

KERN COUNTY WATER AGENCY
INITIAL STUDY AND
PROPOSED NEGATIVE DECLARATION
FOR THE
KERN RIVER RESTORATION
AND
WATER SUPPLY PROGRAM

**KERN COUNTY WATER AGENCY
Environmental Initial Study Form
[for CEQA Guideline section 15063]**

1. Project title: Kern River Restoration and Water Supply Project

2. Lead agency name and address:

Kern County Water Agency
P.O. Box 58
3200 Rio Mirada Drive
Bakersfield CA 93302-0058

3. Contact person and phone number: Thomas N. Clark, General Manager, 661-634-1400

4. Project location: The Project is located in the City of Bakersfield primarily along the Kern River corridor from the projected extension of Haley Street on the east side, to the California Aqueduct on the west end, and south and west of Bakersfield in the unincorporated portion of the county along the Cross Valley Canal and Arvin-Edison Canal and including other local water conveyance facilities. Also, see attached Project location maps.

5. Project sponsor's name and address: Same as lead agency.

6. Description of project:

Summary. Project proposes to provide significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users through the coordinated implementation of a number of program components including: (1) acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right, including associated Lake Isabella Storage; (2) Purchase of land from Castle and Cooke California, Inc., for additional recharge and recovery facilities; (3) construction of 12 new agricultural water recovery wells and construction of enough Urban area wells to achieve a flow capacity of 60 cfs; and (4) Construction of water exchange facilities, interconnection of water conveyance facilities and modification of the Pool 1 portion of the Cross Valley Canal.

Expanded Description. See attached Initial Study Project Description.

7. General plan designation and zoning: No change to the existing General Plan or Zoning laws is anticipated.

8. Surrounding land uses and environmental setting: The Kern River Parkway Plan and EIR were adopted in 1988 by the City of Bakersfield. The natural site presently includes 1,400 acres along the majestic Kern River corridor extending from Manor Street on the northeast side of the City of Bakersfield to a point one mile below the Stockdale Highway bridge on the city's western edge. A bike path meanders alongside the course of the Kern River, providing for 12 miles of uninterrupted scenic activity. The primary benefits of the Parkway include flood control, water recharge and conservation, preservation and restoration of native riparian habitats and open space for greenbelt and recreational uses. The Kern River Parkway is a community project involving active, on-going public participation and has resulted in improved community image and attractiveness of the natural environment; a unique family oriented recreational area for all to enjoy. Major features of the Kern River Parkway include: 1) 320 acres of primary river channel; 2) 275 acres of natural and riparian land; 3) 460 acres of natural habitat for educational studies; 4) 25 acre Truxtun Lake Recharge Area; 5) 12 miles of uninterrupted bike path with 9 rest areas; 6) 8 miles of equestrian trails; 7) Multi-station exercise par course; 8) 3 professional quality sand volleyball courts; 9) 4 public parks with group picnic areas.

In November of 1999, a landmark water agreement was approved between the City of Bakersfield and the Kern County Water Agency designed to keep water flowing in the Kern River during the May through September recreation period in years when ID4's SWP entitlement allocation is 50% or greater. The proposed Project helps the historic pact to ensure that in most years water will flow in the river throughout the summer months, even during years of less than 50% SWP supplies, providing for expanded recreational activities, especially at the popular Beach Park and Yokuts Park.

Also the proposed Project will complement and supplement existing and ongoing urban and agricultural programs to recharge water in wet years for recovery of recharged water through extraction by wells in dry years. The proposed Project is fully compatible with existing land uses and environmental settings.

9. Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

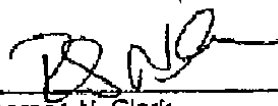
The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Resources Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use/ Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | <input checked="" type="checkbox"/> None. |

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 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 of the (a) have been analyzed adequately in the Previous CEQA Documents pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the Previous CEQA Documents, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


 Thomas N. Clark
 General Manager
 Kern County Water Agency

July 27, 2000
 Date

**California Environmental Quality Act
INITIAL STUDY**

Project Description of the Kern River Restoration and Water Supply Program

The Kern River Restoration and Water Supply Program proposes the integration of newly acquired assets and coordinated operation of existing and new water recharge, recovery and conveyance facilities. The Kern County Water Agency, (Agency) along with other local water leaders have been working to implement the Kern River Restoration and Water Supply Program, (Project) utilizing funds from the "Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act" (Proposition 13). The purpose of the Project is to generate broad local water supply, environmental and community benefits, and targeted drinking water quality benefits within the metropolitan Bakersfield area. The proposed Project consists of the four following broad components, and further defined below.

