

MINUTE ITEM

This Calendar Item No. 022
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 2
to 0 at its 9/27/90
meeting.

CALENDAR ITEM

022

A 33

S 16

09/27/90

W 24578

PRC 7454

Fong

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: California Water Service Company
1720 North First Street
San Jose, California 95112

AREA, TYPE LAND AND LOCATION:

A parcel of sovereign land in the bed of the Kern River adjacent to the Highway 178 bridge in Bakersfield, Kern County.

LAND USE:

The installation, use, and maintenance of a 12-inch-diameter water pipeline and 24-inch-diameter protective steel casing.

TERMS OF PROPOSED LEASE:

Initial period: Thirty (30) years beginning September 30, 1990.

Surety bond: \$2,000.

Special: Lessee shall provide an "as-built" description and survey plat of the installed pipeline upon its completion.

CONSIDERATION: \$137 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

CALENDAR ITEM NO. C 22 CONT'D

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884:

03/02/91.

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared and adopted for this project by the City of Bakersfield. The City determined that the project will not have a significant effect on the environment. The State Lands Commission's staff has reviewed such document.
2. The existing water pipeline, which is attached to the underside of the westbound lane, needs to be relocated to a separate easement adjacent to the bridge to accommodate Caltrans' widening of the Highway 178 Bridge. The water pipeline will be buried in a 24-inch-diameter protective steel casing under the Kern River.

APPROVALS OBTAINED:

City of Bakersfield.

FURTHER APPROVALS REQUIRED:

Reclamation Board.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Notice of Determination/Negative Declaration.

CALENDAR ITEM NO. C 2 2 CONT'D

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF BAKERSFIELD AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO CALIFORNIA WATER SERVICE COMPANY OF A 30-YEAR GENERAL LEASE - RIGHT-OF-WAY USE, BEGINNING SEPTEMBER 30, 1990; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$137 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE INSTALLATION, USE, AND MAINTENANCE OF A 12-INCH-DIAMETER WATER PIPELINE AND 24-INCH-DIAMETER STEEL CASING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

W 24578

A strip of submerged land 20 feet wide in the bed of the Kern River in Section 26, T29S, R27E, MDM, City of Bakersfield, Kern County, California, the centerline of said strip lying 10 feet on each side of a line lying 22 feet northeast and parallel with the northeast right of way line of State Highway Route 178 crossing said river.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kern River.

END OF DESCRIPTION

PREPARED SEPTEMBER 19, 1990 BY LLB.

CALENDAR PAGE	208
PLATE PAGE	2348

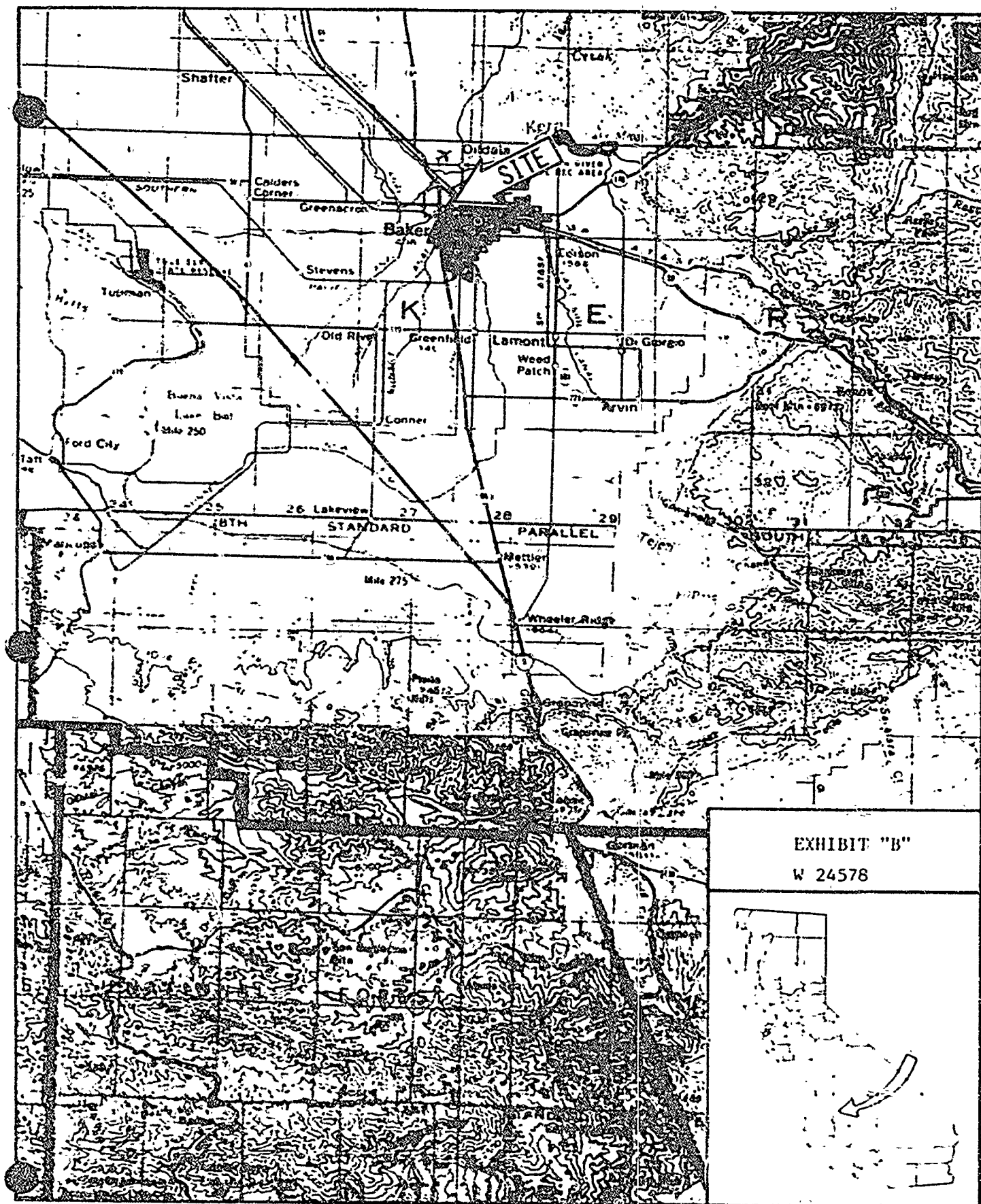


EXHIBIT "B"
 W 24578

A small inset map showing a larger geographical context with an arrow pointing to the location of the main map.

