sites water and sewer service. The proposed change of zone district boundaries will not substantially increase demand on the groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- No changes to the existing storm drainage system will be required. A change in zone district boundary will not affect the environment including onsite hydrology.
- See Substantiation for Item VIII (c) above.
- See Substantiation for Item VIII (c) above.
- The proposed change of zone district boundaries will not have any adverse effect on water quality in the City of Hanford.
- The project site is not within an identified 100-year flood hazard area (FIRM Map 060031C0205C).
- See Substantiation for Item VIII (g) above.
- The nearest dams that could have any effect on the City of Hanford “urban fringe” area are on the Kings River or Kaweah River. The site is not identified as being within the inundation areas below Terminus Dam (Figure HS - 7, Page HS - 16 of the Health and Safety Element), but is shown within the inundation area below Pine Flat Dam (Figure HS - 7, Page HS - 16 of the Health and Safety Element). Since the failure of Pine Flat Dam is highly unlikely no potential impact is assigned.
- There is no potential seiche or tsunami due to the lack of a significant water body near the project site. The project site is flat, eliminating the possibility of mud flow.

X. <u>LAND USE AND PLANNING</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan				X

Substantiation for Sections IX. a., b., and c.:

- The project site is within the City of Hanford “urban fringe” and within the Hanford Primary Sphere of Influence. A change of zone district boundary will not divide the community.

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- b. The project site is within the City of Hanford “urban fringe” and within the Hanford Primary Sphere of Influence. The Kings County General Plan designates this site as Heavy Industrial, while the Kings County Zoning Ordinance has the western half of the property zoned Heavy Industrial and the eastern half zoned Service Commercial. Changing the entire parcel to the Heavy Industrial zone district will bring the property into conformance with the Planning and Zoning Law §65860(a) which requires all zoning to be consistent with the General Plan.
- c. There are no applicable habitat conservation plans or natural community conversation plans.

XI. <u>MINERAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Substantiation for Sections X. a. and b.:

- a. No known mineral resources exist below the project site surface.
- b. See Substantiation for Item X (a) above.

XII. <u>NOISE</u> - Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generations of excessive ground-borne vibration or ground-borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Substantiation for Sections XI. a., b., c., d., e., and f.:

- a. The proposed change of zone district boundaries will not have any adverse noise effects since the project will not alter the environment.
- b. See Substantiation for Item XI (a) above.
- c. See Substantiation for Item XI (a) above.
- d. The proposed change of zone district boundaries will not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- e. The project site is located approximately 0.84 miles from the Hanford Municipal Airport and is within the Kings County Airport Land Use Compatibility Zone C – Common Traffic Pattern. Page 5-9 of the Hanford Municipal Airport Master Plan has analyzed the noise forecast through the year 2025 and states “Under the forecast assumptions listed above, the

- 2025 noise contours have the same basic shape as current contours. However, the contours have been expanded by the forecast increase in operations. All of the 65 CNEL contour remains within airport property. The 60 CNEL contour extends beyond the airport to the northeast and east. The 60 contour encompasses two houses and extends onto two other rural residential parcels (but not their residences) and one commercial parcel. The rural residential parcels that fall within the projected noise contours are proposed to be acquired in fee simple. This will remove all residential uses from within the 60 and 65 CNEL contours. Therefore, noise is not judged to be a constraint to implementation of this master plan.” The project site is approximately ¾ of a mile from the 60 CNEL contour resulting in a less than significant impact.
- f. The project site is not within the vicinity of a private airstrip. The nearest private airstrip is approximately 3.3 miles to the southwest and does not expose people residing or working in the project area to excessive noise levels.

XIII. <u>POPULATION AND HOUSING</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by processing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Substantiation for Sections XII. a., b., and c.:

- a. The proposed change of zone district boundaries will not induce substantial population growth in the area. This is a proposal to change the zoning on a single parcel from a commercial zone to an industrial zone an will not induce a population growth.
- b. The proposed project will not displace existing housing units. The change will allow for a set of industrial uses.
- c. See Substantiation for Item XII (b) above.

XIV. <u>PUBLIC SERVICES</u>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?				X
ii) Police protection?				X
iii) Schools?				X
iv) Parks?				X
v) Other public facilities?				X

Substantiation for Sections XIII. a.:

- a. The project site is located within the Hanford “urban fringe” and proposes to change the zoning from Service Commercial to Heavy Industrial. The proposed change of zone district boundaries will not result in any physical change in the environment.
  - i. The proposed project will not create a significant demand for public safety services.

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- ii. See Substantiation for Item XIII (a) above.
- iii. See Substantiation for Item XIII (a) above.
- iv. See Substantiation for Item XIII (a) above.
- v. See Substantiation for Item XIII (a) above.

<b>XV. RECREATION</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?				X

Substantiation for Sections XIV. a. and b.:

- a. The proposed change of zone district boundaries will not result in any physical change in the environment and will not increase the use of parks.
- b. See Substantiation for Section XIV.a. above.

<b>XVI. TRANSPORTATION/TRAFFIC - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Substantiation for Sections XV. a., b., c., d., e., f., and g.:

- a. The proposed change of zone district boundaries will not result in any physical change in the environment and, therefore, would not cause a substantial increase in traffic in relation to the existing traffic load and capacity of the street system.
- b. See Substantiation for Item XIV (a) above.
- c. The proposed change of zone district boundaries will not result in a change in air traffic patterns.

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- d. The proposed change of zone district boundaries will not substantially increase hazards due to a design feature or incompatible uses.
- e. The proposed change of zone district boundaries will not result in inadequate emergency access.
- f. The proposed change of zone district boundaries will not result in inadequate parking capacity.
- g. The proposed change of zone district boundaries will not conflict with adopted policies, plans, or programs supporting alternative transportation.

<b>XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Substantiation for Sections XVI. a., b., c., d., e., f., and g.:

- a. The proposed change of zone district boundaries will not result in any physical change in the environment.
- b. See Substantiation for Section XVI.a. above.
- c. See Substantiation for Section XVI.a. above.
- d. See Substantiation for Section VIII.b. above.
- e. See Substantiation for Section XVI.a. above.
- f. The proposed project will be served by Chemical Waste Management's Kettleman Hills Facility. The current permitted disposal capacity is 4,200,00 cubic yards. The remaining capacity of the landfill as of June 6, 2005 was 1,901,860 resulting in sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g. The proposed project complies with federal, state, and local statutes and regulations related to solid waste.

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?				X

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b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Substantiation for Sections XVII. a., b., and c.:

- a. The project analysis discloses that none of the above-listed effects will occur.
- b. All project impacts listed as less than significant have a relationship to short-term effects. There is no potential for cumulatively considerable impacts.
- c. No such effects have been identified or can be foreseen.

SITE INFORMATION:

CURRENT USE OF SITE:	APN: 016-060-014 contains a waste water lagoon.
SURROUNDING LAND USES:	The project site is within the primary sphere of influence for the City of Hanford and is surrounded by industrial, commercial, and agricultural uses.
HYDROLOGY: (Source: Department of Water Resources) (Date: Spring of 1995)	Depth to Groundwater information is not available.
SOILS:	Onsite soils consist of the Kimberlina fine sandy loam, saline-alkali and the Kimberlina fine sandy loam, sandy substratum.
SEISMICITY: (Page S-5 of the Safety Element, 2035 Kings County General Plan)	The site is located in a V <sub>1</sub> Seismic Zone.
FLOOD HAZARD:	The site is not located in a Special Flood Hazard Area (FIRM Map 06031C0205C).
LAND CLASSIFICATION: (Important Farmland Mapping Program-2006)	The project site is classified as farmland of Local Importance by FMMP maps.
WILLIAMSON ACT:	The project site is not in an established Agricultural Preserve.

RIGHT TO FARM NOTICE:

Pursuant to Section 14-38(d) of the Kings County Code of Ordinances, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded for all approvals of applications for rezonings, land divisions, zoning permits, and residential building permits, on property in the unincorporated territory of Kings County. The applicant, or the owner if different from the applicant, shall also acknowledge the contents of the notice and disclosure themselves, by signing and recording the written notice and disclosure, which includes a description of the property the notice and the disclosure pertains.

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POSSIBLE IMPACTS:

A review of this project in compliance with the California Environmental Quality Act (CEQA) indicates that there will not be significant adverse impacts to the environment. There is no evidence in the record that indicates that the project has potential for adverse effects on wildlife, resources or habitat for wildlife. Therefore, a de minimis Negative Declaration is appropriate.

The presumption that the project will have a potential for adverse effect on fish and wildlife resources or the habitat upon which wildlife depends is rebutted based on evidence in the record that:

- A. The project does not involve any riparian land, rivers, streams, watercourses, or wetlands under State and Federal jurisdiction.
- B. The project does not disturb any plant life required to sustain habitat for fish or wildlife.
- C. The project does not disturb any rare or unique plant life or ecological communities dependent on plant life.
- D. The project does not threaten any listed or endangered plant or animals or the habitat in which they are believed to reside.
- E. The project does not disturb any plants or animals that are subject to special management in the Fish and Game Code, Public Resources Code, the Water Code or any regulations thereto.
- F. The project does not disturb any marine or terrestrial species which are subject to the jurisdiction of the Department of Fish and Game and ecological communities in which they reside.
- G. The project will not degrade any air or water resources which will individually or cumulatively result in a loss of biological diversity among plants and animals residing in the air or water.

PLANNING COMMISSION DETERMINATION:

Kings County Planning Commission found that on the basis of the Initial Study and comments received that there is substantial evidence that Change of Zone District Boundary No. 09-01 will not have a significant effect on the environment.

PREPARED BY: Kings County Community Development Agency (Jeremy Kinney) on March 24, 2010. Copies are available for review at the Kings County Community Development Agency or at the Kings County Clerk’s Office, Government Center, Hanford, California.

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Staff Report

**KINGS COUNTY PLANNING COMMISSION  
STAFF REPORT**

**Change of Zone District Boundaries No. 09-01  
Zoning Ordinance No. 269  
May 3, 2010**

**APPLICANT:** Lawrence Coelho, 10431 8 ¾ Avenue, Hanford, CA 93230

**APPLICANT’S AGENT:** None

**PROPERTY OWNER:** Lawrence and Shirley Coelho, 10431 8 ¾ Avenue, Hanford, CA 93230

**LOCATION:** The project site is located on the south side of State Route 198 and 3<sup>rd</sup> Street, between 8 ¾ Avenue and the 8 ½ Avenue alignment, in the Hanford City fringe area.

**PROPOSED CHANGE:** The applicant proposes a change of zone district boundaries for the eastern half of a parcel located at 10431 8 ¾ Avenue, Hanford (APN: 016-060-014) from Service Commercial (CS) zoning to Heavy Industrial (MH) to establish consistency with the *2035 Kings County General Plan* land use designation as described in Figure LU – 16.

**GENERAL DESCRIPTION:** The east half of Assessor’s Parcel Number 016-060-014.

**LEGAL DESCRIPTION:** ALL THAT PORTION of the East Half of the Northwest Quarter and the East Half of the West Half of the Northwest Quarter of Section 32, Township 18 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Kings, State of California, which lies South of a line commencing at a point in the center line of the County Road along the West line thereof, (the center line of said County Road also being the West line of the East Half of the West Half of the Northwest Quarter of said Section 32), 1109.38 feet North along said center line from a point in the center line of the County Road on the South line of said Northwest Quarter of said Section 32; thence North 89 degrees 59’ East to the East line of said Northwest Quarter of said Section 32.

**CURRENT USE OF THE SITE:** The eastern half of the parcel is mostly vacant with the exception of a pre-existing wastewater lagoon on the southeast corner in addition to a portion of the parcel currently being used to store and dry manure from cow corrals.

**LAND USE SURROUNDING**

Kings County Exh. F

C.Z.D.B. No. 09-01

Kings County Exh. F

Page 1

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Staff Report

Staff Report

**THE SITE:** The project site is located in an unincorporated area on the south side of State Route 198, between State Route 43 and 9<sup>th</sup> Avenue, adjacent to the southeastern portion of the City of Hanford. Surrounding land uses include agricultural field crops to the south and the east, Heavy Industrial (MH) and City Service Commercial (SC) zone districts to the west, and County residential (R16 and R18) zone districts and City Service Commercial (SC) zone districts to the north.

**ENVIRONMENTAL REVIEW:** On April 22, 2010, the environmental review period ended for this proposal. A review of this project in compliance with the *California Environmental Quality Act (CEQA)* indicates that the project will not cause significant adverse impacts to the environment. There is no evidence in the record that indicates that the project has potential for adverse effects on wildlife, resources or habitat for wildlife. A copy of the Initial Study is attached.

**PROJECT REVIEW:**

February 27, 2009	Applicant submitted Change of Zone District Boundary No. 09-01
April 15, 2009	Application certified complete
April 1, 2010	Begin 20-day review period for environmental review
April 22, 2010	20 day environmental review period ends
May 3, 2010	Planning Commission hearing for C.Z.D.B. No. 09-01

**DISCUSSION:** Figure LU-16 located in the Land Use Element of the *2035 Kings County General Plan* designates the site as Heavy Industrial.

The site has been within the Service Commercial (CS) zone district since August 13, 1985, when the Kings County Board of Supervisors adopted Ordinance No. 269-2-85 amending Map No. 302.004 to change the zoning from General Agricultural (AG) to Service Commercial (CS).

The project site is a portion of an existing legal parcel of land that is 47.75 acres in size with two Assessor's Parcel Numbers, 016-060-024 and 016-060-014 and was created when a Parcel Map recorded on March 14, 1986, in Book 9 at Page 77 of Parcel Maps, Kings County Records. The project site is a portion of Assessor's Parcel Number 016-060-014 which is 33.65 acres in size.

Assessor's Parcel Number 016-060-014 is located within the City of Hanford Primary Sphere of Influence and is designated a City of Hanford Fringe Area.

**STAFF ANALYSIS:** In order for the Commission to approve this application and send it on to the Board of Supervisors, the following findings must be made:

A. The change is required to achieve the objectives of the zoning ordinance prescribed in Section 101.

- B. The change is consistent with the purposes and intended application of the proposed zone classification.
- C. The change of zone is consistent with the *2035 Kings County General Plan*.

With regard to these findings, staff recommends that the Commission can make positive findings in each of the cases as follows:

Pursuant to finding A, staff comments that the proposed zone change will ensure consistency with the objectives and policies of the general plan, specifically: The *2035 Kings County General Plan*. The proposed zone change is recommended so that the general plan land use designations and site specific zoning are consistent.

Pursuant to finding B, staff comments that the proposed zone change would be consistent with the purposes and intended application of the zone classification proposed by the applicant which conforms with Article 14 of the *Kings County Zoning Ordinance*.

Pursuant to finding C, the proposed zone change is consistent with the *2035 Kings County General Plan*, specifically:

- 1. "The Land Use Map of Hanford Fringe", Figure LU-16 of the *2035 Kings County General Plan's* Land use Element, currently designates the project site as Heavy Industrial.
  - A. Page LU-15, Section 3, of the "Land Use Element" states that "Commercial uses can be mutually beneficial to other land uses when located within communities and other unincorporated urban areas where patrons reside."
  - A. Page LU-15, Section 3, of the "Land Use Element" states that the Service Commercial Designation is intended primarily for establishments engaged in servicing equipment, materials and products, but which do not require the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sale. Land requirements for most commercial service uses generally dictate its application along major streets of the County which generally lie close to highway commercial and industrial districts.
  - A. Page LU-15, Section 3, of the "Land Use Element" states that commercial designations are implemented by the *Zoning Ordinance*, which allows varying degrees of intensity of use. Standards for development are contained in the zoning and subdivision ordinances and the *County Improvement Standards*.
  - B. Page LU-45, Policy E1.1.1 states the following: "Require urban growth to be contiguous to existing urban development and annex to a city in order to ensure coordinated urban growth according to that City's General Plan policies. Commercial and industrial development may be considered for development in the County when annexation is not feasible or practical, but must develop public improvements to City standards."
  - C. Page LU-43, Objective D1.5.1 of the "Land Use Element" states "Increase economic reinvestment by directing future commercial and industrial development to existing Community District areas as outlined in each Community Plan in order to meet the daily needs of residents and provide employment opportunities near residences and transportation routes."