1. Acquisition of the Kern River Lower Water Right
2. Construction of enough urban area water wells to achieve a flow capacity of about 60 cfs
3. Construction of water quality exchange facilities
4. Construction and acquisition of local facilities to enhance groundwater recharge and recovery opportunities and associated appurtenances, including modification of the Pool 1 portion of the Cross Valley Canal (CVC), and interconnection of other existing canals.

Water quality and water supply benefits from the Project will be realized through the acquisition of the high flow Lower Kern River water right (Lower Right), i.e., La Hacienda and Garces pre-1914 water right to the Kern River. This high flow water is estimated to be available when the Kern River is at or above 120% of normal run-off or in about one out of every five years. Table 1 below shows a 105 year summary of historical annual Kern River entitlements for La Hacienda.

TABLE 1

Year	First Point flows in (AF)	April- July flows (AF)	% of Normal	La Hacienda Entitlement (AF)		
				Jan-Mar	Apr-Jul	Total
1895	1,023,051	694,729	146	0	36,181	36,181
1897	853,433	654,262	138	0	18,375	18,375
1906	1,900,540	1,391,636	293	0	399,190	399,190
1907	990,900	678,748	143	0	45,649	45,649
1909	1,838,644	1,218,975	258	40,306	294,730	335,036
1911	1,013,385	701,168	147	0	39,014	39,014
1914	1,113,515	685,012	144	10,512	31,906	42,418
1916	2,520,149	1,571,597	331	165,981	508,066	674,047
1917	823,083	560,304	118	0	3,401	3,401
1922	964,080	617,710	130	0	5,844	5,844
1937	1,260,182	852,047	179	7,358	105,401	112,759
1938	1,358,688	961,769	202	0	170,179	170,179
1941	1,401,078	995,657	209	0	168,590	168,590
1943	1,220,628	697,182	147	53,036	37,260	90,296
1952	1,500,998	1,119,815	236	0	234,738	234,738
1958	1,104,730	831,669	175	0	96,435	96,435
1967	1,396,229	924,005	197	0	137,063	137,063
1969	2,461,369	1,747,674	373	65,152	614,714	679,866
1973	979,652	723,768	154	0	48,958	48,958
1978	1,653,505	1,094,376	249	29,209	219,348	248,557
1980	1,639,968	991,025	225	67,337	166,551	233,888
1982	1,271,139	796,794	171	0	81,089	81,089
1983	2,489,131	1,545,810	323	79,848	508,966	588,814
1986	1,444,941	886,674	184	48,845	120,637	169,282
1995	1,353,037	929,221	199	658	139,357	140,015
1996	1,038,261	599,331	128	0	16,279	16,279
1997	1,181,969	571,476	122	73,010	0	73,010
1998	1,717,967	1,137,373	239	27,587	245,361	272,948
Total	39,554,452	26,180,006		668,639	4,493,282	5,161,921

As can be seen from the Table 1, deliveries of the Lower Right are highly variable from year to year. For example, over the 105 year period of record, 1969 was the maximum total delivery year with a quantity of 679,866 acre-feet.

During seventy-seven (77) years over the 105 year period, no Lower Right flow is available. The lowest quantity on record of the years Lower Right flow was available was 3,401 acre-feet delivered in 1917. As shown in Table 1, Lower Right water has a high range of variability in flow. A goal of the Project is to maximize the opportunities to use this water for urban and agricultural purposes, either for direct urban use or for groundwater recharge. The long-term average annual yield of the Lower Right water is estimated at 40,000 acre-feet. Another one of the goals of the Project is to make available for urban use, the highest quality water. Due to the high quality nature of Kern River water, when available for use up to a maximum of 40,000 acre-feet of annual Lower Right water will be given priority for delivery to the Improvement District No. 4 (ID4) Henry C. Garnett Water Purification Plant (Purification Plant) and delivered for urban use in the greater Bakersfield area. This will assist the Purification Plant in meeting existing and future water quality standards for the public water supplies as administered by the Environmental Protection Agency and other government regulators responsible for Public Health. Annual Lower Right water available above the amount used by the Treatment Plant will be used for groundwater recharge and provide a water supply benefit to local agricultural water districts as described elsewhere in the description.

Environmental and community benefits are an important part of the Project. The Project plans to assure through acquisition of the Lower Right and by annual water exchanges with local water district having other Kern River water rights, that the heart of the City of Bakersfield (from Manor Street downstream to Allen Road) will enjoy a 12 mile stretch of re-watered Kern River, at least from May through September. This stretch of the Kern River has been usually dry since the mid-1950's, except in wet years, and will complement the existing Kern River Parkway Plan and EIR adopted in 1988 by the City of Bakersfield.