REPAIR PRICE 269
 REPAIR 2349

Notice of Determination

COPY

EXHIBIT "C"

Appendix H

To: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
County of _____

From: (Public Agency) _____
Bakersfield City Planning Department
1501 Truxtun Avenue (Address)
Bakersfield, CA 93301



Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title

Negative Declaration for relocating utility lines at 24th Street Bridge #2793

State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone/Extension
90020595	Nichelle Suverkrubbe	805/326-3733

Project Location (include county)

Westbound 24th Street Bridge over the Kern River, Bakersfield, Kern County

Project Description:

Relocation of water and telephone lines from under the bridge over the Kern River to separate easements east of the bridge.

This is to advise that the City of Bakersfield has approved the above described project on 8/22/90 and has made the following determinations regarding the above described project:

- The project will will not have a significant effect on the environment.
- An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation measures were were not made a condition of the approval of the project.
- A statement of Overriding Considerations was was not adopted for this project.
- Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

Nichelle Suverkrubbe 8/24/90 Assistant Planner
Signature (Public Agency) Date Title

Data received for filing at OFR:

Revised October 1983

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RECEIVER PAGE 2350

EXHIBIT A
RECOMMENDED MITIGATION

Mitigation measures recommended with the Proposed Negative Declaration on the project include the following:

1. The applicants must get permit approval for the project by the State Board of Reclamation and/or the Army Corp of Engineers.
2. Work on the project must be avoided during flood season from November 15 to July 20.
3. The applicants must rapidly resodd and revegetate the streambank areas and replace the original concrete and granite rip-rap after construction to prevent erosion of the streambank into the river and to mitigate potential impacts to habitat and water quality.
4. The applicants must submit a soils report, a grading plan, an excavation plan, and elevation drawings to the City Planning Department prior to issuance of construction permits. These plans should show details of proposed disturbance area, grading and soils details, rip-rap removal and replacement plans, and proposed truck access routes.
5. The applicants should adhere to applicable building codes and proper construction practices, such as water spraying to control fugitive dust.
6. The placement of the utility lines under the river should be done as to not result in a reduction in the river discharge capacity.
7. In order to mitigate the proposed impacts to plant life through the removal of some willows, cottonwoods, riparian shrubs, and grasses, the following must be observed:
 - i. Revegetate the streambank areas on the east and west banks of the river with appropriate vegetation including cottonwoods and tree willows. Revegetation will be at an appropriate density and will utilize plants of a large enough size to assure that the creation of a permanent, biologically valuable wetland association will occur. Revegetation or landscaping with native or compatible shrubs and trees is required.

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SALE PRICE	2351

EXHIBIT A
RECOMMENDED MITIGATION
(cont.)

- ii. Remove only the minimal amount of streambank vegetation necessary for construction. All trees should be protected from construction if possible. A vegetation plan outlining: all vegetation on-site; any vegetation, including trees proposed to be removed; and, all replacement species intended to be used, must be approved by the Planning Department prior to construction.
- iii. Protect nearby vegetation by careful construction practices, including but not limited to:
 1. Not storing any construction material or placing any fill on top of or within the dripline of trees or other vegetation which are to remain undisturbed.
 2. Heavy equipment will not be operated or parked underneath or on top of such vegetation.
 3. If large trees are very close to the area of construction, the City will place temporary barriers around them to protect accidental damage.
8. Removal of or construction to the bridge may affect the nests of cliff swallows currently attached to the underside of the existing structure. Even though cliff swallows enjoy no special state protection, they are protected during their breeding season under the Federal Migratory Bird Treaty Act. Mitigation should include restricting the removal of the water and telephone lines from April 15 through July 31 to avoid the cliff swallow breeding season.
9. In order to comply with State and Federal Endangered Species Acts, the applicant must consult the attached advisory notice prepared by the U.S. Fish and Wildlife Service with regard to potential impacts on the San Joaquin kit fox. Preconstruction surveys for kit foxes and vegetation to be disturbed in the area of proposed disturbance must be completed by a qualified biologist and reviewed by the City Planning Department prior to construction.
10. In order to avoid any significant deterioration to existing fish and wildlife habitat in the riverbed, a Section 1601 Permit from the California Department of Fish and Game, and possibly a wetland protection permit from the U.S. Army Corp of Engineers may need to be filed with the appropriate agencies. Applicant must consult with these agencies prior to construction.
11. The bikepath must be kept open at all times. Construction can include boring under the bikeway or rerouting the bikeway during utility line placement. The applicant should try to complete the project in an expedient a manner as possible.

PLANNING DEPARTMENT

272
2552

197
**CITY OF
BAKERSFIELD**

**PLANNING DEPARTMENT**

JACK HADISTY, Director
1801 TRINITY AVE.
BAKERSFIELD, CA 93301
(805) 326-3732

August 27, 1990

California Water Service Co:
1720 North First Street
San Jose, CA 95112-4598
Phone: (408) 453-8415
Contact: Morris Quanrud

Pacific Bell
2515 South Orange Ave. Rm 1A
Fresno, CA 93762
Phone: (209) 442-2140
Contact: Tom Mason

Re: Notice of Environmental Determination of 24th Street Bridge
Water and Telephone Line Replacements

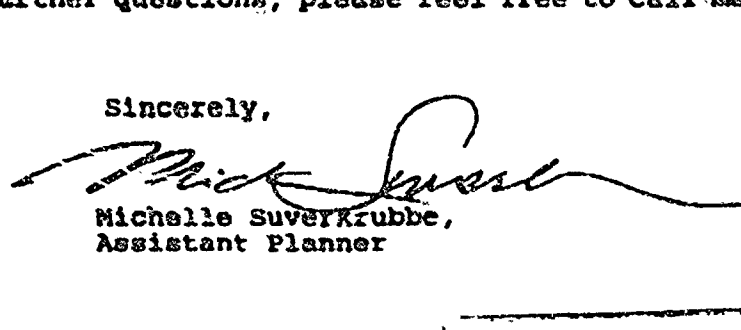
Dear Gentlemen:

The Bakersfield City Council has approved, on August 22, 1990, the Negative Declaration, with mitigation, for replacement of utility lines under the Kern River Bridge at 24th Street. This review was necessary to satisfy the State Board of Reclamation's request for environmental review of California Water Service and Pacific Bell Company's applications. Enclosed for your files are copies of the Notice of Environmental Determination and Negative Declaration, which lists mitigation measures that must be followed in order to comply with appropriate environmental law. Copies of these documents are being forwarded to the Reclamation Board for their files. This concludes the environmental review process necessary to comply with the California Environmental Quality Act.