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Staff Report

- 2. The project site is located adjacent to the City of Hanford in the urban fringe. The city provides the sites water and sewer services.

STAFF RECOMMENDATION: The staff recommends that the Commission:

- 1. Find the Negative Declaration for Change of Zone District Boundaries No. 09-01 to be adequate.
- 2. Find that Change of Zone District Boundaries No. 09-01 is consistent with the purposes and intended application of the zone classification proposed.
- 3. Find that Change of Zone District Boundaries No. 09-01 will achieve the objectives of the zoning ordinance.
- 4. Find that Change of Zone District Boundaries No. 09-01 is consistent with the 2035 Kings County General Plan.
- 5. Find that Zone Map No. 302.004 shall be amended to reflect said changes.
- 6. Adopt Resolution No. 10-05, recommending that the Board of Supervisors approve Change of Zone District Boundaries No. 09-01.

Prepared by the Kings County Community Development Agency (Jeremy Kinney) on April 20, 2010. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

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BEFORE THE KINGS COUNTY PLANNING COMMISSION  
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING CHANGE )  
OF ZONE DISTRICT BOUNDARIES NO. 09-01 )  
(LAWRENCE COELHO - CVM, KINGS COUNTY)

RESOLUTION NO. 10-05

Re: Lawrence Coelho - CVM, and  
the County of Kings

\* \* \* \* \*

WHEREAS, the California Government Code, Section 65300, requires that the planning agency of each county or city prepare, and the legislative body adopt, a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, on December 14, 2009, after a duly noticed public hearing, the Kings County Planning Commission adopted Resolution No. 09-15 approving the Kings County General Plan and recommending its adoption by the Kings County Board of Supervisors; and

WHEREAS, on January 26, 2010, after a duly noticed public hearing, the Kings County Board of Supervisors adopted Resolution No. 10-002 adopting the Kings County General Plan; and

WHEREAS, the Change in Zone District Boundary is consistent with the adopted Kings County General Plan; and

WHEREAS, the California Government Code, Section 65103 requires the implementation of the general plan through actions, including but not limited to the administration of specific plans and zoning and subdivision ordinances; and

WHEREAS, on February 27, 2009, the property owner, Lawrence Coelho, 10431 8 ¾ Avenue, Hanford, CA 93230, and the County of Kings 1400 W. Lacey Blvd. Hanford, CA 93230, initiated this change of zone district boundaries to change the zoning designation for certain properties from Service Commercial (CS) to Heavy Industrial (MH), described as follows:

GENERAL DESCRIPTION: Assessor's Parcel Number 016-060-014.

LEGAL DESCRIPTION: ALL THAT PORTION of the East Half of the Northwest Quarter and the East Half of the West Half of the Northwest Quarter of Section 32, Township 18 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Kings, State of California, which lies South of a line commencing at a point in the center line of the County Road along the West line thereof, (the center line of said County Road also being the West line of the East Half of the West Half of the Northwest Quarter of said Section 32), 1109.38 feet North along said center line from a point in the center line of the County Road on the South line of said Northwest Quarter of said Section 32; thence North 89 degrees 59' East to the East line of said Northwest Quarter of said Section 32.

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**WHEREAS**, on may 3, 2010, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

**WHEREAS**, this Commission has duly reviewed the contents of proposed Change of Zone District Boundaries No. 09-01, as well as comments and testimony received from the public and interested governmental agencies.

**NOW, THEREFORE, BE IT RESOLVED**, that after consideration of evidence submitted by all concerned parties, the applicants, and the Staff, this Commission hereby finds that:

1. An Initial Study of the project has been conducted by the Lead Agency to evaluate the potential for any adverse environmental impact and a negative declaration has been prepared.
2. Review of the project for compliance with the *California Environmental Quality Act (CEQA)* found there will not be significant adverse impacts to the environment.
3. Change of Zone District Boundaries No. 09-01:
  - A. Is consistent with the *2035 Kings County General Plan*,
  - B. Will achieve the objectives of the zoning ordinance, and
  - C. Is consistent with the purposes and intended application of the zone classification proposed.
4. The commission approves Change of Zone District Boundary Resolution 10-05.

**BE IT FURTHER RESOLVED**, that this Commission adopts Resolution No. 10-05, recommending that the Board of Supervisors approve Change of Zone District Boundaries No. 09-01, and that Zone Map No. 302.004 be amended to reflect said changes as referenced on attached Exhibit A.

The foregoing Resolution was adopted on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held on May 3, 2010, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

KINGS COUNTY PLANNING COMMISSION

\_\_\_\_\_  
Mark Cartwright, Chairperson

WITNESS, my hand this \_\_\_\_ day of May 2010

\_\_\_\_\_  
Gregory R. Gatzka  
Secretary to the Commission

cc: Kings County Board of Supervisors  
Kings County Counsel  
Lawrence Coelho

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**INITIAL STUDY/NEGATIVE DECLARATION**

**PROJECT TITLE:** Change of Zone District Boundaries No. 09-01

**LEAD AGENCY NAME AND ADDRESS:** Kings Co. Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA 93230

**CONTACT PERSON AND PHONE NUMBER:** Jeremy Kinney, (559) 582-3211, Extension 2673

**PROJECT LOCATION:** 10431 8 ¼ Avenue, Hanford, CA

**PROJECT APPLICANT'S NAME AND ADDRESS:** Lawrence Coelho, 10431 8 ¼ Avenue, Hanford, CA

**GENERAL PLAN DESIGNATION:** Currently designated under the new Kings County General Plan as Heavy Industrial (MH)

**ZONE DISTRICT:** The western half of the parcel is zoned Heavy Industrial (MH) and the eastern half of the parcel is zoned Service Commercial (CS)

**DESCRIPTION OF PROJECT:** The proposed site comprised of the eastern half of APN 016-060-014 has been within the Service Commercial (CS) zone district since August 13, 1985, when the Kings County Board of Supervisors adopted Ordinance No. 269-2-85 amending Map No. 302.004 to change the zoning from General Agricultural (AG) to Service Commercial (CS). The western half of the site was changed to the Heavy Industrial (MH) zone district. To remain consistent with the sites built environment the 1993 Kings County General Plan continued the land use designation of the western portion of APN 016-060-014 which remained Heavy Industrial and the eastern half of the parcel remained Service Commercial. On January 26, 2010, the Kings County Board of Supervisors adopted a comprehensive update to the 1993 Kings County General plan. This updated General Plan changed the general plan designation of the eastern portion of APN 016-060-014 from Service Commercial to Heavy Industrial thereby designating the entire parcel Heavy Industrial. Government Code Section 65860 requires zoning ordinances to be consistent with the jurisdictions general plan. In order to bring this parcel into compliance with the 2035 Kings County General Plan the applicant is proposing a change of zone district boundaries for the eastern half of the parcel located at 10431 8 ¼ Avenue, Hanford (APN: 016-060-014) from the current Service Commercial (CS) zone district to Heavy Industrial (MH). This change will make the zone district for the entire parcel consistent with the current general plan designation.

A Program Environmental Impact Report (PEIR) was prepared for the 2035 Kings County General Plan which analyzed all feasible environmental impacts associated with changes proposed through the conversion of agricultural land to urban uses and the change in designation from one type of urban use to another. All land use designation changes were calculated within the County's land use jurisdiction resulting in 97 acres of commercially designated land being converted to an industrial designation. This proposal is within the scope of the PEIR approved by the Kings County Board of Supervisors on January 26, 2010, and adequately describes the change in land use designation for the purposes of CEQA.

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This project proposes to convert approximately 16.83 acres from the Service Commercial (CS) zone district to a Heavy Industrial (MH) zone district and will not result in any changes to the environment. Future construction projects on the site may trigger the need for additional CEQA review.

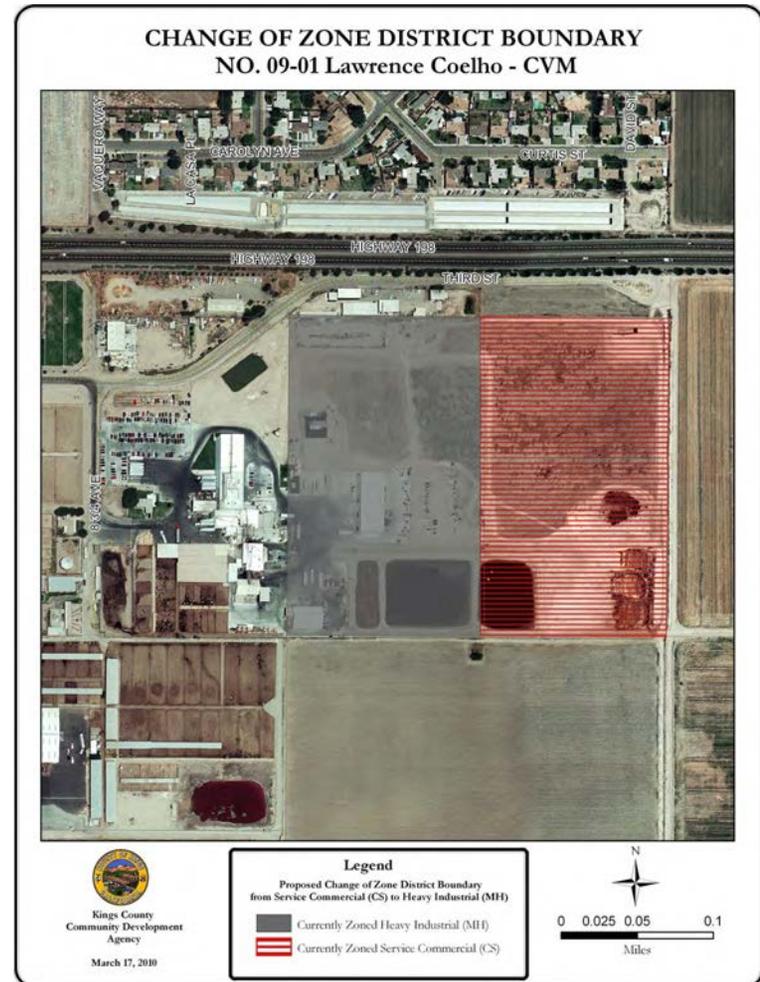
**CURRENT USE OF THE SITE:** The eastern half of the parcel is mostly vacant with the exception of a pre-existing wastewater lagoon on the southeast corner in addition to a portion of the parcel currently being used to store and dry manure from cow corrals.

**SURROUNDING LAND USES AND SETTING:** The project site is located in an unincorporated area on the south side of State Route 198, between State Route 43 and 9<sup>th</sup> Avenue, adjacent to the southeastern portion of the City of Hanford. Surrounding land uses include agricultural field crops to the south and the east, Heavy Industrial (MH) and City Service Commercial (SC) zone districts to the west, and County residential (R16 and R18) zone districts and City Service Commercial (SC) zone districts to the north.

**PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:** Kings County Planning Commission and Kings County Board of Supervisors

**PROJECT SUMMARY:**  
 The applicant proposes a change of zone district boundaries for the eastern half of a parcel located at 10431 8 3/4 Avenue, Hanford (APN: 016-060-014) from Service Commercial (CS) zoning to Heavy Industrial (MH) to establish consistency with the 2035 Kings County General Plan land use designation as described in Figure 1.

Figure 1 – Change of Zone District Boundary No. 09-01 Lawrence Coelho - CVM



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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agricultural Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology/Water Quality
Land Use/Planning	Mineral Resources	Noise
Population/Housing	Public Services	Recreation
Transportation/Traffic	Utilities/Service Systems	Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 Signature

April 1, 2010  
 Date

Jeremy Kinney, Planner  
 Printed Name

Kings County Community Development Agency  
 For

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to project like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effect from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

**Substantiation for Sections I. a., b., c., and d.:**

- a. There are no scenic vistas in the vicinity of the project site. The project site within the "urban" area of Armona, and is partially developed with structures.
- b. There are no scenic resources in the vicinity of the project site.
- c. The proposed project will be consistent with the existing visual character of the surrounding area.
- d. The proposed Change of Zone District Boundaries will not produce a new light and glare source since it will not make any physical change to the environment.

II. AGRICULTURAL RESOURCES - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
(Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.)				

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?				X

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**Substantiation for Sections II. a., b., and c.:**

- a. The Kings County Important Farmland Map of 2006 prepared by the Department of Conservation Farmland Mapping and Monitoring Program classifies the project site as “Farmland of Local Importance” The proposed change of zone district boundaries will not remove any agricultural land from production and will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- b. The project site currently contains a wastewater lagoon and empty field utilized by the adjacent meat processing facility. The project site is not in an established Agricultural Preserve. The proposed project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. The *Kings County General Plan* designates the project site as Heavy Industrial (MH).
- c. Not applicable.

III. <u>AIR QUALITY</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

**Substantiation for Sections III. a., b., c., d., and e.:**

- a. The proposed change of zone district boundaries will not make any physical changes to the environment. Therefore there will be no air quality impacts from the proposed project.
- b. See substantiation for Section III.a. above.
- c. See substantiation for Section III.a. above.
- d. The proposed project will not create pollution concentrations.
- e. The proposed project will not create any odors.

IV. <u>BIOLOGICAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?				X
c) Have a substantial adverse effect on federally protected Wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct				X

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removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat Conservation plan?				X

**Substantiation for Sections IV. a., b., c., d., e., and f.:**

The project site currently contains a wastewater lagoon and is located within the Hanford “urban fringe” area. The city provides water and sewer service to the site. The proposed project will not impact any biological resources.

- a. The *Biological Resources Survey* and the *Resource Conservation Element* of the *Kings County General Plan* does not identify any potentially sensitive habitats in this area. The proposed change of zone district boundaries will not make any physical changes to the environment. Therefore there will be no impacts to biological resources from the proposed project.
- b. See Substantiation for Section IV(a) above.
- c. See Substantiation for Section IV(a) above.
- d. See Substantiation for Section IV(a) above.
- e. The proposed project does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, since the project will not result in physical changes to the land. See Substantiation for Section IV(a) above.
- f. The proposed project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat Conservation plan since the project will not result in physical changes to the land. See Substantiation for Section IV(a) above.

V. <u>CULTURAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

**Substantiation for Sections V. a., b., c., and d.:**

The project site is located within the Hanford “urban fringe.” The proposed change in the zone district is from Service Commercial (CS) to Heavy Industrial (MH). The project site does not contain features such as watercourses, springs, ponds, or elevated ground such as ridges and knolls that could be considered archaeologically or historically sensitive. No known cultural resources have been located at the project site.

- a. There are no known historical structures or monuments on the site.
- b. The proposed project will not cause a substantial adverse change in the significance of an archaeological resource since it will not result in any physical change to the environment.
- c. See Substantiation for Section V.a. and Section V.b. above.
- d. There are no known burials within the project area.