An integral component of the program is the proposed construction of urban area wells along the right-of-way of the Kern Island and Cross Valley Canals, east of Highway 99 (see attached maps). In dry years, estimated to be when the Kern River is at or below 50% of normal, these wells will be pumped as part of the exchange to keep the Kern River channel wet between Manor Street on the east end, and the Stockdale bridge at the west end of the City. Water that has previously been released down the Kern River channel and percolated will be recaptured and recirculated by these wells. The ability to recirculate water is accomplished by an exchange among ID4 and Kern Delta WD (KD)/North Kern WSD (NK). These wells will only be pumped during the driest of years to pay water back when NK and KD for release of their Kern River water into the Channel. This component of the Project will serve to keep the river flowing during the peak recreational use months of May through September, without decreasing the supplies that are needed during the critical water short years. The Table below shows an example of an operation during a year when the wells will be maximized and water is available for reregulation in Isabella by NK and KD.

TABLE 2

Month	Water delivery to KD and NK from urban area wells via Kern Island and Beardsley Canals (AF)	Change in Isabella Storage do to reregulation (AF)	KD and NK entitlement Kern River deliveries (AF)	KD/NK deliveries to wet the Kern River Channel (AF)
Jan	2,918	2,918		0
Feb	2,918	2,918		0
Mar	2,918	2,918		0
Apr	2,918	2,918		0
May	2,916	(4,084)	2,916	4,084
Jun	2,916	(4,084)	2,916	4,084
Jul	2,916	(4,084)	2,916	4,084
Aug	2,916	(4,084)	2,916	4,084
Sep	2,916	(4,084)	2,916	4,084
Oct	2,916	2,916		0
Nov	2,916	2,916		0
Dec	2,916	2,916		0
Total	35,000	0	14,580	20,420

When required, the KCWA/ID4 will annually provide up to 35,000 acre-feet of water directly or by exchange for delivery into the Kern River Channel beginning at Manor Street in order to help maintain the flow for recreational, community and environmental benefits to the citizens of Metropolitan Bakersfield. The target period to wet the Kern River Channel is the months of May through September or a 150 day continuous period. It is estimated with a high degree of confidence, that a total flow of 35,000 acre-feet is required to wet the targeted River Channel area for the 5-month period. To allocate a continuous flow of the 35,000 acre-feet over this period requires an approximate instantaneous capacity of 117 cfs. The exchange to keep the Kern River Channel wet for the 5-month period would be accomplished under the following programs:

- No use of wells, normal Kern River hydrology: KD and NK release a combined flow capacity of 117 cfs of their respective Kern River entitlement in the Kern River Channel during the months of May through September, that would otherwise have been delivered to the districts, via the Beardsley and Kern Island Canals. In exchange (either simultaneously or by payback), ID4 conveys an equal amount of SWP water entitlement or other water in the CVC for delivery to KD/NK via the CVC extension, the Arvin-Edison turnout, or the proposed cross river pipeline.
- Use of wells, dry SWP and/or Kern River hydrology: KCWA pumps the Urban area wells. The east wells pump water into the CVC and/or Kern Island Canal for delivery to KD and for delivery to NK via the Beardsley Canal. In addition, wells pump recovered water into the CVC for delivery to KDWD via the Arvin-Edison turnout and connection to the Kern Island Canal. The wells supply approximately 35,000 acre-feet over a 10 to 12 month period. KD and NK reregulate their Kern River supply during the first and last months of the year as shown in the example in Table 2 above and deliver water out of storage down the Kern River channel during the May through September period.
- In the wettest years: During wet years on the Kern River, there will be plenty of high flow water available to wet the Channel and no water will be required from ID4 and KD/NK.

1. To facilitate the water exchanges described above, a number of new facilities would be constructed described below:
 - a. Facilities would be modified as needed on the Arvin-Edison Canal used to divert water to the various canal owned by KD. These diversion facilities would have a targeted capacity of 150 cfs. See attached map for facility locations.
 - b. A pipeline would be constructed in order to divert well water, SWP and/or Friant-Kern water from the CVC to the Kern Island Canal to a point just east of Manor Street. This pipeline facility would have a targeted capacity of 150 cfs.
 - c. As an alternative to item "b" above, the existing eastside pipeline owned and operated by ID4 would be modified to deliver water from the CVC to the same location in the Kern Island Canal. This pipeline facility has a targeted capacity of 60 cfs.

