

DOCKETED

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Project Title:	Hydrogen Energy Center Application for Certification Amendment
TN #:	200308
Document Title:	County of Kern Re Additional Info on the Post PSA Release
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**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Lorelei H. Oviatt, AICP, Director

2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301-2323

Phone: (661) 862-8600

FAX: (661) 862-8601 TTY Relay 1-800-735-2929

E-Mail: planning@co.kern.ca.us

Web Address: www.co.kern.ca.us/planning



DEVELOPMENT SERVICES AGENCY

Planning and Community Development
Engineering, Surveying and Permit Services
Roads Department

August 19, 2013

File: Hydrogen Energy, California (HECA)
Zone Map No. 120

California Energy Commission
Attn: John Heiser, Project Manager
1516 9th Street, MS-15
Sacramento, CA 95814-5512

RE: Hydrogen Energy California – Amended Application for Certification (08-AFC-8A)
Post PSA Release: Specific Kern County Comments and recommended Mitigation Measures to address potential impacts of the proposed HECA Project located within Kern County.

California Energy Commission Representatives:

As noted in our previous correspondence to the CEC regarding the HECA Project; Kern County is in receipt of the May 15, 2012, notice from the California Energy Commission (CEC), requesting Agency participation in the review of the amended application submitted to the CEC on May 2, 2012 for the Hydrogen Energy California (HECA) Project. The County appreciates this opportunity to participate in this review and has submitted several comment letters to the CEC regarding this project.

Kern County's most recent comments were sent to the CEC in a letter dated August 8, 2013 (TN # 200169). Those comments were prepared and sent per the direction of the Kern County Board of Supervisors provided at their July 23, 2013 hearing. The August 8, 2013 letter consisted of 3 parts; including: (1) a listing of mitigation measures previously requested by the Kern County that were not included in the PSA and the County's subsequent recommended revisions to the Conditions of Certification; (2) a listing of other additional requests specified by the Board; and, (3) closing comments and a reiteration that Kern County does not support the use of eminent domain for any action related to the HECA Project.

With regard to the first component of that letter (Recommended Revisions to the Conditions of Certification in the CEC's PSA and FSA); Staff notes that Table 1 of the August 8, 2013 included a "placeholder" for upcoming comments and recommended mitigation measures from the Kern County Roads Department. The Roads Department was unable to issue formal comments when the August 8, 2013 letter was released because the applicant for the HECA project was still in the process of completing the necessary Traffic Impact Study.

Since that time, the Roads Department has reviewed the traffic impact study prepared by URS (Revision 2 dated July 2013) for the Hydrogen Energy California project; and has identified the necessary mitigation measures that need to be included in the CEC's review of the HECA Project to mitigate the impacts upon County Roads. The comment letter from the Roads Department which lists the requested mitigation measures is included in this letter as Attachment A.

CLOSING COMMENTS

On behalf of the Kern County Board of Supervisors and Kern County Agencies and Departments, the Kern County Planning and Community Development Department would like to thank the CEC for your consideration of the comments listed in this letter and requests the following:

1. Please include the Roads Department mitigation measures as listed in this letter **and** all mitigation measures, requests for additional information and clarifications as listed in the August 8, 2013 letter in the Final "Staff Assessment/Draft Environmental Impacts Statement" that is being prepared by CEC Staff;
2. Please ensure that this letter and the August 8, 2013 letter, and all attachments, are provided to the Commissioners for consideration in preparation of the "Presiding Member's Proposed Decision" and also to the full California Energy Commission for consideration in issuing the "Final Decision" on the project; and,
3. Please note that the Kern County Board of Supervisors has directed PCDD Staff to bring this project back before the Board for review and preparation of additional Kern County comments on the CEC's "Final Staff Assessment/ Draft Environmental Impacts Statement." Please be advised that additional comments will be forthcoming after the Board's review of the FSA.

Should you have any questions, please contact me at the contact information listed above. You may also contact the Supervising Planner coordinating Kern County's review of the HECA Project, Ms. Jacquelyn R. Kitchen, at (661) 862-8619 or via email at kitchenj@co.kern.ca.us.

Sincerely,



JACQUELYN R. KITCHEN, Supervising Planner
Kern County Planning & Community Development Department

cc: SCS Energy California, LLC.
Attn: Marisa Mascaro
30 Monument Square, Suite 235
Concord, MA 01742

Hydrogen Energy California
Attn: Tom Daniels, Managing Director, Commercial Business
PO Box 100, PMB 271
Mammoth Lakes, CA 93546

Occidental of Elk Hills, Inc.
Attn: William H. Barrett, EOR Business Manager
10800 Stockdale Highway
Bakersfield, CA 93311

cc: (cont.)