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VI. <b>GEOLOGY AND SOILS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines & Geology Special Publication 42.)				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Substantiation for Sections VI. a., b., c., d., and e.:

- a. Kings County, including the project site, is located on a broad alluvial plain lying between the Sierra Nevada foothills and the Coastal Range. The project site is situated on remnants of an alluvial fan, and is underlain sandy alluvium derived from granite. Elevation of the project site ranges between 71-79 feet above mean sea level. The project site is located in a V<sub>1</sub> Seismic Zone (Page HS-10 of the Health and Safety Element, 2035 Kings County General Plan). Amplification of shaking is reduced by the damping effect of the thick sedimentary section, but its moderately close proximity to the San Andreas fault zone results in the expectation of moderately high shaking characteristics. The greatest potential for geologic disaster in Kings County is posed by the San Andreas Fault, which is located approximately four (4) miles west of the Kings County line (as shown in Figure HS-1 of the 2035 Kings County General Plan). The San Andreas fault is located approximately 56 miles Southwest of the project site.
  - i. Section II A. Geologic Hazards, Page HS-8 of the "Health and Safety Element" states that the potential for extensive rupture is considered to be minimal, since no major fault systems are known to exist in Kings County.
  - ii. Moderate to moderately high ground shaking has occurred, and will occur periodically, from earthquakes. Section II A. Geologic Hazards, Page HS-6 of the "Health and Safety Element" states that "The potential for ground shaking is discussed in terms of the percent probability of exceeding peak ground acceleration (% g) in the next 50 years. It varies from 20-30% g in the northeast third of the County, including the cities of Hanford, Lemoore, Corcoran, and the Santa Rosa Rancheria....."
  - iii. A. Geologic Hazards, Page HS-11 of the "Health and Safety Element" states that the danger of liquefaction and subsidence occurring within the County is considered to be minimal.
  - iv. A. Geologic Hazards, Page HS-6 of the "Health and Safety Element" states that "Kings County, however, is fortunate to have very "low" to "Moderate" risk because landslide areas are located in remote uninhabited sections of southwest Kings County."
- b. The proposed change of zone district boundaries will not result in substantial soil erosion or the loss of topsoil since it will not result in any physical change to the environment.
- c. See Substantiation for Items VI (a) and (b) above.
- d. The Department of Conservations Web Soil Survey indicated onsite soils consist of two soil map unit's called the Kimberlina fine sandy loam, saline-alkali and the Kimberlina fine sandy loam, sandy substratum. Both of these soils are comprised of 12.0 percent clay material resulting in minimum potential for soil expansion.

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- e. The change of zone district boundaries will not utilize a septic system since it will not make any physical change to the environment and any future development would connect to the operations existing city water and sewer services.

VII. <b>GREENHOUSE GAS EMISSIONS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Substantiation for Sections VII. a., and b.:

- a. -The California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006, which charged the California Air Resources Board (ARB) with developing regulations on how the state would address global climate change. AB 32 focuses on reducing greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexafluoride (SF6). AB 32 requires that greenhouse gases emitted in California be reduced to 1990 levels by the year 2020. ARB is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. By January 1, 2008, ARB was required to determine what the statewide greenhouse gas emissions level was in 1990, and approve a statewide greenhouse gas emissions limit to apply to the 2020 benchmark. ARB adopted the 1990 greenhouse gas emission inventory/2020 emissions limit of 427 million metric tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>) on December 6, 2007. ARB then developed a document referred to as the "Scoping Plan" that assigns reduction targets to sectors responsible for the emissions. Local governments must achieve reductions through land use measures that will be substantially dependent on the General Plan for success. Statewide, ARB expects to target local governments with reducing GHGs by 5 million metric tons of CO<sub>2</sub> equivalent by 2020. Senate Bill 375 was signed by the Governor on September 30, 2008. The legislation addresses implementation of the 2006 Global Warming Act. The bill assures that the decisions about how to achieve greenhouse gas emissions from cars and light trucks will remain in the hands of locally elected officials. SB 375 aligns what have been three separate planning processes - one for transportation, one for housing, and one for reducing greenhouse gas emissions - into a single process. This will provide more certainty for General Plans and assures better coordination between state agencies. Because the proposed project will not alter the environment, it will not cause an increase in greenhouse gas emissions. Therefore, no new significant impacts are anticipated and no mitigation measures are necessary at this time.
- b. See the substantiation for Section VII a.

VIII. <b>HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where			X	

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such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk or loss injury or death involving wildland fires, including where, wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Substantiation for Sections VII. a., b., c., d., e., f., g., and h.:

- a. The project will not involve the use of hazardous materials during construction or operation since the project does not involve construction activities or any changes to the environment.
- b. See Substantiation for Item VII (a) above.
- c. See Substantiation for Item VII (a) above.
- d. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e. The nearest airport to the project site is the Hanford Municipal Airport approximately 0.84 miles to the west. The southwestern corner of the proposed project site primarily comprised of the wastewater lagoon is within the Hanford Municipal Airport Compatibility Zone C – Common Traffic Pattern. This zone normally accepts the following uses:
  - Uses in Zone B
  - Parks, playgrounds
  - General retail, offices, etc. (2 – story maximum)
  - Low-intensity manufacturing, food processing
  - Two-story motels

The project will not affect the Airport Land Use Compatibility Plan since the project will not affect the environment. No impacts in this regard would occur.
- f. The project site is not within the vicinity of a private airstrip.
- g. The proposed project will not alter any of the existing traffic routes.
- h. The project site is surrounded by industrial, commercial, and agricultural land uses. These land use types are not associated with wildland fires and preclude the possibility of exposure to wildland fires.

IX. <u>HYDROLOGY AND WATER QUALITY</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a				X

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manner which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Substantiation for Sections VIII. a., b., c., d., e., f., g., h., i., and j.:

- a. The proposed change of zone district boundaries will not violate any water quality standards or waste discharge requirements since it will not result in any physical change to the environment.
- b. The project site is located within the service area of the City of Hanford who provides the sites water and sewer service. The proposed change of zone district boundaries will not substantially increase demand on the groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c. No changes to the existing storm drainage system will be required. A change in zone district boundary will not affect the environment including onsite hydrology.
- d. See Substantiation for Item VIII (c) above.
- e. See Substantiation for Item VIII (c) above.
- f. The proposed change of zone district boundaries will not have any adverse effect on water quality in the City of Hanford.
- g. The project site is not within an identified 100-year flood hazard area (FIRM Map 060031C0205C).
- h. See Substantiation for Item VIII (g) above.
- i. The nearest dams that could have any effect on the City of Hanford “urban fringe” area are on the Kings River or Kaweah River. The site is not identified as being within the inundation areas below Terminus Dam (Figure HS - 7, Page HS - 16 of the Health and Safety Element), but is shown within the inundation area below Pine Flat Dam (Figure HS - 7, Page HS - 16 of the Health and Safety Element). Since the failure of Pine Flat Dam is highly unlikely no potential impact is assigned.
- j. There is no potential seiche or tsunami due to the lack of a significant water body near the project site. The project site is flat, eliminating the possibility of mud flow.

X. <u>LAND USE AND PLANNING</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan				X

Substantiation for Sections IX. a., b., and c.:

- a. The project site is within the City of Hanford “urban fringe” and within the Hanford Primary Sphere of Influence. A change of zone district boundary will not divide the community.

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- b. The project site is within the City of Hanford “urban fringe” and within the Hanford Primary Sphere of Influence. The Kings County General Plan designates this site as Heavy Industrial, while the Kings County Zoning Ordinance has the western half of the property zoned Heavy Industrial and the eastern half zoned Service Commercial. Changing the entire parcel to the Heavy Industrial zone district will bring the property into conformance with the Planning and Zoning Law §65860(a) which requires all zoning to be consistent with the General Plan.
- c. There are no applicable habitat conservation plans or natural community conversation plans.

XI. <u>MINERAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Substantiation for Sections X. a. and b.:

- a. No known mineral resources exist below the project site surface.
- b. See Substantiation for Item X (a) above.

XII. <u>NOISE</u> - Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generations of excessive ground-borne vibration or ground-borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Substantiation for Sections XI. a., b., c., d., e., and f.:

- a. The proposed change of zone district boundaries will not have any adverse noise effects since the project will not alter the environment.
- b. See Substantiation for Item XI (a) above.
- c. See Substantiation for Item XI (a) above.
- d. The proposed change of zone district boundaries will not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- e. The project site is located approximately 0.84 miles from the Hanford Municipal Airport and is within the Kings County Airport Land Use Compatibility Zone C – Common Traffic Pattern. Page 5-9 of the Hanford Municipal Airport Master Plan has analyzed the noise forecast through the year 2025 and states “Under the forecast assumptions listed above, the

- 2025 noise contours have the same basic shape as current contours. However, the contours have been expanded by the forecast increase in operations. All of the 65 CNEL contour remains within airport property. The 60 CNEL contour extends beyond the airport to the northeast and east. The 60 contour encompasses two houses and extends onto two other rural residential parcels (but not their residences) and one commercial parcel. The rural residential parcels that fall within the projected noise contours are proposed to be acquired in fee simple. This will remove all residential uses from within the 60 and 65 CNEL contours. Therefore, noise is not judged to be a constraint to implementation of this master plan.” The project site is approximately ¾ of a mile from the 60 CNEL contour resulting in a less than significant impact.
- f. The project site is not within the vicinity of a private airstrip. The nearest private airstrip is approximately 3.3 miles to the southwest and does not expose people residing or working in the project area to excessive noise levels.

XIII. <u>POPULATION AND HOUSING</u> - Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by processing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Substantiation for Sections XII. a., b., and c.:

- a. The proposed change of zone district boundaries will not induce substantial population growth in the area. This is a proposal to change the zoning on a single parcel from a commercial zone to an industrial zone and will not induce a population growth.
- b. The proposed project will not displace existing housing units. The change will allow for a set of industrial uses.
- c. See Substantiation for Item XII (b) above.

XIV. <u>PUBLIC SERVICES</u>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?				X
ii) Police protection?				X
iii) Schools?				X
iv) Parks?				X
v) Other public facilities?				X

Substantiation for Sections XIII. a.:

- a. The project site is located within the Hanford “urban fringe” and proposes to change the zoning from Service Commercial to Heavy Industrial. The proposed change of zone district boundaries will not result in any physical change in the environment.
  - i. The proposed project will not create a significant demand for public safety services.

Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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- ii. See Substantiation for Item XIII (a) above.
- iii. See Substantiation for Item XIII (a) above.
- iv. See Substantiation for Item XIII (a) above.
- v. See Substantiation for Item XIII (a) above.

<b>XV. RECREATION</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?				X

Substantiation for Sections XIV. a. and b.:

- a. The proposed change of zone district boundaries will not result in any physical change in the environment and will not increase the use of parks.
- b. See Substantiation for Section XIV.a. above.

<b>XVI. TRANSPORTATION/TRAFFIC - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Substantiation for Sections XV. a., b., c., d., e., f., and g.:

- a. The proposed change of zone district boundaries will not result in any physical change in the environment and, therefore, would not cause a substantial increase in traffic in relation to the existing traffic load and capacity of the street system.
- b. See Substantiation for Item XIV (a) above.
- c. The proposed change of zone district boundaries will not result in a change in air traffic patterns.

COELHO – CVM IS/ND

- d. The proposed change of zone district boundaries will not substantially increase hazards due to a design feature or incompatible uses.
- e. The proposed change of zone district boundaries will not result in inadequate emergency access.
- f. The proposed change of zone district boundaries will not result in inadequate parking capacity.
- g. The proposed change of zone district boundaries will not conflict with adopted policies, plans, or programs supporting alternative transportation.

<b>XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Substantiation for Sections XVI. a., b., c., d., e., f., and g.:

- a. The proposed change of zone district boundaries will not result in any physical change in the environment.
- b. See Substantiation for Section XVI.a. above.
- c. See Substantiation for Section XVI.a. above.
- d. See Substantiation for Section VIII.b. above.
- e. See Substantiation for Section XVI.a. above.
- f. The proposed project will be served by Chemical Waste Management's Kettleman Hills Facility. The current permitted disposal capacity is 4,200,00 cubic yards. The remaining capacity of the landfill as of June 6, 2005 was 1,901,860 resulting in sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g. The proposed project complies with federal, state, and local statutes and regulations related to solid waste.

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?				X

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COELHO – CVM IS/ND

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Substantiation for Sections XVII. a., b., and c.:

- a. The project analysis discloses that none of the above-listed effects will occur.
- b. All project impacts listed as less than significant have a relationship to short-term effects. There is no potential for cumulatively considerable impacts.
- c. No such effects have been identified or can be foreseen.

SITE INFORMATION:

CURRENT USE OF SITE:	APN: 016-060-014 contains a waste water lagoon.
SURROUNDING LAND USES:	The project site is within the primary sphere of influence for the City of Hanford and is surrounded by industrial, commercial, and agricultural uses.
HYDROLOGY: (Source: Department of Water Resources) (Date: Spring of 1995)	Depth to Groundwater information is not available.
SOILS:	Onsite soils consist of the Kimberlina fine sandy loam, saline-alkali and the Kimberlina fine sandy loam, sandy substratum.
SEISMICITY: (Page S-5 of the Safety Element, 2035 Kings County General Plan)	The site is located in a V <sub>1</sub> Seismic Zone.
FLOOD HAZARD:	The site is not located in a Special Flood Hazard Area (FIRM Map 06031C0205C).
LAND CLASSIFICATION: (Important Farmland Mapping Program-2006)	The project site is classified as farmland of Local Importance by FMMP maps.
WILLIAMSON ACT:	The project site is not in an established Agricultural Preserve.

RIGHT TO FARM NOTICE:

Pursuant to Section 14-38(d) of the Kings County Code of Ordinances, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded for all approvals of applications for rezonings, land divisions, zoning permits, and residential building permits, on property in the unincorporated territory of Kings County. The applicant, or the owner if different from the applicant, shall also acknowledge the contents of the notice and disclosure themselves, by signing and recording the written notice and disclosure, which includes a description of the property the notice and the disclosure pertains.

COELHO – CVM IS/ND

POSSIBLE IMPACTS:

A review of this project in compliance with the California Environmental Quality Act (CEQA) indicates that there will not be significant adverse impacts to the environment. There is no evidence in the record that indicates that the project has potential for adverse effects on wildlife, resources or habitat for wildlife. Therefore, a de minimis Negative Declaration is appropriate.

The presumption that the project will have a potential for adverse effect on fish and wildlife resources or the habitat upon which wildlife depends is rebutted based on evidence in the record that:

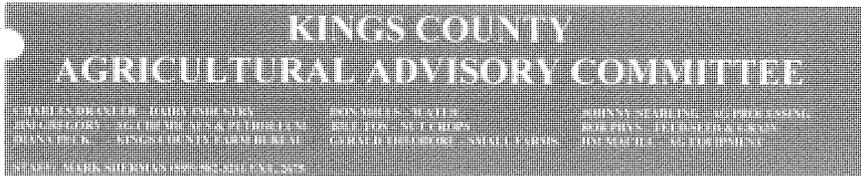
- A. The project does not involve any riparian land, rivers, streams, watercourses, or wetlands under State and Federal jurisdiction.
- B. The project does not disturb any plant life required to sustain habitat for fish or wildlife.
- C. The project does not disturb any rare or unique plant life or ecological communities dependent on plant life.
- D. The project does not threaten any listed or endangered plant or animals or the habitat in which they are believed to reside.
- E. The project does not disturb any plants or animals that are subject to special management in the Fish and Game Code, Public Resources Code, the Water Code or any regulations thereto.
- F. The project does not disturb any marine or terrestrial species which are subject to the jurisdiction of the Department of Fish and Game and ecological communities in which they reside.
- G. The project will not degrade any air or water resources which will individually or cumulatively result in a loss of biological diversity among plants and animals residing in the air or water.