In order to monitor compliance with the mitigation measures for each applicant, I will need a letter from a qualified biologist, prior to ground disturbance, indicating that a biosurvey has been completed and conditions of the Habitat Conservation Plan Advisory Notice have been complied with for both utility line easements and all surrounding project area that will be affected by construction. As was indicated in the list of mitigation measures, a mapping of all sensitive plant species within the path of disturbance must be completed also. The biological survey performed for Pacific Bell could be used to satisfy California Water's requirement, as long as the survey covers all areas proposed to be disturbed by both companies in their construction activities, and the survey is taken no later than sixty days prior to each company disturbing the ground.

If you have any further questions, please feel free to call me at (805) 326-3733.

Sincerely,



Michelle Suverkrubbe,
Assistant Planner

PROPOSED NEGATIVE DECLARATION

TO: _____
(Responsible Agency)

(Address)

From: City of Bakersfield
(Lead Agency)
Planning Department
1501 Truxtun Avenue
(Address)
Bakersfield, Ca. 93301

SUBJECT: Draft Negative Declaration.

City of Bakersfield will be the Lead Agency and will prepare a Negative Declaration for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the Negative Declaration prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the probable environmental effects are contained in the attached initial study.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to M. Sverkrubbe at the address shown above. We will need the name for a contact person in your agency.

PROJECT TITLE: 24th Street Bridge Water and Telephone Line Replacement in Kern River. Removal of existing water and telephone lines of westbound bridge over the Kern River on Highway 178 and relocating them under the Kern River to the east of the bridge.

PROJECT APPLICANT, if any: California Water Service & Pacific Bell

DATE: June 15, 1990

Signature



Title Assistant Planner

Telephone 326-3733

p/n24

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**INITIAL STUDY
24th Street Bridge
Water and Telephone Line Replacement**

APPLICANT: California Water Service Company and Pacific Bell Telephone Company

LOCATION: Across and under the Kern River adjacent to State Route 178, north of the 24th Street Bridge, west of Oak Street, east of Highway 99.

PROJECT DESCRIPTION:

Removal of water and telephone lines from the underside of westbound bridge over the Kern River on Highway 178 and relocating them under the Kern River to the east of the bridge is necessary to accommodate the State Department of Transportation construction improvements on the Highway 178/99/E Interchange. The pipelines will be within separate easements granted from the City: the 10-foot wide telephone line easement currently being located adjacent to the eastern right-of-way of the 24th Street bridge, and the 20-foot wide water line easement proposed adjacent to the telephone easement. The pipelines will be buried 4 feet under the Kern River through the rip-rap levees on either side of the river, will cross the bike path on the southern streamside, and will require access onto two adjacent properties: E-2-8 Motel to the north and Oak Street Car Wash to the south.

ENVIRONMENTAL DESCRIPTION:

The proposed water and telephone line relocations under the Kern River are within the Kern River Plan Element and Kern Parkway Plan areas, and are therefore under the policies and guidelines of these documents along with the Kern River Channel Maintenance Program. According to Sections 15302 (c) and 15304 (f) of the City of Bakersfield's Local CEQA Resolution, the replacement of existing Utility Lines systems involving negligible or no expansion of capacity could receive a Notice of Exemption from CEQA, if the project had not proposed any alterations or removals of streamside vegetation or wetland habitat. Since the utility lines will be placed in the ground for the first time, this Exemption does not apply and the application must have an Initial Study performed on it.

24th St. Bridge
Utility Neg. Dec.

Biological Resources

Several previous biological studies have been performed on the site, including a biological resources inventory for the Parkway by Jones and Stokes, a Negative Declaration for the Caltrans' Highway 99/178/58 Interchange Improvement project, and an on-site survey by staff for the project itself.

The river in the project area is narrowly channelized in this area by steep banks built of rip-rap and by canal levees almost immediately behind the banks. A narrow strip of ruderal riparian woodland lines the river bank, and tree willows (Salix gooddingii) and cottonwoods (Populus fremontii) are rooted in the lower part of the bank slope, usually within a few feet of the river channel. A fairly large stand of willows occurs approximately 25 feet from the bridge on the north side of the river. Mule fat (Baccharis glutinosa), tobacco bush (Nicotiana glauca), and Buttonwillow (Cephalanthus occidentalis) are also common on the river bank and along the bike path on the southern edge of the river. Directly adjacent to the bridge are a few widely scattered willows and ruderal patches of riparian grassland between the river and the Cross Valley Canal, consisting of red brome (Bromus rubens), ripgut brome (Bromus diandrus), fescues (Festuca spp.), and some patches of quail brush (Atriplex lentiformis). The somewhat drier sands are partially vegetated with sweet clover (Melilotus alba), scattered young willows, and horse weed (Conyza sp.).

Although no water exists at this site, there are small channels of water just to the north, and many water birds could be found in this area, such as killdeer, Black-chinned hummingbirds, American kestrels, ash-throated flycatchers, American Robins, northern orioles, Brewer's blackbirds, and house finches. Mammal tracks seen in the area include rabbit, opossum, and western harvest mice. Western whiptails, side-blotched lizards, and western fence lizards were observed along the rip-rapped banks of the river channel. No signs of any San Joaquin kit fox or other sensitive animal or plant species were found within the proposed easements or project area (fifty feet to the north of the easements on both sides of the river).

Mitigation measures recommended with the Proposed Negative Declaration on the project include approval of grading, revegetation and landscaping plans from State and local agencies, application for appropriate permits from applicable state, federal and local agencies, rerouting or boring under the existing bikeway in order to keep it open at all times, and not disturbing more vegetation than is absolutely necessary for the project to be completed.

24th St. Bridge
Utility Neg. Dec.