In years when the Lower Right water is available, the first 40,000 acre-feet will be used to meet the needs of the ID4 Purification Plant for delivery to the Urban Bakersfield area. The next increment of yield (40,000 acre-feet to 125,000 acre-feet) can be regulated within the same year. Any yield above that will be available for immediate delivery. Historically, the flows have been as high as 550,000 acre-feet. Currently not all the water can be captured.

Another program component is to acquire and construct facilities to enhance local groundwater recharge and recovery operations. To accomplish this goal, additional regulation/recharge basins will be constructed on approximately 80 acres property which has been targeted for acquisition from Castle and Cooke California, Inc. The property is located along both sides of the Kern River near the Stockdale bridge. Portions of the property will be dedicated to groundwater recharge and other portions will be used for a multi-propose Park facility, with groundwater recharge given a priority when the Kern River is in a high flow year, thus combining a prominent water feature into the park.

Lower Right water available for use above what is needed by the Purification Plant would be recharged in the facilities listed below:

- In the new land acquired from Castle and Cooke California, Inc., (CCC) located near the Stockdale bridge on both sides of the Kern River. These lands will consist of one 10-acre recharge pond north of the River and one 5-acre recharge pond south of the Kern River. A potential annual recharge of 5,500 acre-feet can be achieved in these ponds, based on a recharge rate of 1.0ac-ft/ac/day.
- In the 40 new acres of land acquired from CCC located on the north side of the Kern River near the Stockdale bridge. This land is proposed to be used as a multi-purpose recreation facility and during wet years will be used to recharge the high flow months that Lower Right water is available. A potential monthly recharge of 120 acre-feet can be achieved in this area, based on a recharge rate of 1.0ac-ft/ac/day.
The existing banking projects will also have access to this water.
- The Berrenda Mesa Project recharge facility. This Project has a potential annual recharge capacity of 58,000 acre-feet. The Pioneer Project recharge facility has a potential annual recharge capacity of 146,000 acre-feet. The Kern Water Bank Project has a potential annual recharge capacity of 450,000 acre-feet.
- This water may also be used to meet other Ag, urban or groundwater management purposes.

To enhance the capability of existing canals to convey recovered water, the Project proposes to interconnect the Kern River Canal with the Kern Water Bank canal and to raise the lining of the CVC in Pool 1. The CVC would be modified to "float" off the Aqueduct to increase the operational opportunity for water exchanges. The modification will also reduce water over-topping the lining, increase flexibility to move water around the County, reduce energy costs, and reduce operations and maintenance costs. This work covers the portion of the CVC that extends from the California Aqueduct turnout near Tupman to the forebay of Pumping Plant 1. All work would be done within the existing CVC right-of way.

The Project proposes to construct 12 new agricultural groundwater recovery wells. The 12 wells will be located on either the Agency's Pioneer property, Kern Water Bank, and/or private land in the vicinity of existing projects. The wells are estimated to have an annual

recovery capacity of 35,000 acre-feet. In dry years the banked Lower Right water will be recovered using the 12 new agricultural wells constructed as described above. The recovered banked water will be delivered to the CVC, Kern River Canal or the Kern Water Bank Canal and directly or by exchange delivered to the Participants of the Banking Projects to supplement shortages in surface water deliveries. The operation of the urban and agricultural wells will be governed by the principles substantially similar to those found in the Memorandum of Understanding (MOU) regarding the Operation and Monitoring of the Kern Water Bank Groundwater Banking Program. The MOU outlines the terms, methods and procedures for the monitoring program appropriate for groundwater recharge and recovery projects. Each year, a report will be published by the Monitoring Committee which presents the following information:

- A. A summary of ground water levels collected during the year;
- B. A summary of water quality analyses of water collected during the year from recovery wells and monitoring wells;
- C. Records of water recharged during the year and its source;
- D. Records of water recovered during the year.
- E. The status of current accounts of stored water, including losses, and the quantities of water available for recovery;
- F. Information regarding any ongoing groundwater quality remedial concerns that may arise from time to time.

Environmental Checklist:

Potentially Significant Impact	Less Than Significant with 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. AGRICULTURE RESOURCES - - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert/reduce Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. 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:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. MINERAL RESOURCES - Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with 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:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 projects projected demand in addition to the providers existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**EXPLANATION OF RESPONSES
INITIAL STUDY CHECKLIST**

Project: Kern River Restoration and Water Supply Program

Agency: Kern County Water Agency

I. Aesthetics.

- a. The Project will have the potential to increase the aesthetic value of the Kern River corridor area during wetting periods.
- b. The Project will not damage scenic visual character or quality because new activities are complementing existing operations.
- c. See 1b above.
- d. The Project may create a new source of light during well construction, since well drilling occurs around the clock. However, this will be a temporary effect.