PLANNING COMMISSION DETERMINATION:

Kings County Planning Commission found that on the basis of the Initial Study and comments received that there is substantial evidence that Change of Zone District Boundary No. 09-01 will not have a significant effect on the environment.

PREPARED BY: Kings County Community Development Agency (Jeremy Kinney) on March 24, 2010. Copies are available for review at the Kings County Community Development Agency or at the Kings County Clerk’s Office, Government Center, Hanford, California.

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**MINUTES  
OF  
MEETING  
July 14, 2010**

**Call to Order:**

Chairman Mills called the meeting of the Agricultural Advisory Committee to order at 1:04 p.m. in the Administration Multi-Purpose Room, 1400 W. Lacey Blvd., Hanford, California.

**Committee Members Present:**

Don Mills, Gerald Theodore,  
Charles Draxler, Jim Maciel,  
Jim Gregory, Johnny Starling, Bob Prys

**Committee Members Absent:**

Bill Tos, Diana Peck

**Ex-Officio Members Present:**

Kathy Sargent, Greg Gatzka, Carol Collar

**Ex-Officio Members Absent:**

Tim Niswander, Jay Salyer

**Auxiliary Members Present:**

Kerry Arroues

**Auxiliary Members Absent:**

Jeff Tyner, Peggy Gregory

**Committee Coordinator Present**

**Committee Coordinator Absent**

Joe Neves

**County Staff Present:**

Chuck Kinney, Mark Sherman,  
Terri Yarbrough, Johanna Hartley  
Colleen Carlson, Deb West,  
Kevin McAlister

**County Staff Absent:**

**Visitors Present:**

Kristine Johnson

**Unscheduled Comments:**

None

**Minutes: June 10, 2010 Meeting:**

A Motion was made and seconded (Draxler/Maciel) to approve the minutes of the June 10, 2010 meeting. The Motion carried unanimously with Tos and Peck absent.

**OLD BUSINESS**

**Setback Requirements:**

Mr. Greg Gatzka presented the proposed revised wording for the Zoning Ordinance regarding setback requirements in the agricultural zone districts. There was discussion regarding the new language and particularly the section regarding determining the location of the public right-of-way. It was also clarified that only new structures would be affected by current setback requirements.

A motion was made and seconded (Draxler/Prys) to accept the changes to the Zoning Ordinance regarding agricultural setback/right-of-ways. Motion carried unanimously with Tos and Peck absent.

**High Speed Rail:**

Mr. Gatzka reported that the Board of Supervisors issued resolution 10-033 which addresses Kings County's position on the high speed rail. It was reported that the City of Hanford was planning to submit a letter requesting that the proposed location of the high speed rail be along the Hwy 43 corridor and not through the City of Hanford. Mr. Gatzka informed the Committee that this item was brought at the request of Bill Tos at the previous Committee meeting. Committee members wanted to go on record with a recommendation to the Board.

A motion was made and seconded (Gregory/Draxler) to issue a letter in support of the Board of Supervisors Resolution 10-033.

**NEW BUSINESS**

**Draft Groundwater Quality Protection Strategy for the Central Valley Region "Roadmap":**

Mr. Gatzka informed the Committee about the upcoming workshops concerning Regional Water Quality Control Board's Groundwater Quality Protection Strategy for the Central Valley Region "Roadmap". Mr. Mills reported that he had attended a groundwater quality protection workshop and it was mainly an information gathering meeting with no feedback provided back to the participants. The discharge fees will be increasing from .12 cents to .40 cents per acre foot which could cause the coalitions to fall apart. Recharges to groundwater would be considered a discharge as well as discharges to the rivers, causing all farmers to become "dischargers" and would allow the State to take over jurisdiction. A concern was expressed as to who would be the responsible party for the legacy contaminants. Mark Sherman of Community Development and Johannah Hartley of the County Counsel's Office will be attending the workshop in Fresno on July 19, 2010.

**Correspondence:** none

**Member Comments:** none

**Staff Comments:** none

**Adjournment**

With no further business before the Committee, the meeting was adjourned at 1:40 p.m. The next regularly scheduled meeting is October 13, 2010 at 12:00.

Respectfully Submitted,

Gregory R. Gatzka, Secretary

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Attachment to Submission L029 (Gregory Gatzka, Kings County Central Services, October 19, 2012)  
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Submission L030 (Steve Corl, Kings County Office of Education, October 19, 2012)

**Fresno - Bakersfield (July 2012+) - RECORD #373 DETAIL**

**Status :** Unread  
**Record Date :** 10/19/2012  
**Response Requested :**  
**Stakeholder Type :** Other  
**Affiliation Type :** Businesses and Organizations  
**Interest As :** Businesses And Organizations  
**Submission Date :** 10/19/2012  
**Submission Method :** Project Email  
**First Name :** Steve  
**Last Name :** Corl  
**Professional Title :** Assistant Superintendent, Business Services  
**Business/Organization :** Assistant Superintendent, Business Services  
**Address :** 1144 Lacey Blvd  
**Apt./Suite No. :**  
**City :** Hanford  
**State :** CA  
**Zip Code :** 93230  
**Telephone :** 559-584-1441, ext 7091  
**Email :** scorl@kings.k12.ca.us  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**

L030-1  
 L030-2  
 L030-3  
 L030-4

**Stakeholder Comments/Issues :**

Kings County Office of Education

We appreciate the many changes made by the Authority to address our concerns to the Draft EIR/EIS. The following comments concern the Revised EIR/EIS.

Under Children's Health and Safety, it does not list preschool locations that could be impacted.

The Hanford Elementary and Pioneer district boundaries lines along 13th Ave are incorrect because of transfer of territory.

The impact to bus routes is acknowledged but specific impacts to school bus routes is missing.

Traffic and growth are expanding on the west side of Hanford. Sierra Pacific High School and the College of Sequoias campuses are continuing to grow in attendance. They are also not fully built to capacity and will have additional traffic. Because of congestion and impact to bus routes, Lacey & 13th Ave, Hanford Armona Road, and Grangeville Blvd overpasses should be for 4-lane traffic.

Stephen Corl  
 Assistant Superintendent, Business Services  
 Kings County Office of Education  
 1144 Lacey Blvd., Hanford, CA 93230  
 Phone 559-584-1441, ext 7091  
 Fax 559-589-7002  
 E-mail scorl@kings.k12.ca.us

**EIR/EIS Comment :**  
**Official Comment Period :** Yes

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Response to Submission L030 (Steve Corl, Kings County Office of Education, October 19, 2012)

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**L030-1**

The California Department of Education keeps a database of elementary, middle, and high schools. Preschools are classified as child care centers and are not included in the data.

**L030-2**

The school district boundary geographic information system's files were obtained from the 2009-2010 School District Review Program of the U.S. Census Bureau. School district boundaries are subject to constant changes because of territory transfers, so these boundaries are meant to present the approximate location of each school district. The adjusted boundaries do not alter the conclusion reached about significance in EIR/EIS Section 3.12, Impact SO#14, Changes in School District Funding and School Access.

**L030-3**

Refer to Standard Response FB-Response-SO-05.

For information on impacts on schools and bus transportation, see Volume II, Technical Appendix 3.12-B, Effects on School District Funding and Transportation Bus Routes.

HSR policy is to provide roadway overpasses approximately every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles, including school buses, to cross the HST tracks. In most locations in the Fresno to Bakersfield Section, roadway overpasses would be provided more frequently, approximately every mile or less, because of the existing roadway infrastructure. While school bus routes are not specifically analyzed in the Revised DEIR/Supplemental DEIS, the frequency of roadway overpasses would minimize rerouting and limit out-of-direction travel to approximately 0.5 mile in nearly all locations in the project area.

**L030-4**

These roads will have over- or underpasses crossing the HST route. The project will replace at least the existing number of lanes for these roads. Improvements and additions to expand the capacity of these roads beyond existing capacity would have to be agreed to between the Authority and local agencies. The traffic analysis took into

**L030-4**

account future growth trends in the affected areas, and these are reflected in the background traffic analysis. The project only proposes to mitigate traffic impacts that result specifically from the project, not general improvements needed to alleviate future growth trends unrelated to the project.

Submission L031 (Steven Stadler, Kings River Conservation District, October 10, 2012)



4886 East Jensen Avenue  
 Fresno, California 93725  
 Tel: 559-237-5567  
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 www.krcd.org

October 10, 2012

Fresno to Bakersfield Revised DEIR/Supplemental DEIS Comment  
 California High Speed Rail Authority (HST)  
 770 "L" Street, Suite 800  
 Sacramento, CA 95814

Re: Fresno to Bakersfield Revised DEIR/Supplemental DEIS Comments

To whom it may concern:

The Kings River Conservation District (District) is a multi-county special district created in 1951 to manage resources within the watershed on the lower Kings River. The District serves constituents in an area comprising 1.2 million acres in portions of Fresno, Kings and Tulare counties. The District is the local sponsor for the Kings River Channel Improvement Project, a federal flood project authorized under the Flood Control Act of 1944, and operates and maintains 140 miles of flood protection levees along the Kings River system.

The District has reviewed the Fresno to Bakersfield Section High-Speed Train Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and is submitting the following comments:

**Hydrology and Water Resources (Section 3.8)**

1. The EIR/EIS fails to address increased flood risk resulting from the proposed BNSF Alternative alignment. This alignment crosses the Kings River Designated Floodway at three locations. The document states on page 2-63 and elsewhere that the bridges will clear the Cole Slough and Kings River levees by approximately three feet. This reduced clearance is not sufficient for levee operations and maintenance activities which include vegetation removal, levee grading, levee patrolling, levee inspection, extermination of burrowing animals, animal burrow removal, downed tree removal, flood fighting, and levee repairs. Heavy equipment is typically used for maintenance, repairs and emergency flood fighting efforts including mowers, tractors, backhoes, motor graders, earth movers and long-reach excavators. Operations and maintenance of levee sections adjacent to the alignment will also be severely affected because of limited access and the District will be unable to perform levee repairs or flood-fighting under certain scenarios. As a result, people are exposed to a significant risk of injury or death and property exposed to a risk of loss. The District recommends either: (a) elevating those sections of the alignment that cross flood project levees to an elevation that

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Fresno to Bakersfield Revised DEIR/Supplemental DEIS Comment  
 California High Speed Rail Authority  
 October 10, 2012  
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allows unobstructed operations and maintenance activities; or (b) constructing the crossing utilizing a reinforced-concrete structure to eliminate levee maintenance and mitigating access issues by providing turnarounds, underpasses, and/or additional access locations.

L031-2

2. The EIR/EIS fails to address increased flood risk resulting from the proposed Hanford West Bypass Alternatives 1 and 2 alignments. The document states on page 2-65 and elsewhere that these alignments would cross the Kings River using an elevated structure approximately 0.8 miles in length and reaching a maximum height of approximately 40 feet to the top of the rail. The amount of free clearance between the structure and the top of the Kings River flood protection levees is not specified in the document text or the plans provided in Volume III of the document. Sufficient clearance should be provided for channel and levee operations and maintenance activities which include vegetation removal, levee grading, levee patrolling, levee inspection, extermination of burrowing animals, animal burrow removal, downed tree removal, flood fighting, and levee repairs. Heavy equipment is typically used for maintenance, repairs and emergency flood fighting efforts including mowers, tractors, backhoes, motor graders, earth movers and long-reach excavators. Operations and maintenance of levee sections adjacent to the alignment may be affected because of limited access underneath the structure. It is possible that the District will be unable to perform levee repairs or flood-fighting under certain scenarios and people may be exposed to a significant risk of injury or death and property exposed to a risk of loss. The District recommends that the EIR/EIS include additional design details for the crossing and the impacts of limited clearance and access be evaluated.

L031-3

3. The EIR/EIS recognizes the fact that the proposed BNSF Alternative alignment is located within a 100-year flood hazard area but fails to recognize that the alignment will substantially alter the existing drainage pattern within the floodplain. Table 3.8-10 indicates that the alignment crosses the Kings River floodplain at-grade for a distance of 2.60 miles. Should these floodplains become inundated, waters are expected to flow across these floodplains parallel to their respective channels. These floodwaters will be impeded by the at-grade alignment portions of the alignment and redirected. The inundation depths and velocities of the redirected overland flood flows will be significantly higher than those encountered at similar conditions without the alignment. The District recommends either: (a) elevating those sections of the alignment that cross the floodplain; or (b) performing flood studies to analyze the effects of redirected flows and providing appropriate mitigation.

L031-4

4. The EIR/EIS recognizes the fact that the proposed Hanford West Bypass Alternatives 1 and 2 alignments are located within a 100-year flood hazard area, but fails to recognize the impacts that the alignment will substantially alter the existing drainage pattern within the floodplain. Table 3.8-10 indicates that the alignment crosses the Kings River floodplain for a distance of 3.12 miles and 0.55 miles of the crossing will be elevated. The remaining

L031-1

Submission L031 (Steven Stadler, Kings River Conservation District, October 10, 2012) - Continued

Fresno to Bakersfield Revised DEIR/Supplemental DEIS Comment  
 California High Speed Rail Authority  
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- L031-4 | 2.57 miles of the crossing are assumed to be at grade. Should these floodplains become inundated, waters are expected to flow across these floodplains parallel to their respective channels. These floodwaters will be impeded by the at-grade alignment portions of the alignment and redirected. The inundation depths and velocities of the redirected overland flood flows will be significantly higher than those encountered at similar conditions without the alignment. The District recommends either: (a) elevating those sections of the alignment that cross the floodplain; or (b) performing flood studies to analyze the effects of redirected flows and providing appropriate mitigation.
- L031-5 | 5. On pages 3.8-28 and 3-8.29, the EIR/EIS states, "A Section 208.10 permit would be required where the project encroaches on a federal facility but does not modify it." An encroachment on a federal facility is in effect a modification. The statement is incorrect and should be qualified or removed.
- L031-6 | 6. In discussing the BNSF Alternative alignment, page 3.8-63 states that, "The BNSF Alternative alignment would cross the Kings River complex on embankment except where it crosses Cole Slough, Dutch John Cut and the original Kings River channel." The text then analyzes the effects of the channel crossings but fails to address the effects of the embankment on overland flows within the floodplain outside of the channels. The analysis then concludes by stating that, "permanent floodplain effects would have negligible intensity under National Environmental Policy Act (NEPA) and impacts would be less than significant under California Environmental Quality Act (CEQA)." The analysis should include the effects of overland flood flows and examine the impounding effects of the alignment while recognizing the effects of the flood protect levees in excluding overland flows from returning to the flood channel.
- L031-7 | 7. In discussing the Hanford West Bypass Alternatives 1 and 2 alignments, page 3.8-63 states that the alignments cross over the Murphy Slough, Grant Canal, and the Kings River on an aerial structure. Other information provided elsewhere in the document implies that the remaining portion of the floodplain crossing will be on embankment. The text then analyzes the effects of the channel crossings but fails to address the effects of the embankment on overland flows within the floodplain outside of the channels. The analysis then concludes by stating that, "permanent floodplain effects would have negligible intensity under NEPA, and impacts would be less than significant under CEQA." The analysis should include the effects of overland flood flows and examine the impounding effects of the alignment while recognizing the effects of the flood protect levees in excluding overland flows from returning to the flood channel.
- L031-8 | 8. The EIR/EIS recognizes that the proposed BNSF Alternative alignment is located on Federal Emergency Management Agency (FEMA) flood maps in Zone A, utilizing approximate methods, but fails to discuss the potential impacts of constructing the crossing without establishing a proper design

