



COUNTY OF KINGS BOARD OF SUPERVISORS

KINGS COUNTY GOVERNMENT CENTER
1400 W. LACEY BOULEVARD, HANFORD, CA 93230
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JOE NEVES - DISTRICT 1
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TONY BARRA - DISTRICT 4
ARMONA, HANFORD & NEW HOME GARDEN

RICHARD FAGUNDES - DISTRICT 5
HANFORD & HOME GARDEN

January 31, 2012

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;

- 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.

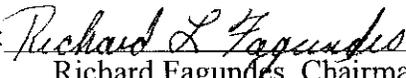
Governor, Kings County is named as a local agency in the CHSRA "Coordination Plan", but the CHSRA has not and continues to refuse to coordinate and resolve conflicts with Kings County's award-winning planning policies and regulations designed to protect farmland, comply with AB 32, and respond to time-sensitive 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 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, 20th 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

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, 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
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

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



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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 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.

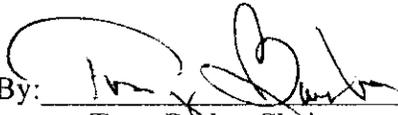
Your intervention is requested to bring the federal and state lead agencies to the table with Kings County to resolve the conflicts created by the proposed Project. Your intervention is also requested to urge the Authority to extend the 45-day comment period on the recently issued 6000+ page EIR/EIS 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

Governor Brown
August 25, 2011
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cc: Thomas J. Umberg, Chairperson
California High Speed Rail Authority
770 "L" Street, Suite 800
Sacramento, CA 95814

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1200 New Jersey Avenue, SE
Washington, DC 20590

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1200 Pennsylvania Ave., NW
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Region IX
Connell Dunning, Transportation Team Supervisor
Environmental Review Office
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75 Hawthorne Street
San Francisco, CA 94105

U.S. Army Corps of Engineers
Sacramento District
Regulatory Division
Michael S. Jewell, Chief
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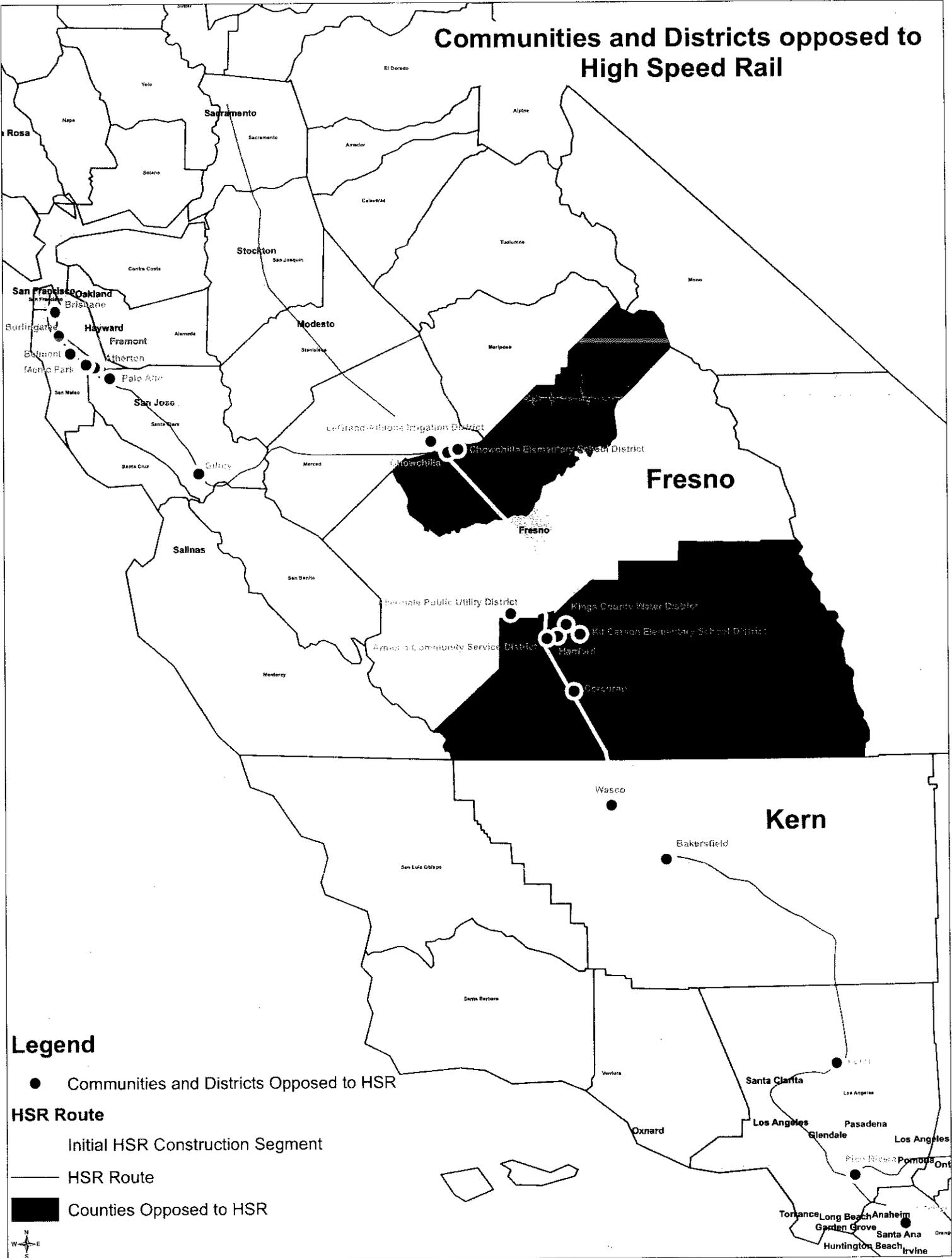
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The Honorable Wayne Ross, Mayor
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Tulare, CA 93274

Communities and Districts opposed to High Speed Rail



Legend

- Communities and Districts Opposed to HSR

HSR Route

Initial HSR Construction Segment

HSR Route

Counties Opposed to HSR