II. Agriculture Resources.

- a. No farmland will be taken out of production as a result of construction and acquisition of assets proposed under this Project.
- b. No. None of the lands at the Project locations proposed for facility construction are under a Williamson Act contract.
- c. No

III. Air Quality.

- a. The project will result in increased air emissions from vehicles and equipment during the construction and operation and maintenance periods. However, the emissions will be short term and no more than from existing urban and agricultural activities.
- b. During construction and operation, the Project will not result in violation of any air quality standards or generate any objectionable odors.
- c. The project is not expected to generate a cumulative net increase in any pollutant for which the region is in non-attainment under federal or state standards.
- d. No.
- e. No.

IV. Biological Resources.

- a. No threatened or endangered, or other sensitive plant or wildlife species, pursuant to State and Federal Endangered Species Act, are known to be present at or near the proposed project sites. The project is not expected to reduce or enhance the diversity of native plants at the project site. All construction will occur in existing maintained right-of-way, or on actively farmed land, or on an area with an existing Habitat Conservation Plan permitted for such activity.
- b. The Project will not have any adverse impact on riparian habitat or other sensitive natural communities. The Project may have a positive benefit on riparian habitat identified in the Kern River Parkway, since one of the goals of this Project is to maintain a wetted 12-mile stretch of Kern River Channel through the center of Bakersfield.
- c. No federally protected wetlands pursuant Section 404 of the Clean Water Act will be impacted by the Project.
- d. Construction and operation on project sites will not impact migration of fish, movement of native residents or wildlife species because construction and operation will occur on actively farmed areas or in existing maintained project right-of-ways areas.
- e. No. In fact, the Project as proposed will complement existing policies and ordinances pertaining to the City of Bakersfield Kern River Parkway Plan and Environmental Impact Report adopted in 1988. No large trees, such as the heritage oak, will be removed by the Project.
- f. It is the intent of the proposed project to the extent practical, to cooperate and complement the existing Metropolitan Bakersfield Habitat Conservation Plan and the Kern Water Bank Habitat Conservation Plan.

V. Cultural Resources.

- a. Preliminary field reconnaissance surveys indicate that historical and archeological sites are present in areas of higher elevation on portions of project lands. However, no construction will occur on or near any known sites.
- b. Based on the best information available to the Agency no impacted are expected..
- c. No known paleontological resource or unique geologic feature will be impacted.
- d. Based on the best information available to the Agency no impacted are expected.

VI. Geology and Soils.

- a. The Project as proposed will not expose people or structures to potential substantial adverse effects resulting from earthquakes, seismic ground shaking, seismic-related ground failure or landslides.

- b. No
- c. The project will not uncover or expose any unstable earth conditions and/or unstable geologic substructures or unit.
- d. No.
- e. No.

VII. Hazards and Hazardous Materials.

- a. The project will not involve the use of any hazardous substances.
- b. No.
- c. No.
- d. No.
- e. No.
- f. No.
- g. No.
- h. No.

VIII. Hydrology and Water Quality

- a. No.
- b. This project is designed to enhance local groundwater supplies by maximizing recharge and use of Kern River flood flows that would otherwise be lost to the Kern County groundwater basin. During recharge periods, the project will change the absorption rate and pattern at the project where the recharge/regulation ponds are to be built, because water will be impounded in recharge ponds. Surface runoff patterns at the site will be slightly altered due to construction of the shallow ponds. Recovery of previously recharged groundwater will lower groundwater levels but not less than pre-project conditions. Over the term of the project, recovery of water will not be more than has been recharged by the project, after accounting for recharge losses. Therefore, nearby wells will not be impacted by the project, or will be mitigated to less than significant pursuant to the Kern Fan Monitoring Committee.
- c. No.
- d. Because the purpose of the proposed project is to maximize recharge of flood and other Kern River water, flooding of the recharge ponds and the multipurpose recreational facility may occur during flood flows on the Kern River. The flooding will have no impact because

facilities are designed for this operation and this is expected to occur about 20% of the years.

- e. No.
- f. No.
- g. No.
- h. As has been previously described elsewhere in this section, the purpose of the project is to maximize opportunities for beneficial use of Kern River water that would otherwise be lost to the Kern County groundwater basin. As such, the project proposes to construct facilities that will divert, impound and redirect flood flows. However, any impacts to the environment will be less than significant.
- i. No.
- j. No.