Surrounding Land Uses

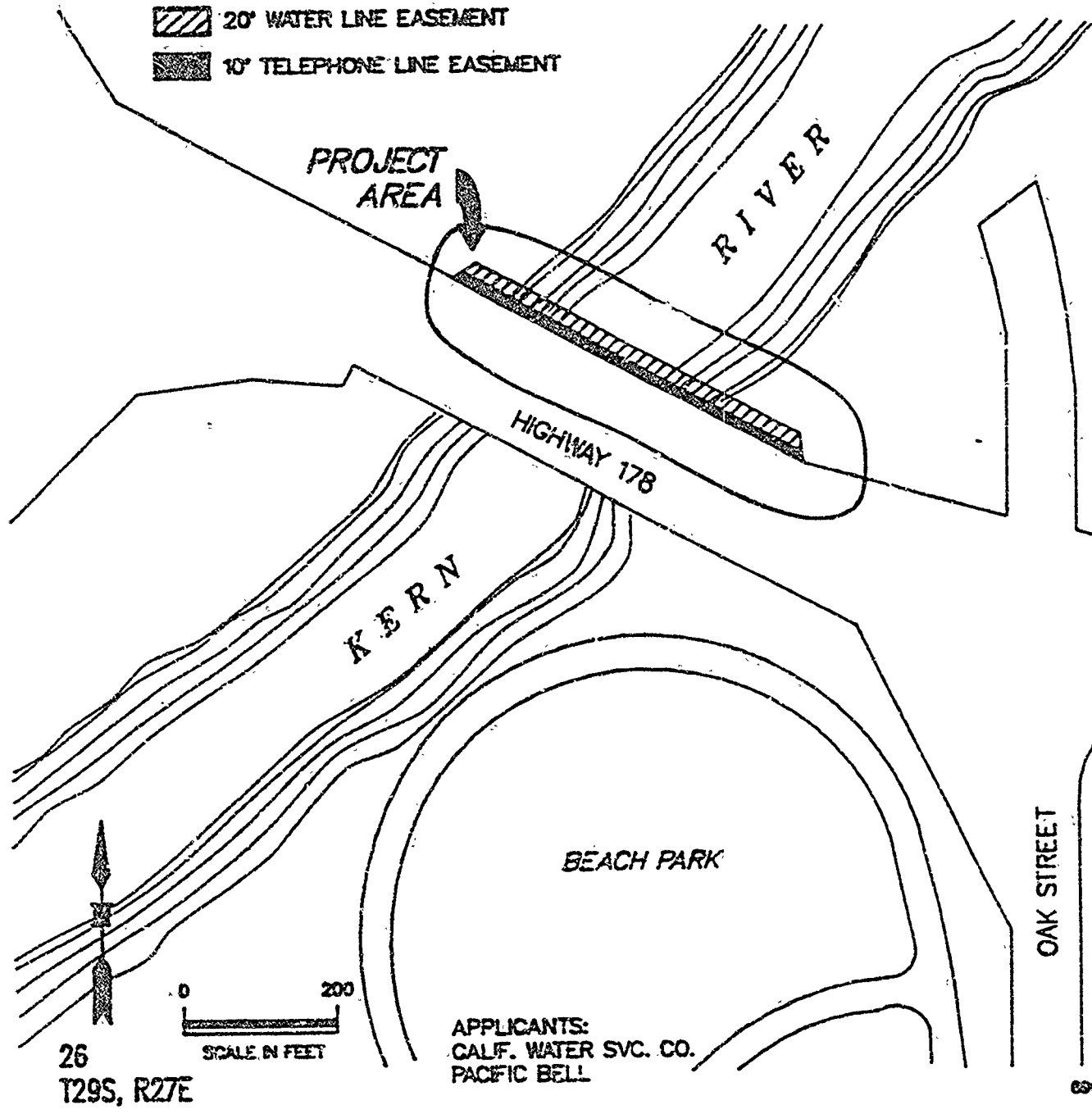
Location	Land Use (2010)	Zoning (City)	Land Use (site)
North	Highway Commercial	C-2 Commercial	E-2-8 Motel
South	General Commercial	C-2 Commercial	Oak Street Car Wash
East	Open Space	FP-P Flood Plain Primary	Kern River (dry)
West	Open Space	FP-P Flood Plain Primary	Kern River (dry)

BACKGROUND:

In late October, 1986, the City of Bakersfield reviewed plans from the State of California, Department of Transportation (Caltrans), for an "HELL, NEW CONNECTIONS AND X-TRAFFIC IMPROVEMENTS" project on Route 99 at the Rosedale Highway interchange. This project is a cross-traffic improvement project intended to provide a more free-flowing interchange. The project realigns or relocates all four existing ramps and adds two new ramps to provide increased capacity and eliminate conflicting turn movements. As part of this project, Route 178 east of Highway 99 will be widened from existing four lanes to six lanes, with seven lanes from Pierce Road to Oak Street. In order to widen the bridge on 178 over the Kern River, Caltrans is requesting that California Water Service and Pacific Telephone remove their existing utility lines attached to the underside of the westbound bridge and place them underground in the Kern River, paralleling the highway right-of-way. In order to follow Caltrans, these utility companies must have an environmental assessment be performed on the project by the City, acting as the Lead Agency, according to CEQA.

Although a previous environmental assessment has been performed on the bridge widening and interchange improvements project by Caltrans (SCH# 97010503), the effects of relocating the utility lines were not discussed in this previous Negative Declaration and Finding of No Significant Impact. Therefore, the current proposal to replace the lines in the river needs separate environmental review.