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- L031-8 | water level elevation. These potential impacts include: (a) an inability to raise levee elevations, widen floodways, or construct setback levees should subsequent study demonstrate that additional flood-carrying capacity is required within the floodway to accommodate 100-year flows; (b) an inability to accredit levees to FEMA standards resulting in the creation of additional flood hazard zones; and (c) an inability of the floodway crossing to pass 100-year flood flows. These potential impacts will expose people and structures to additional flood risk and create additional flood hazard areas. The District recommends constructing those sections of the alignment that cross the floodplain on aerial structures or performing flood studies to better quantify flood hydrology and determine design water elevations for flood conditions.
- L031-9 | 9. The EIR/EIS recognizes the fact that proposed Hanford West Bypass Alternatives 1 and 2 alignments are located on FEMA flood maps in Zone A, utilizing approximate methods, but fails to discuss the potential impacts of constructing the crossing without establishing a proper design water level elevation. These potential impacts include: (a) an inability to raise levee elevations, widen floodways, or construct setback levees should subsequent study demonstrate that additional flood-carrying capacity is required within the floodway to accommodate 100-year flows; (b) an inability to accredit levees to FEMA standards resulting in the creation of additional flood hazard zones; and (c) an inability of the floodway crossing to pass 100-year flood flows. These potential impacts will expose people and structures to additional flood risk and create additional flood hazard areas. The District recommends constructing those sections of the alignment that cross the floodplain on aerial structures or performing flood studies to better quantify flood hydrology and determine design water elevations for flood conditions.
- L031-10 | 10. The EIR/EIS fails to demonstrate how the BNSF Alternative alignment will cross the Dutch John Cut, a Kings River designated floodway. Facilities such as turnarounds, access roads, and underpasses are typically shown on drawings at this point in the design process. Considerable detail has been provided for pedestrian and road crossings at other locations but similar detail has been omitted for the floodway and floodplain crossings. The environmental impacts of these facilities cannot be properly assessed without an appropriate level of information describing the intended structures. The District recommends including additional detail on the floodway and floodplain crossings in the EIR/EIS and properly assessing the impacts of these structures.
- L031-11 | 11. The EIR/EIS fails to demonstrate how the BNSF Alternative alignment will cross the Old Kings River, a Kings River designated floodway. Facilities such as turnarounds, access roads, and underpasses are typically shown in design drawings at this point in the design process. Considerable detail has been provided for pedestrian and road crossings at other locations but similar detail has been omitted for the floodway and floodplain crossings. The environmental impacts of these facilities cannot be properly assessed without an appropriate level of information describing the intended structures. The

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L031-11

District recommends including additional detail on the floodway and floodplain crossings in the EIR/EIS and properly assessing the impacts of these structures.

L031-12

12. The EIR/EIS fails to describe how the Hanford West Bypass Alternatives 1 and 2 alignments will cross the Kings River designated floodway. Facilities such as turnarounds, access roads, and underpasses are typically shown on drawings at this point in the design process. Considerable detail has been provided for pedestrian and road crossings at other locations, but similar detail has been omitted for the floodway and floodplain crossings. The environmental impacts of these facilities cannot be properly assessed without an appropriate level of information describing the intended structures. The District recommends including additional detail on the floodway and floodplain crossings in the EIR/EIS and properly assessing the impacts of these structures.

L031-13

13. The EIR/EIS fails to address the potential for increased flood risk resulting from inaccessible levee sections for the BNSF Alternative alignment. These sections include sections directly over the proposed alignment and sections that are made inaccessible by levee failure. Locations on the flood project levees in the vicinity of the crossing are currently accessible from an upstream and downstream point. In the event of a levee failure or emergency repair, access from either side is often needed to remedy the failure or make emergency repairs. The proposed alignment blocks access in the vicinity of the crossing. The District recommends either: (a) elevating the alignment using aerial structures to permit heavy equipment and vehicle traffic on the levee crown roadways; or (b) providing an undercrossing on the landside of each levee bank to facilitate heavy equipment and vehicle traffic under the railway.

L031-14

14. The EIR/EIS fails to address the hazard posed by the accumulation of debris carried by flood flows at the BNSF Alternative alignment crossings. During flood flows, debris will pass down flood channels and become lodged at crossings or water control structures. Owners and operators of these structures are required to remove this debris to protect the structural integrity of their facilities and to prevent upstream flooding impacts from increased water levels. It is common for large trees to fall into the river at the locations upstream of the proposed crossings. For bridges, this activity is typically performed from the roadway of the bridge; however, no comparable feature is provided in the proposed design of the alignment channel crossings. The ability to perform this activity and the hazards associated with this activity increase as the clearance between the structure and water level decreased and as the width of the structure increases. The proposed structure has a minimum of three feet of clearance (per page 3.8-67) and approximately 40 feet wide. Accordingly, the design of the crossing does not address the maintenance need to remove debris and the document does not address the potential impacts of debris accumulation at the crossing and the increased risk of loss, injury and death due to flooding caused by debris accumulation.

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L031-14

The District recommends addressing these maintenance issues in the EIR/EIS and assessing the potential impacts of debris accumulation.

L031-15

15. The EIR/EIS fails to recognize that the California Department of Water Resources (CDWR) and the U.S. Army Corps of Engineers (USACE) are engaged in an effort to update hydrological studies for various rivers in the Central Valley, including the Kings River. The updated hydrology has the potential to identify new flood hazards and to revise design flows conditions and water surface elevations for 100-year flood protection. This fact is not recognized in the EIR/EIS. The District recommends that the EIR/EIS assess the impacts of potential changes to design hydrology with respect to flood risk and flood insurance requirement and allow for future improvements in flood protection infrastructure.

L031-16

16. The EIR/EIS fails to address the potential for the BNSF Alternative alignment to create inadequate emergency access across the Kings River in the event of flooding of the proposed State Highway 43 underpass. The underpass would be generally prone to flooding from typical storm events but this risk is substantially increased given that the underpass is within the 100-year flood hazard area and subject to overland flood flows. Inundation depths at the base of the underpass can be expected to exceed 16 feet in depth. The nearest alternate Kings River crossings are 6<sup>th</sup> Avenue near Kingsburg (upstream) and DeWoody Avenue in Laton (downstream). Flooding of the underpass would obstruct flood fighting efforts and would substantially increase the risk of loss, injury and death due to flooding. The District recommends either: (a) assessing the impacts of the underpass with respect to flood risk; or (b) reconfigure the crossing to eliminate the State Highway 43 underpass.

L031-17

17. The EIR/EIS fails to address the potential for the BNSF Alternative alignment to create inadequate emergency access to properties bordered by the Cole Slough, the Dutch John Cut and the proposed rail alignment. These properties are currently accessed from a number of locations along State Highway 43. The proposed railway alignment and configuration severs access to these properties. A single bridge across the Kings River parallel to the alignment is proposed for accessing these properties. An incident on or adjacent to the bridge may make access to and from these properties impossible. This would obstruct flood fighting efforts and would substantially increase the risk of loss, injury and death due to flooding. The District recommends that the EIR/EIS address impacts to flood risks caused by limited access and mitigate these risks by providing additional access to the isolated properties.

L031-18

18. The EIR/EIS fails to recognize that the proposed BNSF Alternative alignment will require substantial modifications to the maintenance and operations of the Kings River Channel Improvement Project, a federal flood project, and will require approval by the USACE under 33 U.S.C. 408. The document states on page 2-63 that the bridges will clear the Cole Slough and Kings River levees by approximately three feet. The project, as currently configured,

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L031-18

does not propose changes to flood project channels or levees but the proximity of the project to those channels and levees creates a substantial impact to the functioning of the project and flood protection measures. These substantial impacts include: (a) an inability to maintain a vegetation-free zone around the levee as required by USACE standards; (b) an inability to grade the levee to prevent rutting as required by USACE standards; (c) an inability to exterminate burrowing animals and remove animal burrows as required by USACE standards; (d) an inability to patrol the levee during flood flows as required by the Kings River Channel Improvement Project Operations and Maintenance Manual; and (e) an inability to perform flood fighting activities or effectuate levee repairs as required by the Kings River Channel Improvement Project Operations and Maintenance Manual. The District recommends that the EIR/EIS recognize the need for design approval of the various floodway crossings by the USACE under 33 U.S.C. 408.

L031-19

19. The EIR/EIS makes the conclusion that construction and operation impacts related to hydrology as a result of implementing the Fresno to Bakersfield segment of the HST alternatives would be less than significant under CEQA and negligible under NEPA. The District has submitted comments related to hydrology and water resources that demonstrate significant impacts and effects under CEQA and NEPA. The CEQA significance conclusion and the NEPA impact summary should be reevaluated with due consideration given to each of the comments.

**Transportation (Section 3.2)**

L031-20

20. The EIR/EIS fails to address the potential for the BNSF Alternative alignment to create inadequate emergency access across the Kings River in the event that the proposed State Highway 43 underpass is flooded. The underpass would be generally prone to flooding from typical storm events but this risk is substantially increased given that the underpass is within the 100-year flood hazard area and subject to overland flood flows. The nearest alternate Kings River crossings are 6<sup>th</sup> Avenue near Kingsburg (upstream) and DeWoody Avenue in Laton (downstream). Flooding of the underpass would impact the passage of regular traffic and emergency traffic. The District recommends either: (a) assessing the impacts of the underpass with respect to transportation and emergency services; or (b) reconfigure the crossing to eliminate the State Highway 43 underpass.

L031-21

21. The EIR/EIS fails to address the potential for the BNSF Alternative alignment to create inadequate emergency access to properties bordered by the Cole Slough, the Dutch John Cut and the proposed rail alignment. These properties are currently accessed from a number of locations along State Highway 43. The proposed railway alignment and configuration severs access to these properties. A single bridge across the Kings River parallel to the alignment is proposed for accessing these properties. An incident on or adjacent to the bridge may make access to and from these properties

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L031-21

impossible. This would impact the flow of regular traffic and emergency traffic to these properties and make vehicular evacuation of the properties impossible. The District recommends that the EIR/EIS address impacts to transportation and emergency services caused by limited access and mitigate these risks by providing additional access to the isolated properties.

L031-22

22. The EIR/EIS makes the conclusion that construction and operation impacts related to transportation as a result of implementing the Fresno to Bakersfield segment of the HST alternatives would be less than significant under CEQA and negligible under NEPA. The District has submitted comments related to transportation that demonstrate significant impacts and effects under CEQA and NEPA. The CEQA significance conclusion and the NEPA impact summary should be reevaluated with due consideration given to each of the comments.

Please feel free to contact me if there are any questions about the above comments or if consultation with the District is needed. I can be reached by telephone at (559) 237-5567 extension 115 or by e-mail at [ssadler@krccd.org](mailto:ssadler@krccd.org).

Sincerely,



Steven P. Stadler, P.E.  
 Deputy General Manager of Water Resources

SPS/sjs

cc: Jay Punia, CVFPB  
 Col. William J. Leady, USACE

L12-0147  
 File: 700-01.03

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Response to Submission L031 (Steven Stadler, Kings River Conservation District, October 10, 2012)

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**L031-1**

The three locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed with respect to the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. Increasing the clearance by a minimum of 10 feet, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impacts.

Impact HWQ#4 and HWQ#8 of Section 3.8, Hydrology and Water Resources, provides a discussion of project impacts on floodplains. As part of the project design, the soffit of the bridges would be set above the estimated 100-year flood level, and the total width of openings in the embankment would pass the 100-year flood flows without increasing the water surface elevation in the floodplain by more than 1 foot, or as required by state or local agencies. The project design analyzed in the Revised DEIR/Supplemental DEIS had bridges with 4 feet of clearance of the Cole Slough and Kings River levees (please see Volume III: Section A – Alignment Plans). Subsequent consultation with Kings River Conservation District regarding levee maintenance activities has led to a modification of the profile at these crossings to allow 18 feet of clearance at the levees, which is reflected in the design drawings for the Final EIR/EIS. An equipment design study was prepared that found that this levee clearance was sufficient for equipment access and levee maintenance by the heavy equipment owned by the Kings River Conservation District.

The 15% drawings included in Volume III show the revised 18-foot clearance.

**L031-2**

The vertical clearance at the location where the proposed Hanford West Bypass 1 and Bypass 2 Alternatives cross the Kings River Designated Floodway is a minimum of 18 feet.

Design drawings provided in Volume III: Section A – Alignment Plans of the Revised

**L031-2**

DEIR/Supplemental DEIS indicate that the elevated structure would cross the Kings River with a clearance of more than 22 feet above 100-year water surface elevation. This would provide sufficient clearance for operations and maintenance activities.

**L031-3**

Refer to Standard Response FB-Response-HWR-03.

The three locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed with respect to the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. The alignment is also being designed to minimize impacts on floodplains. Preliminary hydraulic models (HEC-RAS) have been developed to better understand potential impacts and identify appropriate mitigation measures. Specifically, a number of culverts are proposed across the high-speed train alignment, through the embankment, and would be sized to ensure the floodwater surface elevations are maintained within allowable limits. A more detailed study of the floodplain will need to be undertaken at later stages of design to more accurately size and position the culverts.

HWQ#8 of Section 3.8, Hydrology and Water Resources, discusses the potential for HST embankments to act as an obstacle to the shallow overland flow if sufficient culverts or cross drainage were not provided. However, the project would incorporate adequately sized culverts to avoid diverting or redirecting overland flood flows in such a manner that would increase the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. Culverts would be sized in accordance with hydraulic modeling.

**L031-4**

Refer to Standard Response FB-Response-HWR-03.

The alignment is being designed to minimize impacts on floodplains. Specifically, culverts are proposed through the high-speed train alignment embankment and would

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**L031-4**

be sized to ensure the floodwater surface elevations are maintained within 1 foot of the existing 100-year flood elevation. Elevating the alignment was considered; however, it was determined that most of the benefits of elevating the alignment could be obtained by installing culverts through the embankment at a much reduced cost. A more detailed study of the floodplain will be undertaken at later stages of design to more accurately size and position the culverts.

HWQ#8 of Section 3.8, Hydrology and Water Resources, discusses the potential for HST embankments to act as an obstacle to the shallow overland flow if sufficient culverts or cross drainage were not provided. However, the project would incorporate adequately sized culverts to avoid diverting or redirecting overland flood flows in such a manner that would increase the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. Culverts would be sized in accordance with hydraulic modeling.

**L031-5**

This sentence has been updated in the Final EIS/EIR to indicate that a Section 208.10 permit would be required if the project approaches a federal flood control facility but does not modify it.

**L031-6**

Refer to Standard Response FB-Response-HWR-03.

The effects of HST embankments on overland flood flows were analyzed in Impact HWQ#8 at the first part of the discussion but were not repeated when each major crossing was discussed individually. Culverts would be used to provide overland flood flow conveyance, and it would not be required to redirect overland flood flows to the channel crossings.

HWQ#8 of Section 3.8, Hydrology and Water Resources, discusses the potential for HST embankments to act as an obstacle to the shallow overland flow if sufficient culverts or cross drainage were not provided. However, the project would incorporate adequately sized culverts to avoid diverting or redirecting overland flood flows in such a manner that would increase the water surface elevation in the 100-year floodplain by

**L031-6**

more than 1 foot, or as required by state or local agencies. Culverts would be sized in accordance with hydraulic modeling.

**L031-7**

Refer to Standard Response FB-Response-HWR-03.