Kern County Administrative Office

Kern County Clerk of the Board

Kern County Fire Department

Kern County Environmental Health Services

Kern County Engineering Services

Kern County Roads

Kern County Waste Management

Kern County Sheriff's Department

Kern County Farm Bureau, Inc.
Attn: Benjamin McFarland
801 South Mt. Vernon Avenue
Bakersfield, CA 93307-2048

Kern-Kaweah Chapter of the Sierra Club
Andrea Issod; Matthew Vespa
85 Second Street, 2nd Floor
San Francisco, CA 94105

HECA Neighbors
c/o Chris Romanini
P.O. Box 786
Buttonwillow, CA 93206

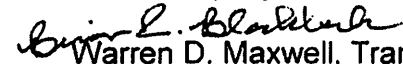
Association of Irrigated Residents
Tom Frantz
30100 Orange Street
Shafter, CA 93263

Appendix A

Comments from the
Kern County Roads Department

**COUNTY OF KERN
DEVELOPMENT SERVICES AGENCY
ROADS DEPARTMENT
*Office Memorandum***

To: Lorelei Oviatt, Director
Planning and Community Development Department
Attn: Jacquelyn Kitchen, Supervising Planner

From:  Warren D. Maxwell, Transportation Development Engineer
For: Roads Department

August 16, 2013

Subject: Hydrogen Energy of California Project – Amended Application for
Certification (08-AFC-8A)

This department has reviewed the traffic impact study (by URS, Revision 2 dated July 2013) for the Hydrogen Energy California project, and determined the following to mitigate the impacts upon County Roads, () denote references to the traffic impact study.

Prior to construction, the HECA project and/or their representatives shall comply with following:

1. Under encroachment permit, issued by the Kern County Roads Department, reconstruct the following roads to Kern County standards as noted, this will include additional pavement at intersecting road returns to accommodate large truck turn movements, as necessary (TRA-1):
 - a. Morris Road - Stockdale Highway to Station Road (Segment – 1.5 miles, 0.64' AC over 1.57' Aggregate Base).
 - b. Station Road - Morris Road to Tupman Road (Segment – 1 mile, 0.63' AC over 1.55' Aggregate Base).
 - c. Dairy Road - Stockdale Highway to Adohr Road (Segment – 1 mile, 0.33' AC over 0.81' Aggregate Base).
 - d. Adohr Road - Tupman Road to Dairy Road (Segment – 1 mile, 0.35' AC over 0.86' Aggregate Base).
2. Under encroachment permit, issued by the Kern County Roads Department, provide an asphaltic concrete overlay of the following roads to Kern County standards, this will include additional pavement at intersecting road returns to accommodate large truck turn movements (TRA-1):
 - a. Stockdale Highway - State Route 43/Enos Lane to Interstate 5 (Segment – 4.7 miles, 0.12' AC).
 - b. Stockdale Highway - Interstate 5 to Dairy Road (Segment – 2.3 miles, 0.24' AC).
 - c. Stockdale Highway - Dairy Road to Wasco Way (Segment – 3 miles, 0.32' AC).
 - d. Wasco Way - Stockdale Highway to State Route 58 (Segment – 3 miles, 0.31' AC).
3. Under encroachment permit, issued by the Kern County Roads Department or Caltrans, where applicable, construct the following improvements to Kern County/Caltrans standards (TRA-2):
 - a. State Route 43/Enos Lane and Stockdale Highway – Install Traffic Signal and associated improvements.
 - b. Interstate 5 Southbound Ramps and Stockdale Highway - Install Traffic Signal and associated improvements.

- c. Dairy Road and Stockdale Highway – Construct a westbound left-turn lane and a northbound right-turn lane.
 - d. Dairy Road and Adohr Road - Reconstruct the intersection to accommodate the turning radius needed by large trucks to facilitate the necessary turning movements.
 - e. Morris Road and Stockdale Highway - Construct a westbound left-turn lane and a northbound right-turn lane.
 - f. Tupman Road and Adohr Road - Reconstruct the intersection to accommodate the turning radius needed by large trucks to facilitate the necessary turning movements.
 - g. Tupman Road and Station Road - Reconstruct the intersection to accommodate the turning radius needed by large trucks to facilitate the necessary turning movements.
 - h. Morris Road and Station Road - Reconstruct the intersection to accommodate the turning radius needed by large trucks to facilitate the necessary turning movements.
4. Submit for review and approval to the Kern County Roads Department and Caltrans, a traffic control plan. The traffic control plan shall provide signs and traffic control measures as needed, such as lane closures and road, closures during the construction of the HECA project (TRA-3).
 5. Schedule lane or road closures during off-peak hours (TRA-4).
 6. Limit construction vehicular traffic to designated access roads, construction laydown, and worker parking areas, and the Project construction site only (TRA-5).
 7. Encourage carpooling as part of Transportation Demand Management (TRA-6).
 8. Record, through the Roads Department, an irrevocable offer of dedication to the County of Kern of additional right of way, where truck turn movements will require additional pavement and larger radius returns at intersecting roadways.
 9. All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, fences, or similar obstructions, shall be removed from the ultimate road rights-of-way. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

During project operations, the HECA project and/or their representatives shall comply with following:

10. Enter into a secured agreement with the Kern County Roads Department to provide reimbursement for the annual cost of maintaining the improvements required by Items #1 and #2, (TRA-1) and (TRA-2), respectively. In addition, further reimbursement will be required to ensure that these improvements, if demonstrably damaged by project-related activities, are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed. The extent of the repair will be determined in consultation with the applicant and the Kern County Roads Department.
11. Limit operations vehicular traffic to designated access roads. Encourage carpooling as part of Transportation Demand Management (TRA-7).

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Brian Blacklock of this Department.