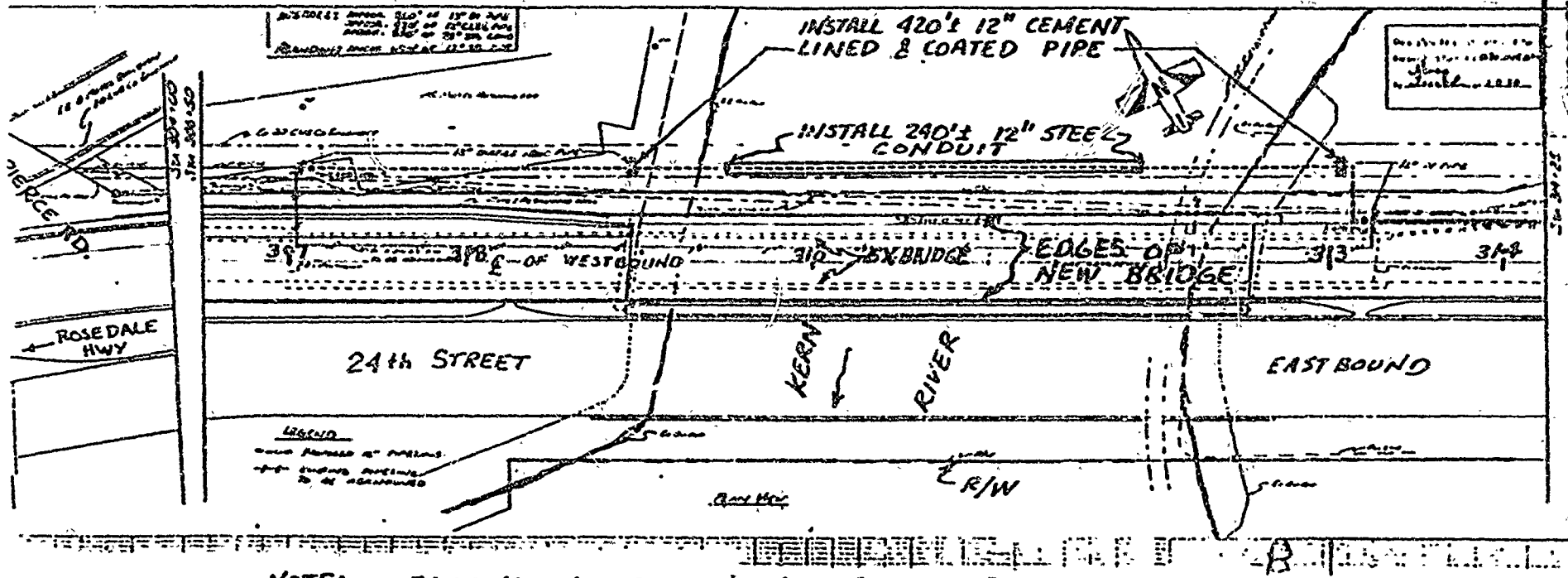
NEGATIVE DECLARATION UTILITY LINE PLACEMENT UNDER KERN RIVER AT 24TH STREET BRIDGE



26
T29S, R27E

69005

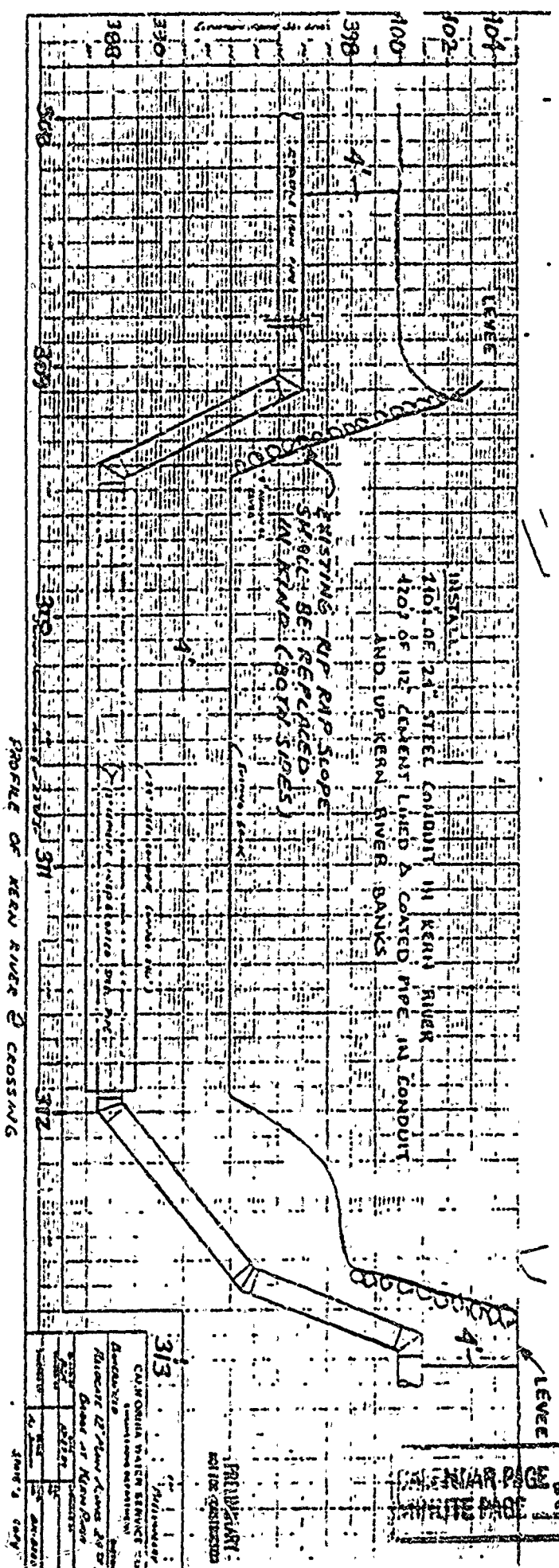
CALENDAR PAGE 2/8
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NOTE: EXISTING WESTBOUND 24th STREET BRIDGE SHALL BE REMOVED AND REPLACED WITH WIDER BRIDGE BY THE STATE.

CALIFORNIA WATER SERVICE CO., ENGINEERING DEPARTMENT		
BAKERSFIELD		001027
KERN RIVER CROSSING PLAN		
DATE	1-23-90	APPROVED BY
DRAWN BY	AFG	CELL NO. 6560 BK
CHECKED BY	NTS	DATE