The alignment is being designed to minimize impacts on floodplains. Preliminary hydraulic models (HEC-RAS) have been developed to better understand potential impacts and identify appropriate mitigation measures. Specifically, a number of culverts are proposed across the high-speed train alignment, through the embankment, and would be sized to ensure that the floodwater surface elevations are maintained within allowable limits. A more detailed study of the floodplain will need to be undertaken at later stages of design to more accurately size and position the culverts.

HWQ#8 of Section 3.8, Hydrology and Water Resources, discusses the potential for HST embankments to act as an obstacle to the shallow overland flow if sufficient culverts or cross drainage were not provided. However, the project would incorporate adequately sized culverts to avoid diverting or redirecting overland flood flows in such a manner that would increase the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. Culverts would be sized in accordance with hydraulic modeling.

The effects of HST embankments on overland flood flows were analyzed in Impact HWQ#8 at the first part of the discussion but were not repeated when each major crossing was discussed individually. Culverts would be used to provide overland flood flow conveyance, and it would not be required to redirect overland flood flows to the channel crossings.

**L031-8**

Refer to Standard Response FB-Response-HWR-03.

It is recognized that the FEMA flood mapping is Zone A in the vicinity of the proposed alignment. To address the Kings River Conservation District (KRCD) concern (a) about raising levee elevations in the future, the distance between the top of levee and

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**L031-8**

underside of the proposed bridges is being increased from 3 feet to a minimum of 18 feet, and access is being enhanced on the landside of each levee bank. This would allow space for the levee height to increase, while still allowing channel and levee maintenance and operation activities to continue by accessing the levee and channel from the landside toe of the levees.

To address the KRCD concern (b) about the inability to accredit levees to FEMA standards, the levees do not seem to have been used in the FEMA Zone A determination, since the Zone A floodplain extends beyond the levees. This would imply that the accreditation of the levees may not result in additional flood hazard zones. A Conditional Letter of Map Revisions (CLOMR) based on a detailed study will need to be prepared at later design stages to convert Zone A floodplains to either Zone AE or Zone AO floodplains.

To address the concern (c) about maintaining the ability to pass the 100-year flood flows, preliminary hydraulic models (HEC-RAS) have developed showing the 100-year peak flood as documented within FEMA Flood Insurance Study (FIS) reports. This flow is reported as 19,900 cfs, and within our model is able to pass the proposed alignment through a combination of bridges at the channel crossings and culverts embedded within the embankment.

Impacts of choosing an inappropriate design parameter are not discussed in the Revised DEIR/Supplemental DEIS because the intent is to choose the most relevant criteria for all aspects of the project design, including the design water surface elevation. Hydraulic modeling will be based on the best available information at the time of the design.

The effects of HST embankments on overland flood flows were analyzed in Impact HWQ#8 at the first part of the discussion but were not repeated when each major crossing was discussed individually. Culverts would be used to provide overland flood flow conveyance, and it would not be required to redirect overland flood flows to the channel crossings.

HWQ#8 of Section 3.8, Hydrology and Water Resources, discusses the potential for HST embankments to act as an obstacle to the shallow overland flow if sufficient

**L031-8**

culverts or cross drainage were not provided. However, the project would incorporate adequately sized culverts to avoid diverting or redirecting overland flood flows in such a manner that would increase the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. Culverts would be sized in accordance with hydraulic modeling.

**L031-9**

Refer to Standard Response FB-Response-HWR-03.

It is recognized that the FEMA flood mapping is Zone A in the vicinity of the proposed alignment. To address the Kings River Conservation District's (KRCD) concern (a) about raising levee elevations in the future, the distance between the top of levee and underside of the proposed bridges is a minimum of 18 feet. This would allow space for the levee height to increase, while still allowing channel and levee maintenance and operation activities to continue by accessing the levee and channel from the landside toe of the levees.

To address KRCD's concern (b) about the inability to accredit levees to FEMA standards, the levees do not seem to have been used in the FEMA Zone A determination, since the Zone A floodplain extends beyond the levees. This would imply that the accreditation of the levees may not result in additional flood hazard zones. A Conditional Letter of Map Revisions (CLOMR) based on a detailed study will need to be prepared at later design stages to convert Zone A floodplains to either Zone AE or Zone AO floodplains.

To address concern (c) about maintaining the ability to pass the 100-year flood flows, preliminary hydraulic models (HEC-RAS) have been developed showing the 100-year peak flood as documented within FEMA Flood Insurance Study (FIS) reports. This flow is reported as 19,900 cfs, and within our model is able to pass the proposed alignment through a combination of bridges at the channel crossings and culverts embedded within the embankment.

Impacts of choosing an inappropriate design parameter are not discussed in the Revised DEIR/Supplemental DEIS because the intent is to choose the most relevant

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**L031-9**

criteria for all aspects of the project design, including the design water surface elevation. Hydraulic modeling will be based on the best available information at the time of the design.

The effects of HST embankments on overland flood flows were analyzed in Impact HWQ#8 at the first part of the discussion, but were not repeated when each major crossing was discussed individually. Culverts would be used to provide overland flood flow conveyance, and it would not be required to redirect overland flood flows to the channel crossings.

HWQ#8 of Section 3.8, Hydrology and Water Resources, discusses the potential for HST embankments to act as an obstacle to the shallow overland flow if sufficient culverts or cross drainage were not provided. However, the project would incorporate adequately sized culverts to avoid diverting or redirecting overland flood flows in such a manner that would increase the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. Culverts would be sized in accordance with hydraulic modeling.

**L031-10**

Refer to Standard Response FB-Response-GENERAL-21.

The three locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed with respect to the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. Increasing the clearance by a minimum of 10 feet, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impacts.

Details of the bridge crossings and bridge access roads would be developed at later stages of design

**L031-11**

Refer to Standard Response FB-Response-GENERAL-21.

The three locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed with respect to the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. Increasing the clearance by a minimum of 10 feet, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impacts.

Details of the bridge crossings and bridge access roads would be developed at later stages of design.

**L031-12**

Refer to Standard Response FB-Response-GENERAL-21.

The vertical clearance at the location where the proposed Hanford West Bypass 1 and Bypass 2 Alternatives cross the Kings River Designated Floodway is a minimum of 18 feet and provides adequate horizontal access along the Kings River Conservation District channels.

Details of the bridge crossings and bridge access roads would be developed at later stages of design.

**L031-13**

The locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed with respect to the Kings River Conservation District concerns. To address channel and levee operations and maintenance activities, the clearance between the top of levee and the underside of the proposed crossings has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of

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**L031-13**

each levee bank has been improved. Increasing the clearance, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impact.

**L031-14**

Refer to Standard Response FB-Response-GENERAL-21.

The proposed increased clearance to a minimum of 18 feet above the top of levee should be able to provide adequate freeboard for debris crossing. Pier design, where piers are proposed in Dutch John Cut and the old Kings River channel, will consider approaches to minimize potential debris accumulation, such as installation of debris deflectors. Further mitigation requirements will be incorporated in coordination with the Kings River Conservation District.

As discussed in Section 3.8.6 under Project Design Features for Flood Protection, bridge crossings would be elevated at least 3 feet above the high-water surface elevation to provide adequate clearance for floating debris, or as required by local agencies. The Central Valley Flood Protection Board requires that the bottom members (soffit) of a proposed bridge be at least 3 feet above the design floodplain. The required clearance may be reduced to 2 feet on minor streams at sites where significant amounts of stream debris are unlikely. Also note that details of the bridge crossings would be developed at later stages of design.

**L031-15**

Potential changes to design hydrology criteria are speculative and the Revised DEIR/Supplemental DEIS does not address this issue. The design of the HST crossings will be based on the estimated 100-year event or other relevant design event in effect at the time the design is developed.

**L031-16**

Changes to roadway access as a result of construction of the HST are addressed in Section 3.2, Transportation. In similar fashion to other road underpasses in Central

**L031-16**

Valley floodplains, road underpasses at HST crossings would require pump stations that will pump runoff out of the low point of the road. SR 43 would be modified at the HST crossing just north of Cole Slough. The SR 43 underpass is not within the 100-year floodplain; it is mapped by FEMA FIRMs. In the event of extreme storm events such as the 100-year event, flood flows would continue to be pumped out of the underpass and discharged to adjacent areas. Caltrans Roadway Drainage Guidelines say to use a 2% (50-year) design storm for conventional State highways and freeways for depressed highway sections that require pumping. A 4% (25-year) design storm may be used for road undercrossings that require pumping (Chapter 830, Caltrans Highway Design Manual, May 7, 2012 [Caltrans 2012b]).

**L031-17**

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

Changes to roadway access are addressed in Section 3.2, Transportation. Some farm roads will be closed, but alternative access routes would be available.

**L031-18**

The Revised DEIR/Supplemental DEIS recognizes that USACE would permit the crossings under Section 408 or 208.10. See Section 3.8.6, Project Design Features, under flood protection. The project design analyzed in the Revised DEIR/Supplemental DEIS had bridges with 4 feet of clearance of the Cole Slough and Kings River levees (please see Volume III: Section A – Alignment Plans). Subsequent consultation with Kings River Conservation District regarding levee maintenance activities has led to a modification of the profile at these crossings to allow 18 feet of clearance at the levees. An equipment design study was prepared that found that this levee clearance was sufficient for equipment access and levee maintenance by the heavy equipment owned by the Kings River Conservation District.

**L031-19**

The locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed considering the Kings River Conservation District concerns. To address the topics of channel and levee operations and

## Response to Submission L031 (Steven Stadler, Kings River Conservation District, October 10, 2012) - Continued

### L031-19

maintenance activities, the clearance between the top of levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the landside of each levee bank has been improved. Increasing the clearance by a minimum of 10 feet, providing adequate access on the landside of each levee bank, and providing access to and from the top of the levee to the landside of each levee should allow channel and levee operations and maintenance activities to continue with minimal impact.

Impact HWQ#4 and HWQ#8 of Section 3.8, Hydrology and Water Resources, provides a discussion of project impacts on floodplains. As part of the project design, the soffit of the bridges would be set above the estimated 100-year flood level, and the total width of openings in the embankment would pass the 100-year flood flows without increasing the water surface elevation in the floodplain by more than 1 foot, or as required by state or local agencies. The project design analyzed in the Revised DEIR/Supplemental DEIS had bridges with 4 feet of clearance of the Cole Slough and Kings River levees (please see Volume III: Section A – Alignment Plans).

HWQ#8 of Section 3.8, Hydrology and Water Resources, discusses the potential for HST embankments to act as an obstacle to the shallow overland flow if sufficient culverts or cross drainage are not provided. However, the project would incorporate adequately sized culverts to avoid diverting or redirecting overland flood flows in such a manner that would increase the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. Culverts would be sized in accordance with hydraulic modeling.

For the above reasons, which have been added to the Final EIR/EIS, it was determined that the impacts to the floodplain would be less than significant under CEQA and negligible under NEPA.

### L031-20

Changes to roadway access as a result of the HST are addressed in Section 3.2, Transportation. Similar to other road underpasses in Central Valley floodplains, road underpasses at HST crossings would require pump stations that will pump runoff out of the low point of the road to either a municipal drainage system or detention basin. SR 43

### L031-20

would be modified at the HST crossing just north of Cole Slough. The SR 43 underpass is not located within the 100-year floodplain, as mapped by FEMA FIRMs. In the event of extreme storm events such as the 100-year event, flood flows would continue to be pumped out of the underpass and discharged to adjacent areas.

### L031-21

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

Changes to roadway access are addressed in Section 3.2, Transportation. Some farm roads will be closed, but alternative access routes would be available.

### L031-22

Refer to Standard Response FB-Response-S&S-01.

The locations where the proposed alignment alternatives cross the Kings River Designated Floodway have been reviewed considering the Kings River Conservation District concerns. To address the topics of channel and levee operations and maintenance activities, the clearance between the top of the levee and the underside of the proposed bridges has been increased from 3 feet to a minimum of 18 feet, and the access on the land side of each levee bank has been improved. Increasing the clearance by a minimum of 10 feet, providing adequate access on the land side of each levee bank, and providing access to and from the top of the levee to the land side of each levee should allow channel and levee operations and maintenance activities to continue with minimal impact.

Refer to Impact TR #1 - Construction (Not Including Stations) Impacts on Circulation and Emergency Access in Section 3.2 of the Final EIR/EIS. Impact TR #1 effects would have moderate intensity under NEPA, and impacts would be less than significant under CEQA. Refer to Impact TR #12 – Loss of Property Access as a Result of Road Closures Access in Section 3.2 of the Final EIR/EIS. Because of potential property access issues and because local residents and commuters would experience worsening transportation service levels as a result of new access routes or from increased travel times and congestion from redirected traffic to adjacent roadways, the road closure effects are considered to have moderate intensity under NEPA. Impacts would have a significant

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Response to Submission L031 (Steven Stadler, Kings River Conservation District, October 10, 2012) - Continued

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**L031-22**

impact under CEQA.

Submission L032 (Norman Allinder, Madera County Resource Management Agency Planning Department,  
October 15, 2012)



RESOURCE MANAGEMENT AGENCY  
PLANNING DEPARTMENT

Norman L. Allinder, AICP  
Director

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• Mail Stop G  
• Madera, CA 93637  
• (559) 675-7821  
• FAX (559) 675-6573  
• TDD (559) 675-6970  
• mc\_planning@madera-county.com

Sincerely,  
  
Norman L. Allinder, AICP  
Planning Director

October 15, 2012

Mr. Jeff Morales  
Fresno to Bakersfield Revised Draft EIR/Supplemental EIS Comment  
770 L Street, Suite 800  
Sacramento, CA 95814

cc: Madera County Board of Supervisors  
Eric Fleming, Madera County Administrative Officer  
Doug Papagni, Resource Management Agency Director  
Doug Nelson, County Counsel

RE: Fresno to Bakersfield Revised EIR/EIS

Mr. Morales:

L032-1

On July 20, 2012, the California High Speed Rail Authority released a Revised Draft EIR/EIS for the Fresno-Bakersfield section of the project for a 90 day comment period. The Madera County Board of Supervisors directed staff to send a formal comment letter on the project. Madera County previously submitted comments on the Merced-Fresno Draft and Final EIR/EIS document prior to the California High Speed Rail Authority Board certifying the document. The Authority's failure to respond to Madera County's comments and the unmitigated impacts the project will have on Madera County forced the Board of Supervisors to file suit against the project and the certified EIR/EIS for the Merced-Fresno section.

L032-2

The Authority has not abided by the California Environmental Quality Act (CEQA) in notifying Madera County and providing the Fresno-Bakersfield Revised EIR/EIS document as mandated in 15086(a)(4). The Revised Draft EIR/EIS Volume I Chapter 8.0 lists the document distribution and Madera County is clearly not included within the document distribution. The County has not received the document to date, nor has the Planning Department received a public notice informing us of the document's availability.

L032-3

This is unfortunate given the numerous impacts the High Speed Rail will have upon Madera County and the Central Valley as a whole. This document is relying upon the Merced-Fresno EIR/EIS which is currently involved in multiple lawsuits, with an outcome uncertain as to its legal standing. Madera County would strongly urge the Authority to cease processing the Fresno-Bakersfield EIR/EIS until the Merced-Fresno EIS/EIS has preceded through the litigation hearings. This is clearly piecemealing the High Speed Rail system and has been shown to be legally indefensible.

L032-4

In addition, Madera County strongly urges the Authority to re-circulate the document in compliance with 15086(a)(4) to provide Madera County the necessary time to review and provide comments on the document. Please provide a written response to our letter prior to your Boards Action.