IX. Land Use and Planning.

- a. No
- b. The Kern River Parkway Plan and EIR were adopted in 1988 by the City of Bakersfield. The natural site presently includes 1,400 acres along the majestic Kern River corridor extending from Manor Street on the northeast side of the City of Bakersfield to a point one mile below the Stockdale Highway bridge on the city's western edge. A bike path meanders alongside the course of the Kern River, providing for 12 miles of uninterrupted scenic activity. The primary benefits of the Parkway include flood control, water recharge and conservation, preservation and restoration of native riparian habitats and open space for greenbelt and recreational uses. The Kern River Parkway is a community project involving active, on-going public participation and has resulted in improved community image and attractiveness of the natural environment; a unique family oriented recreational area for all to enjoy. Major features of the Kern River Parkway include: 1) 320 acres of primary river channel; 2) 275 acres of natural and riparian land; 3) 460 acres of natural habitat for educational studies; 4) 25 acre Truxtun Lake Recharge Area; 5) 12 miles of uninterrupted bike path with 9 rest areas; 6) 8 miles of equestrian trails; 7) Multi-station exercise par course; 8) 3 professional quality sand volleyball courts; 9) 4 public parks with group picnic areas.
- c. No. See response number IX b, above.

X. Mineral Resources

- a. No.
- b. No.

XI. Noise

- a. Construction of new facilities and operation of well drilling equipment will temporarily increase local noise levels. Operation of wells in dry years may cause noise. However, noise levels are expected to be no greater than existing urban and agricultural activities and there are no noise-sensitive land uses in proximity to the proposed facilities that could be affected.
- b. Persons living south of Stockdale Highway may be able to here elevated noise levels. See "a" above
- c. No.
- d. Yes. See answer XI a, above
- e. No.
- f. No.

XII. Population and Housing.

- a. No.
- b. No.
- c. No.

XIII. Public Services.

- a. The project as proposed will have no effect on any public service, including fire protection, police protection, schools, and parks, and/or other public facilities.

XIV. Recreation.

- a. The Kern River Parkway adjacent to and at the center of the project and would be completed by the project. See answer to IX b above.
- b. No.

XV. Transportation and Traffic.

- a. There will be additional vehicular and truck traffic on local roads and highways, and on dirt roads within the project sites, during construction. However, the volume of this short-term traffic is expected to be very low and readily accommodated by available capacity on local public roads and highways.
- b. The project will not alter existing public road systems or circulation patterns because no public road will be closed or re-aligned as a result of the project. Construction of the project may increase the number and location of private access roads within the sites.

- c. No.
- d. No.
- e. No.
- f. No.
- g. No.

XVI. Utilities and Services Systems.

- a. No.
- b. No.
- c. No.
- d. Yes, the project proposes acquisition of the Lower Kern River right from the pre-1914 La Hacienda/Garces right.
- e. No.
- f. No.
- g. Yes.

XVII. Mandatory Findings of Significance.

- a. The project will not have an adverse effect on environment, substantially reduce the habitat of fish or wildlife populations, threaten or eliminate a plant or animal community, or adversely impact sensitive plants and wildlife, reduce the number or restrict the range of a rare or endangered plant or animal species. This is because the project as proposed will construct, operate and maintain facilities in existing maintained right-of-ways, farm land, areas having an existing Habitat Conservation Plan permitting the activities and/or areas not considered as habitat or occupied by threatened or endangered species or any sensitive species.
- b. The project is designated to achieve long-term enhancement of local water supplies by increasing reliability of local supplies in the future. As such, the long-term environmental benefits of the project are primary. Project is to be implemented concurrent with similar ongoing projects by City of Bakersfield, Berrenda Mesa WD, Rosedale Rio-Bravo WSD, Buena Vista WSD, West Kern WD and the Kern Water Bank Authority. The proposed project could have cumulative impacts on ground water due to concurrent and overlapping impacts of these similar projects. Participation in the Kern Fan Monitoring Committee under

the Memorandum of Understanding regarding operation and monitoring of the Kern Water Bank ground water banking programs will oversee these projects and recommend measures to mitigate these impacts to less than significant.

- c. The project does not have the environmental effects to potentially cause substantive adverse effects on human beings either directly or indirectly.

EXHIBIT A

KERN COUNTY WATER AGENCY PROPOSED NEGATIVE DECLARATION

This is prepared pursuant to the California Environmental Quality Act of 1970 (CEQA),¹ and the State CEQA Guidelines,².

NAME OF PROJECT: Kern River Restoration and Water Supply Program.