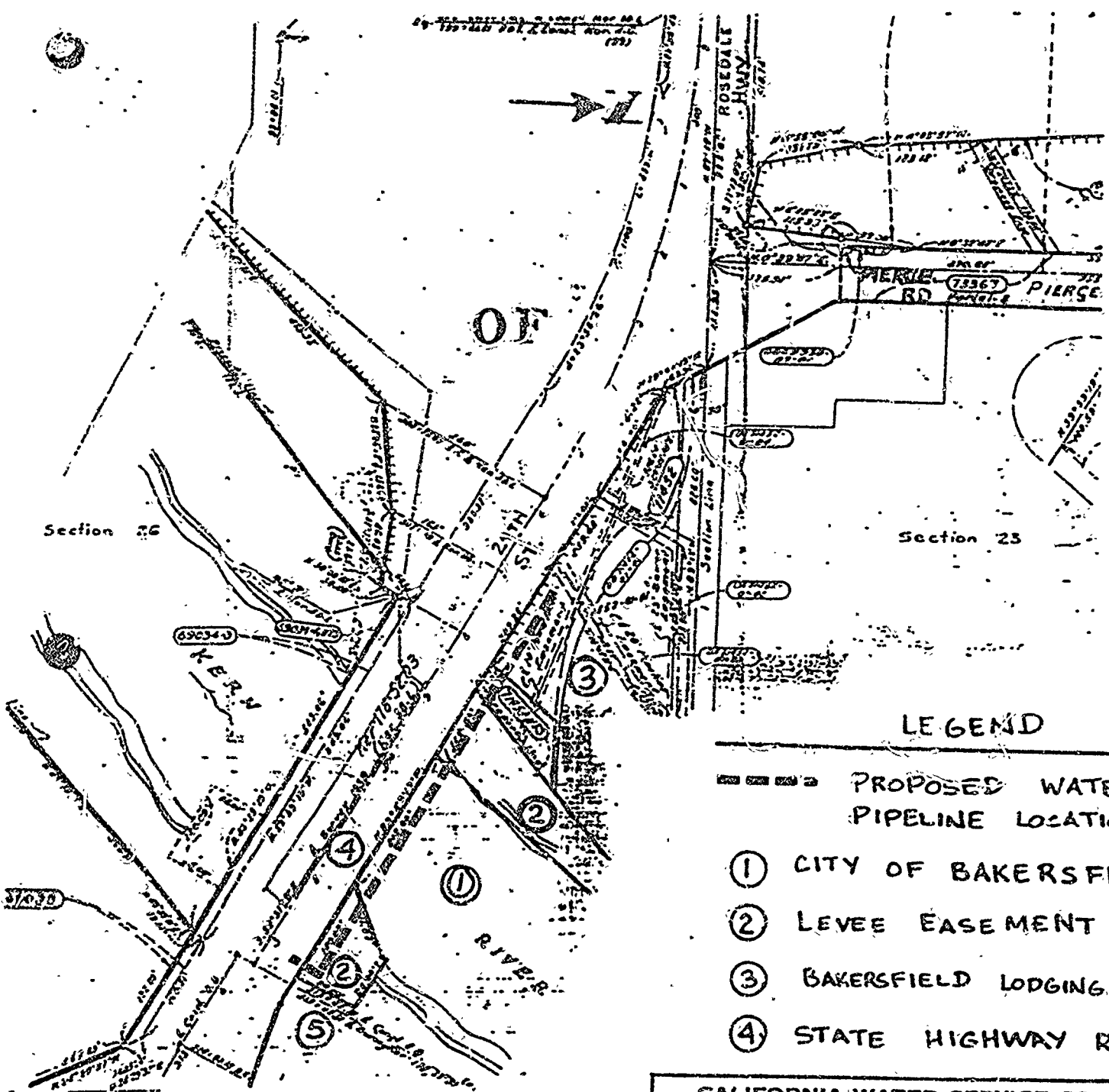
SHEET PAGE 2/9
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PROFILE OF KERN RIVER CROSSING

CALIFORNIA WATER SERVICE CO. BAKERSFIELD OPERATIONS DEPARTMENT		PROJECT NO. 280 DRAWING NO. 2350	
KERN RIVER CROSSING		DATE 1-23-90	
PROFILE		DRAWN BY WSG/BK	
DESIGNED BY A.P.C.	CHECKED BY N.T.S.	DATE 1-23-90	DRAWN BY WSG/BK

313
 CALIFORNIA WATER SERVICE CO.
 BAKERSFIELD
 12700 N. KERN AVENUE
 BAKERSFIELD, CALIF. 93312
 PHONE (805) 833-1111
 FAX (805) 833-1112



LEGEND

- PROPOSED WATER PIPELINE LOCATION
- ① CITY OF BAKERSFIELD
- ② LEVEE EASEMENT
- ③ BAKERSFIELD LOGGING LT
- ④ STATE HIGHWAY R/W

⑤ PEEL JPG MARTIN C LET UK

CALIFORNIA WATER SERVICE CO. ENGINEERING DEPARTMENT BAKERSFIELD DISTRICT		
KERN RIVER CROSSING PROPERTY & ADJACENT PROPERTY		
DESIGNED BY	DATE 1-23-90	APPROVED BY
DRAWN BY AFG	SCALE N.T.S.	EST. NO. 6560 BK
CHECKED BY	SCALE	PIPE NO.
CALENDAR PAGE		201
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APPENDIX I

ENVIRONMENTAL CHECKLIST FORM
(To be completed by Lead Agency)I BACKGROUND

1. Name of Proponents: California Water Service and Pacific Bell Companies
2. Address and Phone Number of Proponents:

California Water Service Co.	Pacific Bell
1720 North First Street	2515 South Orange Ave. Rm 1A
San Jose, CA 95122-4598	Fresno, CA 93762
Phone: (408) 452-8415	Phone: (209) 442-2140
Contact: Morris Quanrud	Contact: Tom Mason
3. Date of Checklist Submittal: 6/15/90
4. Agency requiring Checklist: City of Bakersfield (Planning Division)
5. Name of Proposal, if applicable:
Water and Telephone Line Replacement Under the Kern River at the 24th Street Bridge.

II ENVIRONMENTAL IMPACTS

(Explanations of all answers are required on attached sheets.)

- | | YES | MAYBE | NO |
|---|-----|-------|----|
| 1. Earth Will the project result in: | | | |
| a. Unstable earth conditions or in changes in geologic substructures? | | | X |
| b. Disruptions, displacements, compaction, or overcovering of the soil? | X | | |
| c. Change in topography or ground surface relief features? | | X | |
| d. The destruction, covering, or modification of any unique geologic or physical features? | | | X |
| e. Any increase in wind or water erosion of soils, either on or off site? | | | X |
| f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | | | |

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	YES	MAYBE	NO
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?			X
2. Air Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?			X
b. The creation of objectionable odors?			X
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?			X
3. Water Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh water?		X	
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?			X
c. Alterations to the course or flow of flood waters?		X	
d. Change in the amount of surface water in any body of water?			X
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?			X
f. Alteration of the direction or rate of flow of ground waters?			X
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of and aquifer by cuts or excavations?			X

- | | YES | MAYBE | NO |
|---|-----|-------|----|
| 3. Water: Will the proposal result in:
(continued) | | | |
| h. Substantial reduction in the amount of water otherwise available for public water supply? | | | X |
| i. Exposure of people or property to water related hazards such as flooding or tidal waves? | | | X |
| j. Will the proposal result in water service from any public or private entity? | | | X |
| 4. Plant Life Will the proposal result in: | | | |
| a. Change in the diversity of species or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)? | | X | |
| b. Reduction of the numbers of any unique, rare or endangered species of plants? | | | X |
| c. Introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species? | | X | |
| d. Reduction in acreage of any agricultural crop? | | | X |
| 5. Animal Life Will the proposal result in: | | | |
| a. Change in the diversity of species or numbers of any species or animal (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)? | | X | |
| b. Reduction of the numbers of any unique, rare or endangered species of animals? | | | X |
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | | X | |