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## Response to Submission L032 (Norman Allinder, Madera County Resource Management Agency Planning Department, October 15, 2012)

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### L032-1

The Fresno to Bakersfield Section of the HST is not in Madera County and will not impact that county.

### L032-2

Three separate email messages were sent to the commenter and also to Matthew Treber of the Madera County Planning Department informing the recipients of the availability of the Revised DEIR/Supplemental DEIS. These messages were regarding the availability of the Fresno to Bakersfield Revised DEIR/Supplemental DEIS on July 16, 2012, notice of Revision of Chapter 4 of the document on February 26, 2012, and information about the Revised DEIR/Supplemental DEIS workshops and public hearings on August 9, 2012. A link to the document was provided in each message.

### L032-3

The EIR/EIS for the Fresno to Bakersfield Section of the HST System is separate from the EIR/EIS for the Merced to Fresno Section of the HST System and is not reliant on the Merced to Fresno document.

The Fresno to Bakersfield Section has logical termini at cities selected to have HST stations in the Statewide Program EIR/EIS for the California HST System (Authority and FRA 2005), has sufficient length to allow for an analysis of environmental impacts on a broad scope, and has independent utility separate and apart from any other section (see *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* [1992] 10 Cal.App.4th 712, 733 [upholding EIR that treated as the "project" at issue one freeway segment within a long-term, multi-segment regional plan]).

### L032-4

E-mails were sent to Mr. Matthew Treber and Mr. Norman Allinder of Madera County on July 16, 2012, announcing the availability of the Revised DEIR/Supplemental DEIS. On July 26, 2012, Mr. Treber and Mr. Allinder were sent e-mails announcing a change to Chapter 4 of the Revised DEIR/Supplemental DEIS. On August 9, 2012, Mr. Treber and Mr. Allinder were sent e-mails that provided information on workshops and hearings on the Revised DEIR/Supplemental DEIS.

Submission L033 (Dana Munn, North Kern Water Storage District, October 17, 2012)

P.O. Box 81435  
Bakersfield, CA 93380-1435  
Administration  
Telephone: 661-393-2696  
Facsimile: 661-393-6884



RECEIVED  
10/19/2012

33380 Cawelo Avenue  
Bakersfield, CA 93308-9575  
Water Orders and Operations  
Telephone: 661-393-3361  
www.northkernwsd.com

**NORTH KERN WATER STORAGE DISTRICT**

October 17, 2012

Fresno to Bakersfield Revised Draft EIR/Supplemental Draft EIS Comment  
770 L Street, Suite 800  
Sacramento, CA 95814

The North Kern Water Storage District (District hereinafter) is situated in the San Joaquin Valley portion of Kern County and encompasses about 60,000 acres. The District is fully developed to irrigated agriculture, with permanent crops accounting for about three-quarters of the cropped area. District water supplies principally include local Kern River water and pumped groundwater, with District deliveries accomplished through a largely open canal, gravity system. The District has several pipeline laterals that lead from the canal system and typically terminate on the east (uphill side) of the lands served.

L033-1 | Upon review of the alternative alignments south of the City of Wasco the District is very concerned about the "Alternative WS2" alignment and highly recommends the "WS1" alignment which follows the existing railroad alignment be selected as the preferred alternative. More specifically, Alternative WS2 would cause significant disruption by cutting diagonally across private property and creating new parcels that would likely not be part of farming operations remaining east of the railroad. This would necessitate that new District pipelines be constructed to provide the same level of water service to the new parcels west of the railroad.

L033-2 | On either alignment there will be crossings of District canals or pipelines. The District's ability to manage these facilities and access the lands served by these facilities needs to be maintained at no additional cost to the District.

Very truly yours,

DANA S. MUNN  
Engineer-Manager



FIRST CLASS  
AUTOCR

Fresno to Bakersfield Revised Draft EIR  
Supplemental Draft EIS - Comment  
770 "L" Street, Suite 800  
Sacramento, CA. 95814

NORTH KERN WATER STORAGE DISTRICT  
P. O. BOX 81435  
BAKERSFIELD, CALIFORNIA 93380-1435



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Response to Submission L033 (Dana Munn, North Kern Water Storage District, October 17, 2012)

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**L033-1**

Refer to Standard Response FB-Response-GENERAL-10.

The Authority has used the information in the Final EIR/EIS and input from the commenting agencies and public to identify the Preferred Alternative. The decision involved consideration of the project purpose, need, and objectives as presented in Chapter 1, Project Purpose, Need, and Objectives, the criteria in the alternatives analysis, and the comparative potential for environmental impacts. The Preferred Alternative balances the least overall impact on the environment and local communities with the cost and constructability constraints of the project alternatives evaluated.

**L033-2**

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

Impacts to irrigation systems, resulting curative work, and/or potential ramifications will be addressed during the appraisal process with consultation from experts in the fields of hydraulic engineering and agricultural management. The timing of any restorative work or reconfigurations will be addressed at the acquisition stage and documented in the right-of-way contract.

Submission L034 (LaRue Griffin, North of River Sanitary District, October 18, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #346 DETAIL	
<b>Status :</b>	Action Pending
<b>Record Date :</b>	10/19/2012
<b>Response Requested :</b>	No
<b>Affiliation Type :</b>	Local Agency
<b>Interest As :</b>	Local Agency
<b>Submission Date :</b>	10/18/2012
<b>Submission Method :</b>	Project Email
<b>First Name :</b>	LaRue
<b>Last Name :</b>	Griffin
<b>Professional Title :</b>	District Manager
<b>Business/Organization :</b>	North of River Sanitary District
<b>Address :</b>	204 Universe Avenue
<b>Apt./Suite No. :</b>	
<b>City :</b>	Bakersfield
<b>State :</b>	CA
<b>Zip Code :</b>	93308
<b>Telephone :</b>	661-399-6411
<b>Email :</b>	lgriffin@norsd.com
<b>Email Subscription :</b>	
<b>Cell Phone :</b>	
<b>Add to Mailing List :</b>	

L034-1

L034-2

L034-3

**Stakeholder Comments/Issues :**

The District is providing the following comments to the Revised Draft EIR/Supplemental Draft EIS:

The proposed rail alignment conflicts with the North of River Sanitary District's existing and future sewer facilities.

The existing facilities include the District's outfall sewer alignment along Kratzmeyer Rd., Santa Fe Way and 7th Standard Rd. and sewer interceptor connections along the outfall at Renfro Rd., Kratzmeyer Rd. and Zachary Ave. The existing sewers will require the design and relocation of those facilities as approved by the District. Abandonment and/or removal of conflicted facilities will also be required.

Proposed future facilities include a parallel outfall alignment along Kratzmeyer Rd., Santa Fe Way and 7th Standard Rd. and sewer interceptor connections at Heath Rd. and Nord Rd. The future facilities will require the design and installation of infrastructure to accommodate future facilities as approved by the District.

Please contact me if there are any questions. Thank you.

LaRue Griffin, District Manager  
 North of River Sanitary District  
 204 Universe Avenue  
 Bakersfield, Ca. 93308  
 www.norsd.com  
 Office: (661) 399-6411  
 Fax: (661) 399-2856  
 Cell: (661) 565-5901

**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

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Response to Submission L034 (LaRue Griffin, North of River Sanitary District, October 18, 2012)

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**L034-1**

Refer to Standard Response FB-Response-PU&E-03.

**L034-2**

Refer to Standard Response FB-Response-PU&E-03.

The Authority met with the North of River Sanitary District on October 4, 2012, to initiate discussions on an agreement to resolve utility conflicts. The Authority will continue to work with the North of River Sanitary District to enter into an agreement and address facility conflicts between the two entities.

**L034-3**

Refer to Standard Response FB-Response-HWR-01, FB-Response-PU&E-03.

Any requests to increase the size of an existing facility or accommodate installation of a future facility would be negotiated between North of River Sanitary District and the Authority.

Submission L035 (Frank Ohnesorgen, Pond Union Elementary School District, October 11, 2012)

Fresno - Bakersfield (July 2012+) - RECORD #259 DETAIL

**Status :** Unread  
**Record Date :** 10/11/2012  
**Response Requested :** Yes  
**Stakeholder Type :** Other  
**Affiliation Type :** Local Agency  
**Interest As :** Local Agency  
**Submission Date :** 10/11/2012  
**Submission Method :** Website  
**First Name :** Frank  
**Last Name :** Ohnesorgen  
**Professional Title :** Superintendent  
**Business/Organization :** Pond Union Elementary School District  
**Address :**  
**Apt./Suite No. :**  
**City :** Wasco  
**State :** CA  
**Zip Code :** 93280  
**Telephone :** 661-792-2545  
**Email :** fohnesorgen@pond.k12.ca.us  
**Email Subscription :** Fresno - Bakersfield  
**Cell Phone :**  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :** I noted that the proposed HSR project will cross Pond Union Elementary School District attendance boundaries, displace some agriculture property. As our tax base is very limited, and agriculture is the only tax base generating business, what is potential loss of revenue for our district if any?  
Thank you  
**EIR/EIS Comment :** No  
**Official Comment Period :** Yes

L035-1

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Response to Submission L035 (Frank Ohnesorgen, Pond Union Elementary School District, October 11, 2012)

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**L035-1**

Refer to Standard Response FB-Response-SO-05.

Submission L036 (Michael N. Nordstrom, Representing Water Entities (10 companies), (Atty. For),  
Law Offices of Michael N. Nordstrom, September 25, 2012)

LAW OFFICES OF  
MICHAEL N. NORDSTROM

TELEPHONE  
(559) 584-3131  
TELECOPIER  
(559) 584-3132

222 W. LACEY BLVD.  
HANFORD, CALIFORNIA  
93230

September 25, 2012

California High Speed Rail Authority  
770 "L" Street, Suite 800  
Sacramento, CA 95814

RE: California High Speed Train Project  
Fresno to Bakersfield Section

Dear Authority Members:

I am writing on behalf of the Peoples Ditch Company, Settlers Ditch Company, Last Chance Water Ditch Company, Cross Creek Flood Control District, Liberty Canal Company, Laguna Irrigation District and the Murphy Slough Association, [Riverdale Irrigation District, Liberty Mill Race Company and Reed Ditch Company], (collectively "Water Entities") regarding deficiencies in the Fresno to Bakersfield section of the High Speed Train revised draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) regarding the operation, maintenance and use of canal and ditch systems either owned or involved with. The Water Entities endorse and join in the comments submitted by the Kings River Conservation District (KRCD) and Kings County Water District (KCWD). In addition to those comments, we offer the following additional comments:

L036-1

1. The EIR/EIS fails to address the additional time and expense for the Water Entities personnel having to drive several hundreds of additional miles each year to operate the canal systems due to the severance and interference of the High Speed Rail alignment will cause. This impact will not be limited to the ditch tender trucks, but also to spray equipment, dump trucks, road graders, tractors and other maintenance equipment. An analysis and assessment of these costs should be made on a facility-by-facility basis so that appropriate severance damages may be calculated.

L036-2

2. The EIR/EIS fails to assess the air impacts due to the additional vehicular and equipment traffic caused by the aforementioned severance and interference with operations. An analysis of these impacts should be included.

California High Speed Rail Authority  
September 25, 2012  
Page Two

L036-3

3. The EIR/EIS fails to address the impacts of delayed response times and the resulting damages related to ditch/levee breaks and other emergencies on the facilities owned or operated by Water Entities. The EIR/EIS should address how the restricted access in emergencies should be mitigated.

4. The EIR/EIS fails to address the additional costs and the manner in which repairs and modifications to the Water Entities facilities at the rail crossings will be handled.

L036-4

5. The EIR/EIS fails to address potential impacts to operations in floodplain or modification of structures and facilities in the floodplain.

6. The EIR/EIS fails to address the potential impacts and interference with flood control levees and flood control operations.

Should you have any questions of which to discuss the concerns and issues of these agencies, please feel free to contact me at this office.

Very truly yours,

LAW OFFICES OF MICHAEL N. NORDSTROM

  
MICHAEL N. NORDSTROM, Attorney at Law

cc: Peoples Ditch Company                      Settlers Ditch Company  
Last Chance Water Ditch Company        Cross Creek Flood Control District  
Liberty Canal Company                      Laguna Irrigation District  
Murphy Slough Association                Riverdale Irrigation District  
Liberty Mill Race Company                Reed Ditch Company

clients-high speed rail-9-25-12 to CA High Speed Rail

Submission L036 (Michael N. Nordstrom, Representing Water Entities (10 companies), (Atty. For),  
Law Offices of Michael N. Nordstrom, September 25, 2012) - Continued



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Response to Submission L036 (Michael N. Nordstrom, Representing Water Entities (10 companies),  
(Atty. For), Law Offices of Michael N. Nordstrom, September 25, 2012)

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**L036-1**

Refer to Standard Response FB-Response-GENERAL-01, FB-Response-HWR-01.

The Authority will create Memorandums of Understanding and Agreement that will define terms and conditions whereby the Authority would work with local agencies to resolve utility conflicts, including funding contributions by the Authority to reimburse costs incurred as a result of the HST project. The Authority is actively assimilating information on existing and planned utilities. The designs presented in the Revised DEIR/Supplemental DEIS are preliminary (15% to 30% complete). The Authority will coordinate with utility owners to refine this information, identifying and evaluating all known facilities within the footprint during future design phases.

**L036-2**

Refer to Standard Response FB-Response-AQ-03.

**L036-3**

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01.

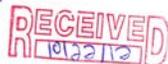
Adequate access to water conveyance facilities is provided in the HST design. If water conveyance features require modification due to HST requirements, or such features are damaged during HST construction, the costs would be paid by the Authority.

**L036-4**

Refer to Standard Response FB-Response-HWR-01, FB-Response-HWR-03.

Impacts from the HST on floodplains are addressed under Impact HWQ#4 and HWQ#8 of Section 3.8, Hydrology and Water Resources. The design of the HST incorporates features to minimize the impacts to floodplains and floodplain infrastructure. The Authority is working with local districts, municipalities, and other entities to develop master utility agreements that will define the terms and conditions needed to resolve utility conflicts such as canal crossings.

Submission L037 (David Warner, San Joaquin Valley Air Pollution Control District, October 18, 2012)



October 17, 2012

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

**Project: California High-Speed Train  
 Fresno to Bakersfield Section  
 Revised Draft Environmental Impact Report/Supplemental Draft  
 Environmental Impact Statement**

**District CEQA Reference No: 20120454**

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (document) for the project referenced above consisting of the Fresno to Bakersfield Section of the proposed California High-Speed Train (HST) system, and commends the High-Speed Rail Authority (Authority) on a high-quality assessment of potential environmental risks of the California HST project. The District is supportive of a California HST system that is based on thoughtful design and implementation aimed at offering low emissions commute and travel options to the residents of the San Joaquin Valley. The potential for the HST system to reduce emissions from motor vehicle traffic in the Valley may be significant. Achieving significant reductions in mobile source emissions within the SJV is critical to District achieving attainment of state and federal air standards. If properly implemented, the HST system could be a key component of the District's efforts to reduce the air quality impacts caused by vehicle miles traveled within the San Joaquin Valley. The District offers the following comments:

**Construction Impacts**

The document identifies several Air Quality Mitigation Measures that will be implemented to reduce air quality impacts to a less-than-significant level. Many of those measures, such as AQ-MM#4 (*Offset Project Construction Emissions through an*

Sayed Sadredin  
 Executive Director/Air Pollution Control Officer

**Northern Region**  
 4800 Enterprise Way  
 Modesto, CA 95350-8710  
 Tel: (209) 957-6400 FAX: (209) 957-6475

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www.valleyair.org www.healthyairliving.com

Printed on recycled paper

District CEQA Reference No: 20120454

Page 2 of 3

L037-1

SJVAPCD VERA) address the comments the District has previously made on the HST system. Therefore, the District has no additional recommendation at this time.