PROPOSED PROJECT LOCATION: The Project is primarily located along the Kern River corridor from the projected extension of Haley Street on the east side, to the California Aqueduct on the west end, and south and west of Bakersfield in the unincorporated portion of the county along the Cross Valley Canal and Arvin-Edison Canal and including other local water conveyance facilities. Also, see attached Project location maps.

DESCRIPTION OF PROPOSED PROJECT: Summary. Project proposes to provide significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users through the coordinated implementation of a number of program components including the: (1) acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right, including associated Lake Isabella Storage; (2) Purchase of land from Castle and Cooke California, Inc., for additional recharge and recovery facilities; (3) construction of 12 new water Ag recovery wells and enough Urban wells to achieve a maximum flow capacity of 60 cfs; and (4) Construction of water exchange facilities and modification of the Pool 1 portion of the Cross Valley Canal.

Expanded Description. See Initial Study for Proposed Project, attached.

FINDINGS WHICH SUPPORT NEGATIVE DECLARATION: After making an assessment of the possible impacts of the proposed Project and reviewing an Initial Study dated July 27, 2000, the Board of Directors of the Kern County Water Agency has determined that the proposed Project as presented will not have any significant effect on the environment, either directly or indirectly.


INITIAL STUDY: A copy of the Initial Study and environmental checklist prepared by Agency staff, dated July 27, 2000, is attached.

EXHIBIT A

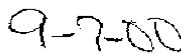
MITIGATION MEASURES: Mitigation measures which have been incorporated into the proposed Project to avoid potentially significant environmental effects are as follows:

1. Throughout the term of the proposed Project, Project water quality, groundwater monitoring, and groundwater recharge losses will be consistent with the Memorandum of Understanding Regarding Operation and Monitoring of the Kern Water Bank Groundwater Banking Program, dated October 26, 1995, and consistent with the Operation and Monitoring Procedure for the Pioneer Project, dated May 28, 1998.
2. Project recharge and recovery well areas will be designed and located to avoid areas suspected to have hydrocarbon contamination, and to the extent practical, not to interfere with oil (crude or refined) or natural gas pipelines or other sensitive oilfield areas.
3. Project recharge and recovery well areas will be designed and located to minimize potential impacts to the Agency's Cross Valley Canal.
4. A mitigation, Monitoring and Reporting Program (attached as Exhibit ^D ~~C~~)

CONTACT PERSON, TELEPHONE NUMBER: Mr. Thomas N. Clark, General Manager, Kern County Water Agency, P.O. Box 58, Bakersfield, CA. 93302; (661)-634-1400. If you require additional information regarding this proposed Project, please contact Mr. Kane Totzke, Kern County Water Agency, (661) 634-1468; e-mail: kane@kcwa.com



Thomas N. Clark, General Manager



Date

1. Public Resources Code, Section 2100, et seq.
2. Title 14, Division 6, California Administrative Code, as amended.

EXHIBIT B
CEQA Notice of Determination

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

From: Kern County Water Agency
P.O. Box 58
3200 Rio Mirada Drive
Bakersfield, CA 93302

☒ County Clerk
County of Kern
1115 Truxton Ave., 1st Floor
Bakersfield, CA 93301-4639

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

Project Title: Kern River Restoration and Water Supply Program

State Clearinghouse Number: SCH #2000081017
(if submitted to Clearinghouse)

Lead Agency: Kern County Water Agency
Contact Person: Thomas N. Clark, General Manager
Telephone: (661) 634-1400


Project Location: See attached Negative Declaration.
(include county)

Project Description: See attached Negative Declaration.

This is to advise that on September 7, 2000, the Kern County Water Agency (as lead agency) approved the project (more particularly described in the attached Negative Declaration) and has determined that no additional environmental review is required.

An Initial Study and Subsequent Negative Declaration with findings were prepared for the Agency's recent action pursuant to the provisions of CEQA Guidelines sections 15070 through 15075 concluding that no additional environmental review is required. The recent action will not have any significant effect on the environment. Mitigation measures were made a condition of the Agency's recent action on the project. A Statement of Overriding Considerations was not adopted in connection with the Agency's recent action on this project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the general public at: Kern County Water Agency, P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield, Kern County, CA 93302.

Signature, 
Thomas N. Clark, General Manager, Kern County Water Agency

Date 9-7-00

Date received for filing at OPR: _____

EXHIBIT C

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title: Kern River Restoration and Water Supply Program

Location: Kern River Corridor area, from Metropolitan Bakersfield to the California Aqueduct, Kern County

Project Description: This project will generate broad local water supply, environmental and community benefits, and targeted drinking water quality benefits within the metropolitan Bakersfield area.
The Project consists of the four components, generally described below.