- | | YES | MAYBE | NO |
|---|-----|-------|----|
| 5. Animal Life Will the proposal result in: (continued) | | | |
| d. Deterioration to existing fish or wildlife habitat? | | X | |
| 6. Noise Will the proposal result in: | | | |
| a. Increases in existing noise levels? | | X | |
| b. Exposure of people to severe noise levels? | | | X |
| 7. Light and Glare Will the proposal produce new light or glare? | | | X |
| 8. Land Use Will the proposal result in a substantial alteration of the present or planned land use of an area? | | | X |
| 9. Natural Resources Will the proposal result in: | | | |
| a. Increases in the rate of use of any natural resources? | | | X |
| b. Substantial depletion of any nonrenewable natural resource? | | | X |
| 10. Risk of Upset Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? | | | X |
| 11. Population Will the proposal alter the location, distribution, density or growth rate of the human population of an area? | | | X |
| 12. Housing Will the proposal affect existing housing, or create a demand for additional housing? | | | X |
| 13. Transportation/Circulation Will the proposal result in: | | | |
| a. Generation of substantial additional vehicular movement? | | | X |

- | | YES | MAYBE | NO |
|--|-----|-------|----|
| b. Effect on existing parking facilities, or demand for new parking? | | | X |
| c. Substantial impact upon existing transportation systems? | | | X |
| d. Alterations to present patterns of circulation or movement of people and/or goods? | | | X |
| e. Alterations to waterborne, rail or air traffic? | | | X |
| f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? | | X | |
| 14. Public Services Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: | | | |
| a. Fire protection? | | | X |
| b. Police protection? | | | X |
| c. Schools? | | | X |
| d. Park or other recreational facilities? | | | X |
| e. Maintenance of public facilities, including roads? | | | X |
| f. Other governmental services? | | | X |
| 15. Energy Will the proposal result in: | | | |
| a. Use of substantial amounts of fuel or energy? | | | X |
| b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? | | | X |
| 16. Utilities Will the proposal result in a need for new systems, or substantial alterations to the following utilities: | | | |
| a. Power or natural gas? | | | X |

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	YES	MAYBE	NO
b. Communications systems?	X		
c. Water?	X		
d. Sewer or septic tanks?			X
e. Storm water drainage?			X
f. Solid waste and disposal?			X
17. Human Health Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?			X
b. Exposure of people to potential health hazards?			X
18. Aesthetics Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to the public view?			X
19. Recreation Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?		X	
20. Archeological/Historical Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?			X
21. 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 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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(b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

YES MAYBE NO

X

(c) Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

X

(d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

X

IV. DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find 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 plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review (or conditions of project approval) would avoid the effects of mitigate the effects to a point where clearly no significant effects would occur, and there is substantial evidence before the city that the project as revised (or conditioned) may have a significant effect on the environment and that a **NEGATIVE DECLARATION WILL BE PREPARED.**

I find the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

Date: June 15, 1990


(Signature)

For Jack Hardisty, Planning Director

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APPENDIX I
Water and Telephone Line Replacement
Under the Kern River at the 24th Street Bridge

Explanations to all answers.

1. Earth

- a. No- Placement of the utility lines underground would not change the geologic conditions of the area.
- b. Yes- Utility placement under the River will require trenching and soil disruption, displacement, compaction and overcovering. The trenches will be backfilled upon project completion. Mitigation should include rapid sodding, revegetation and replacement of the original concrete and granite rip-rap after construction to prevent erosion of the streambank into the river and to mitigate potential impacts to habitat and water quality. Mitigation should include the standard requirement for soils reports prior to issuance of building permits and application for appropriate permits from the Kern County Water Agency, State Department of Fish and Game, the State Reclamation Board and Army Corp of Engineers.
- c. Maybe- The site is bordered with concrete rip rap and riparian vegetation on the levees and sand in the river bottom. Placement of the utility lines adjacent to the existing bridge, buried under the river, may result in a slight change in the surface relief of the levees or river bottom to a potentially significant degree. Mitigation should include review of grading and excavation plans, elevation drawings, and landscaping and revegetation plans by the City Public Works, Water Resources and Planning Departments, and State Board of Reclamation and State Department of Fish and Game.
- d. No- The site contains no unique geologic or physical feature.
- e. Maybe- There may be any increase in wind or water erosion of soils, during the relocation and burial of the existing water and telephone pipelines. Mitigation should include adherence to applicable building codes and proper construction practices, such as water spraying to control fugitive dust.
- f. Maybe- The project could have the potential to change the deposition of beach sands or cause the erosion, siltation or deposition which may modify the channel of the Kern River. Mitigation to prevent this from occurring to a significant degree should include approval of grading, excavation, and revegetation plans by the City and permit approvals by the State Department of Fish and Game and State Board of Reclamation.

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g. No- No geologic hazards are known to occur in the project area.

2. Air

- a. No- There will not be an increase or change in the impact to air quality due to the project.
- b. No- Relocation of pipelines will not result in the creation of objectionable odors.
- c. No- Pipeline burial under the river would not alter air movements, moisture or temperature or climate, either locally or regionally.

3. Water

a. & c. Maybe- The proposed project is within the 100 year floodplain. Construction may result in changes in freshwater currents, or direction of water movements or alter the course or flow of flood waters if the project was to occur when water was present at this end of the river. Mitigation should include designing the placement of utility lines under the river as to not result in a reduction in the river discharge capacity. Mitigation to prevent changes to water movements should include construction at the appropriate times of year when the river is dry in this reach. The applicants must also get approval of a appropriate grading, excavation and revegetation plans from the City and approval of permits from the State Dept. of Fish and Game, Board of Reclamation, and Army Corp of Engineers.

b. & d.- j. No- There will not be a change in surface water runoff, absorption, drainage patterns or amounts in any water body due to the project. The project will not alter the direction or rate of flow or the quality or quantity of ground waters. Relocating, but not increasing, the water lines will not affect the capacity or the amount of water otherwise available for public water supplies, nor will it expose people or property to water related hazards such as flooding or tidal waves.

4. Plant Life

a. Yes- Site development will result in a diversification of plant life due to the removal of some willows, cottonwoods and riparian shrubs, including saltbushes and bushy willows. Mitigation should include:

i. Revegetation of the streambank areas on the north and south banks of the river with appropriate vegetation including cottonwoods and willows. Revegetation will be at an appropriate density and will utilize plants of a large enough size to assure that the creation of a permanent, biologically valuable wetland association will occur.

ii. Only the removal of the minimal amount of streambank vegetation necessary for construction will occur.