The High Speed Rail Authority (HSRA) has worked closely with the District to address air quality impacts and has committed to mitigating NOx, VOC, PM10, and PM2.5 construction emissions to net zero for the entire High Speed Train Project throughout the San Joaquin Valley. To achieve mitigation of NOx, VOC, PM10, and PM2.5 construction emissions to net zero and thus comply with general conformity and CEQA requirements, the HSRA will enter in a Voluntary Emission Reduction Agreement (VERA) with the District (see the commitment in the EIR's Air Quality Mitigation number AQ-MM#4). The VERA requires that mitigation/emission reductions be achieved prior to the start of the first activity generating emissions in the year of impact. This pre-funding commitment will allow the District to achieve the requested emission reductions prior to the start of construction emissions.

L037-2

**Conformity**

A federal agency action that takes place in a nonattainment area must comply with general conformity requirements (40 CFR 93, Subpart B) to assure that a federal action will not delay an area's attainment of federal air quality standards. Where project emissions are above the applicable general conformity de minimis levels, general conformity must be demonstrated either by showing that the emissions were already accounted for in the State Implementation Plan (SIP), or by mitigating or offsetting the increase in emissions. The District looks forward to working with the Authority to review project emissions estimates and to develop a VERA to offset this project's emissions, thus satisfying general conformity requirements.

L037-3

**Health Risk Impacts**

The District acknowledges the results of an Ambient Air Quality Analysis and a Health Risk Assessment are specific to the actual location of the Heavy Maintenance Facility. Based on the discussion for Impact AQ#16 (*Localized Analysis of Heavy Maintenance Facility Impacts*), the District agrees and recommends that more detailed analyses be performed for the site selected. Based on the results of those analyses, additional mitigation may be needed. A requirement for such specific analyses should be included in land use permit. Specific emission estimates and modeling analyses should also be performed for the final designs of the stations.

L037-4

**Clarification to the current and projected future transportation system**

Section S.4.4 (*Need for the HST System Statewide and within the South San Joaquin Valley Region*) states "current and projected future congestion of the system will continue to result in deteriorating air quality, reduced liability, and increased travel times". This statement is found throughout the document. It could mislead the characterization of the air quality and the improvement made in the San Joaquin Valley

L037-1

Submission L037 (David Warner, San Joaquin Valley Air Pollution Control District, October 18, 2012) - Continued

District CEQA Reference No: 20120454

Page 3 of 3

L037-4

Air Basin. To avoid any confusion, the District recommends the statement be clarified and offers the following suggested language to be added:

"Although the San Joaquin Valley's air quality has been steadily improving over recent years under stringent emissions control regulations, many air quality challenges remain under current and upcoming EPA standards. Growth in population and VMT can undermine some of the progress made through mobile source regulations. It is important for air pollutant emissions to continue to be further reduced from all sectors (including mobile) for the Valley to meet health-based air quality standards."

In conclusion, the District appreciates the Authority's ongoing commitment to working with the District and appreciates the opportunity to aid the Authority in identifying and mitigating impacts on air quality. If you have any questions or require further information, please contact me or Arnaud Marjollet, Permit Services Manager at (559) 230-6000.

Sincerely,

  
for David Warner  
Director of Permit Services

DW: ps



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Response to Submission L037 (David Warner, San Joaquin Valley Air Pollution Control District,  
October 18, 2012)

---

**L037-1**

The Authority will continue to work with the San Joaquin Valley Air Pollution Control District to mitigate regional emissions of NOx, VOC, PM10, and PM2.5 during the construction phase to net zero through the Voluntary Emissions Reduction Agreement program.

**L037-2**

The Authority will continue to work with the San Joaquin Valley Air Pollution Control District to mitigate regional emissions of NOx, VOC, PM10, and PM2.5 during construction to net zero through the Voluntary Emissions Reduction Agreement program, thus satisfying the General Conformity Rule requirements.

**L037-3**

The Authority will work with the San Joaquin Valley Air Pollution Control District on the HMF permit conditions and detailed site-specific health risk assessment after the HMF site is selected, which will be made following certification of the San Jose to Merced Section Final EIR/EIS. Mitigation Measure AQ-6 has been modified to provide a specific trigger mechanism (prior to issuance of the authority to construct the HMF facility) for determining details on the final HMF emissions and emission reduction strategies.

Mitigation Measure AQ-9 has been added to fulfill a requirement for a site-specific health risk assessment to be performed after station designs are finalized.

**L037-4**

The language in Section S.4.4, Need for the HST System Statewide and within the South San Joaquin Valley Region, of the Final EIR/EIS will be changed to address this comment.

Submission L038 (Will Boschman, Semitropic Water Storage District, October 3, 2012)

**Fresno - Bakersfield (July 2012+) - RECORD #231 DETAIL**

**Status :** Action Pending  
**Record Date :** 10/3/2012  
**Response Requested :** No  
**Affiliation Type :** Local Agency  
**Interest As :** Local Agency  
**Submission Date :** 10/3/2012  
**Submission Method :** Website  
**First Name :** Will  
**Last Name :** Boschman  
**Professional Title :** General Manager  
**Business/Organization :** Semitropic Water Storage District  
**Address :**  
**Apt./Suite No. :**  
**City :** Wasco  
**State :** CA  
**Zip Code :** 93280  
**Telephone :** 661-758-5113  
**Email :** WBoschman@Semitropic.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**  
**Stakeholder Comments/Issues :** Thank you for the opportunity to submit these comments which are somewhat general in nature.

L038-1

Upon review of the alternative alignments from Wasco north to the Kern County line we are very concerned if Alternative A-2 is selected and therefore Semitropic highly recommends that Alternative A-1, which follows existing railroad alignment, be selected as the preferred Alternative. Alternative A-2 if constructed, would cause extreme damage by cutting diagonally across private property not only intersecting Semitropic's water distribution facilities, but also numerous Landowner's on farm systems that would have to be reconstructed. Additionally, access to operate and maintain Semitropic's water distribution facilities on the east side of the A-2 alignment would be very restricted therefore causing operations to be highly inconvenienced perhaps even cause additional damage because of operational emergencies that could not be dealt with in a timely manner.  
 Also, just a cursory review of the two alignments indicates that the cost of construction along Alternative A-2 will be extraordinarily higher than to construct along Alternative A-1.

L038-2

As a final comment Semitropic does not support construction of the High-Speed Train Project recognizing that the State and the Federal governments are in financial crisis and that this kind of money would be far more beneficial to the economy of the State if used to provide a more reliable water supply.

**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

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Response to Submission L038 (Will Boschman, Semitropic Water Storage District, October 3, 2012)

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**L038-1**

Refer to Standard Response FB-Response-HWR-01, FB-Response-AG-02.

For information about the impact on the community of Wasco, see Section 3.12, Socioeconomics, Communities, and Environmental Justice, in Volume 1 of the Final EIR/EIS. The Authority use the information in the Final EIR/EIS and input from agencies and the public to identify the Preferred Alternative. The decision included consideration of the project purpose, need, and objectives, as presented in Chapter 1, Project Purpose, Need, and Objectives: the objectives and criteria in the alternatives analysis; and the comparative potential for environmental impacts. The Preferred Alternative has the least overall impact on the environment and local communities, the lowest cost, and the fewest constructability constraints of the project alternatives evaluated.

**L038-2**

Refer to Standard Response FB-Response-GENERAL-17.

Submission L039 (Curtis Skaggs, Vaughn Water Company, October 18, 2012)

**Fresno - Bakersfield (July 2012+) - RECORD #345 DETAIL**

**Status :** Action Pending  
**Record Date :** 10/19/2012  
**Response Requested :** No  
**Affiliation Type :** Local Agency  
**Interest As :** Local Agency  
**Submission Date :** 10/18/2012  
**Submission Method :** Project Email  
**First Name :** Curtis  
**Last Name :** Skaggs  
**Professional Title :** Company Engineer  
**Business/Organization :** Vaughn Water Company  
**Address :** 1004 Glenn Street  
**Apt./Suite No. :**  
**City :** Bakersfield  
**State :** CA  
**Zip Code :** 93312  
**Telephone :** 661-589-2931  
**Email :** CSkaggs@djacivil.com  
**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :**

**Stakeholder  
 Comments/Issues :**

Below are comments on the Revised Draft EIR/Supplemental Draft EIS for the California High-Speed Rail.

The organization providing comments below is Vaughn Water Company in the Rosedale area of Bakersfield, California. Contact information is:

Van Grayer, General Manager  
 Vaughn Water Company  
 10014 Glenn Street  
 Bakersfield, California 93312  
 Ph.: (661) 589-2931  
 Fax: (661) 589-7438  
 Email: van@vaughnwater.org<mailto:van@vaughnwater.org>

Curtis Skaggs, Company Engineer  
 Dee Jaspas & Associates, Inc.  
 2730 Unicorn Road, Bldg A  
 Bakersfield, California 93308  
 Ph.: (661) 393-4796 Ext. 107  
 Fax: (661) 393-4799  
 Email: cskaggs@djacivil.com<mailto:cskaggs@djacivil.com>

**Comments:**

L039-1

1. Alignment B1 (approximate Station 6915+00) and B2 and B3 (approximate Station 6914+00) impact the Vaughn Water Company - Verdugo Well and Ozone Treatment Facility. Alignment B1 appears to be directly through or above the facility while alignments B2 and B3 are just north of the facility. All three alignments indicate that Verdugo Lane will be closed due to the HSR which would also prevent access to this facility. Concerns are direct impacts to the facility, loss of the facility, access to the facility, electro-magnetic impacts on the electrical equipment, VFD, or ozone generator. This is a critical water supply facility for the Vaughn Water Service area. Water treatment facilities of this nature cost approximately \$3,000,000 to \$4,000,000 to construct and if the facility has to be relocated / replaced then the uncertainty of water quality in other areas becomes a major concern. How will these issues and concerns be addressed and/or mitigated by the HSR project?

L039-2

1. The alignments B1 thru B3 (approximate Station 6881+00 to 6882+00) are adjacent to or through a portion of the Jewetta Well site. Concerns are direct impacts to the facility, loss of the facility, and electro-magnetic impacts to well and electrical equipment. This site does not currently have an active well on it, but if the property is impacted to where it cannot be used in the future, how will this be mitigated by the HSR project?

L039-3

1. Vaughn Water Company has many underground water lines throughout the Rosedale area of the HSR project. Pipeline modifications may be required as a result of the project, water system pipeline loops may be eliminated as a result of the project, access to water lines may be prohibited, water line crossings will have to have a steel casing to carry the loads of the HSR, and possible cathodic protection from the electro-magnetic fields may be required. How will these issues be addressed and/or mitigated by the HSR project?

Please contact Van Grayer or myself if you have any questions or would

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Submission L039 (Curtis Skaggs, Vaughn Water Company, October 18, 2012) - Continued

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like to discuss anything further.

Thanks,  
Curtis M. Skaggs, P.E.  
Dee Jaspar & Associates, Inc.  
(661) 393-4796 Ext. 107

**EIR/EIS Comment :** Yes  
**Official Comment Period :** Yes

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## Response to Submission L039 (Curtis Skaggs, Vaughn Water Company, October 18, 2012)

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### L039-1

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01, FB-Response-SO-01, FB-Response-AG-02.

As stated in this comment, selection of alignment B1 would take the Vaughn Water Company well and ozone treatment facility, and alignments B2 and B3 would remove access to that facility. The alternative alignments are constrained by the curve radii required for high-speed operation and the desire to minimize impacts on the residential community by following existing transportation corridors to the extent practicable. See EIR/EIS Volume I Section 3.12, Impact SO #1 for information about the potential for construction activities to disrupt business activity. Detailed construction access plans will be developed before the start of construction, and the affected cities would review these plans before construction begins. Although access to some businesses would be disrupted and detoured for short periods during construction, access would always be maintained, see TR MM#1- Access Maintenance for Property Owners, which says that during construction, access for owners to their properties will be maintained to a level that equals pre-project viability of the properties for their pre-project uses. If a proposed road closure restricts current access to a property, alternative access via connections to existing roadways will be provided. If adjacent road access is not available, new road connections will be prepared, if feasible. If alternative road access is not feasible, the property will be considered for acquisition.

Section 3.6 Public Utilities and Energy, page 3.6-37 of the Revised DEIR/Supplemental DEIS discusses permanent impacts within the project footprint. Utilities within the permanent project footprint would either be relocated outside the restricted access areas of the HST right-of-way, or modified to avoid the conflict.

Direct impacts on the well and ozone treatment system, resulting curative work, and/or potential ramifications will be addressed during the appraisal process with consultation from experts in the hydraulic engineering field. The timing of any restorative work or reconfigurations will be addressed at the acquisition stage and documented in the right-of-way contract.

As reported in Section 3.5 of the EIR/EIS, the existing AC magnetic field at the intersection of Verdugo Lane and Glenn Street, which is at the Verdugo well and ozone

### L039-1

treatment facility, was measured to be 1.14 milligauss (mG). The calculated 60-Hz magnetic field from an HST at this location is 3 mG. The level of this electromagnetic field is not expected to interfere with electrical equipment, variable frequency drives, or the ozone generator at the well and treatment facility. Measured AC magnetic field values range from 9 to 20 mG near household appliances, as described in Section 3.5 of the EIR/EIS.

### L039-2

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01, FB-Response-SO-01.

Any diminution in value to a property owner's remaining parcel(s) will be estimated by the appraiser through the appraisal process. This involves appraising the remainder as it contributes to the whole property value before acquisition, then appraising the remainder in the after condition as a separate parcel as though the project was constructed, and including any estimated "cost to cure" damages to the remainder. The difference between these "before" and "after" values is called severance damages and will identify any loss in value to the remainder caused by the construction in the manner proposed.

As reported in Section 3.5 of the EIR/EIS, the calculated 60-Hz magnetic field 75 feet from the centerline of an HST would be 11 milligauss (mG). The level of this electromagnetic field is not expected to interfere with electrical pump equipment. Measured AC magnetic field values range from 9 to 20 mG near household appliances, as described in Section 3.5 of the EIR/EIS.

### L039-3

Refer to Standard Response FB-Response-PU&E-03, FB-Response-HWR-01, FB-Response-SO-01, FB-Response-AG-04.

Section 3.6, Public Utilities and Energy, Impact PU&E-6 addresses effects from reduced access to existing utilities in the HST right-of-way.

Section 3.5, Electromagnetic Fields and Electromagnetic Interference, Impact EMF/EMI #7 on page 3.5-18 of the Revised DEIR/Supplemental DEIS evaluates corrosion

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Response to Submission L039 (Curtis Skaggs, Vaughn Water Company, October 18, 2012) - Continued

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**L039-3**

impacts on pipelines, cables, and adjoining rail in detail. The analysis states that if adjacent pipelines and other linear metallic structures are not sufficiently grounded through direct contact with the earth, the project would include additional grounding of pipelines and other linear metallic objects in coordination with the affected owner or utility as part of the construction of the HST System. Alternatively, insulating joints or couplings may be installed in continuous metallic pipes to prevent current flow.

The potential for corrosion from ground currents would be avoided by installing supplemental grounding or by insulating sections in continuous metallic objects in accordance with standard HST designs.