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iii. Nearby vegetation will be protected by careful construction practices, including but not limited to:

1. Not storing any construction material or placing any fill on top of or within the dripline of trees or other vegetation which are to remain undisturbed.
2. Heavy equipment will not be operated or parked underneath or on top of such vegetation.
3. If large trees are very close to the area of construction, the City will place temporary barriers around them to protect accidental damage.

iv. Mitigation should also include approval of a landscape plan by the City and revegetation of the riparian vegetation in accordance with the Kern River Parkway Plan, Kern River Plan Element, Kern Channel Maintenance Plan, and appropriate state and local agencies.

- b. No- Previous studies and project-specific biological surveys of the site did not identify any sensitive or protected plant species on-site. Although the project is within the Metropolitan Bakersfield Habitat Conservation Plan area, no habitat conservation plan interim mitigation fees will need to be paid since revegetation will be performed and no habitat will be lost.
 - c. Maybe- New plant species may be introduced as a result of planting of undesirable, non-native landscaping. A barrier should not be created to the normal replenishment of existing plant species. Mitigation should include submittal of a landscaping plan, which will require revegetation or landscaping with native or compatible shrubs and trees.
 - d. No- No agricultural crop exists on-site.
5. Animal Life
- a. Maybe- New animal species may be introduced as a result of the project if native riparian vegetation is not replanted. Mitigation to prevent this should include approval of a landscape plan.

No sensitive or protected species were found on-site, and although no impacts are expected to endangered species (as no signs of their habitation were found during field surveys), removal of or construction to the bridge may affect the nests of cliff swallows, currently attached to the underside of the existing structure. Even though cliff swallows enjoy no special state protection, they are protected during their breeding season under the Federal Migratory Bird Treaty Act. Mitigation should include restricting the removal of the water and telephone lines from April 15 through July 31 to avoid the cliff swallow breeding season.

The applicants should also consult the attached advisory notice prepared by the U.S. Fish and Wildlife Service with regard to potential impacts on the San Joaquin kit fox.

- b. No- Replacing the pipelines in this area may not result in the elimination of habitat associated with any endangered or threatened species; however, kit foxes are known to use the Kern River for night-time foraging and migration. Without careful replacement of the existing habitat, cumulative affects of projects such as this in the River could have a substantial impact on the quality of habitat and eventually the numbers of unique, rare and endangered animal species known to use the River.
- c. Maybe- An improperly designed levee or revegetation with unsuitable landscaping may result in the introduction of new animal species in the area, or result in a barrier to the migration or movement of animals. Mitigation should include City and State approval of levee design, grading plans and revegetation plans.
- d. Maybe- In order to avoid any significant deterioration to existing fish and wildlife habitat in the riverbed, a Section 1603 Permit from the California Department of Fish and Game, and possibly a wetland protection permit from the U.S. Army Corp of Engineers will need to be filed with the appropriate agencies.
6. Noise
- a. Maybe- Existing noise levels may increase through relocating the pipelines. The noise study which was performed for the 99/58/178 Interchange Improvements Project by CalTrans (July, 1986) indicated that receptors adjacent to the bridge widening were found to either be within recommended noise levels or were unfeasible and not prudent to mitigate. Noise will increase due to operation of heavy machinery during construction. Since there are no sensitive land uses in the immediate area, this temporary impact requires no mitigation.
- b. No- People will not be exposed to severe noise levels because of the proposed pipeline relocation.
7. Light and Glare
- No- Because of the bridge widening, new lighting will be added under the 24th Street Bridge at the Kern River. However, light and glare will not increase with the relocation of the pipelines. Mitigation should include limiting all construction activities to occur only during normal daylight hours.
8. Land Use
- No- No land use changes are proposed with the project.

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9. Natural Resources

a. & b.

No- No non-renewable or other natural resources exist on-site to be used or depleted.

10. Risk of Upset

No- The proposal does not involve a risk of explosions or releasing hazardous substances.

11. Population

No- The proposal will not alter the location, distribution, density or growth rate of the population of the area.

12. Housing

No- The proposed project will not affect existing or proposed housing.

13. Transportation/ Circulation

a. - e.

No- Traffic and related activity will not increase, nor will transportation systems or parking be affected through the replacement of the utility lines under the river. Impacts related to the bridge widening and the improvements to the interchange were discussed in the Negative Declaration and FONSI completed by CalTrans (SCH# 87010503).

f. Maybe- There may be an increase in traffic hazards to bicyclists if the bicycle path was not left open during construction. Mitigation should include keeping the bikepath open at all times. Construction can include boring under the bikeway or rerouting the bikeway during utility line placement. Complete utility line placement in an expedient a manner as possible.

14. Public Services

a.- f. No- The proposal will not affect or result in any new or altered governmental services, such as fire or police protection, schools, park or other recreation facilities, maintenance of public facilities (e.g. roads), or any other governmental service.

15. Energy

a.- b. No

The relocating of utility lines will not impact to an significant degree the level of fuel or energy consumption.

16. Utilities

a. & d.- f.

No - The project will not require additional utility systems nor cause alterations to the power and natural gas, sewer or septic tanks, storm water drainage, or solid waste and disposal utilities in the area.

b. & c.

Yes - The project is the relocation of existing telephone and water lines.

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17. Human Health

No - No health hazards or hazards to people will be created as a result of the proposed utility line replacement.

18. Aesthetics

No- The proposed project is not intending any uses on the property which would result in the obstruction of any scenic vista or view open to the public, nor will the proposal result in the creation of an aesthetically offensive site open to public view.

19. Recreation

No- The project would not impact the quality or quantity of existing recreational opportunities.

20. Archaeological/ Historical

No- Archaeological and historic Architectural surveys for the area were performed by Caltrans and others during the Negative Declaration performed on the Interchange (SCH# 87010503). Inspection of the area of potential environmental impact for the interchange improvements, which encompasses the area of this project, identified no resources. If, during the construction of the utility lines, historic or prehistoric cultural resources are unearthed, work in the area of the discovery shall cease until the finds can be evaluated, and if necessary, mitigation applied prior to resumption of activity.

21. Mandatory Findings of Significance

a. The project does not 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.

b. The project does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.

c. The project does not have impacts which are individually limited, but cumulatively considerable.

d. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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