1. Acquisition of the Kern River lower water right;
2. Construction of enough urban area wells to achieve a flow capacity of about 60 cfs;
3. Construction of water conveyance exchange facilities;
4. Construction and acquisition of local facilities to enhance groundwater recharge and recovery opportunities.

Findings of Exemption:

1. The project consists of water right transfer and minimal construction and/or modification of water transfer and exchange facilities.
2. The lead agency has no evidence before it, including the information in the Initial Study and comments of appropriate reviewing agencies, to indicate that the proposed project could have any potential for adverse effects on fish and wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding(s) and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 71.2 of the Fish and Game Code.

Date: September 7, 2000

Local Lead Agency: Kern County Water Agency



Title: General Manager

EXHIBIT D

MITIGATION, MONITORING AND REPORTING PROGRAM

OVERVIEW

Comments received on the Proposed Negative Declaration regarding the Kern River Program highlight a significant feature of the design of the program: the program has been designed and will be implemented to comply with all aspects of existing law. Important laws with which the project has been designed to comply are the Federal Endangered Species Act, State Endangered Species Act, and a variety of laws and regulations governing water quality and impacts on legal users of water. While compliance with such laws and regulations is an integral feature of the program, the Agency understands that some entities would prefer a formal acknowledgment of intended compliance as a form of mitigation, and appropriate monitoring and reporting. Accordingly, the Agency agrees to clarify the following mitigation measures which are part of the program as designed and adopt appropriate monitoring and reporting measures.

MONITORING & REPORTING FOR DESIGNED MITIGATION ELEMENTS

1. ADOPTED MITIGATION ELEMENT: Federal and State Endangered Species Act

(a) Program Design:

The program has been designed to avoid any impact on known endangered or threatened species, federal or state, or other species of concern. In the first instance, the program has been designed to have an extremely small footprint of disrupted land in the construction of facilities. Additionally, the facility construction will occur primarily on existing highly cultivated farmland or highly maintained rights of way in which it is unlikely that such species or their habitat will be encountered. Further, care will be utilized to have such locations examined by personnel knowledgeable in the identification of endangered and threatened

species and their habitat to ensure the avoidance of any impact. In the unlikely event that unavoidable impacts are encountered, the Agency will comply fully with Federal and State Endangered Species Acts to ensure that such impacts are mitigated to insignificance.

In summary, the Agency commits to full compliance with both Federal and State Endangered Species Act requirements. While no impact on such species is contemplated due to the design of the program, any unexpected impacts will be handled in full compliance with federal and state law.

(b) Monitoring & Reporting:

The General Manager is hereby directed to provide knowledgeable staff assistance, and consultants where required, to monitor the progress of construction and implementation to ensure compliance with federal and state endangered species laws and regulations.

- (1)** During the construction phase of the program, the General Manager shall report to the Board on a quarterly basis regarding the following:
 - (i)** The identification, if any, of any potentially impacted federal or state threatened or endangered species.
 - (ii)** Specification of all measures taken to avoid any impact on such species or on the habitat of such species.
 - (iii)** Where impact proves to be unavoidable, whether a project component was abandoned or whether sufficient mitigation measures were utilized to reduce the level of impact to insignificance.
- (2)** After construction, the General Manager shall include in annual reports to the Board the following:
 - (i)** Whether any potential significant impacts on federal or state endangered or threatened species have been identified, and
 - (ii)** What measures have been taken to reduce such potential impacts to

insignificance.

2. ADOPTED MITIGATION ELEMENT: Injury to Rights of Legal Users of Water and Facilities

(a) Program Design:

The program is designed to ensure that all water and facilities utilized by the program are obtained with full protection of the rights of existing legal users. Full compensation will be provided by the Agency where such rights of legal users of water or facilities are impaired, and absent such compensation such rights of legal users will not be impaired. This extends to the legal users of ground water as the program has been designed to avoid significant impact on such users. In the event of disputes regarding the existence of such impacts, the Agency will submit such disputes to the previously established Kern Fan Monitoring Committee for handling under established rules.

(b) Monitoring and Reporting:

The General Manager shall include in an annual report to the Board a report on the following items of concern:

- (1) The alleged occurrence of any impact on the rights of legal users of water or facilities, including any alleged impacts on groundwater;
- (2) The measures utilized to investigate such alleged impacts;
- (3) The results of such investigation;
- (4) The measures utilized to avoid impacts to such rights of legal users, or the measures utilized to reduce such impacts to insignificance.

3. ADOPTED MITIGATION ELEMENT: Water Quality

(a) Program Design:

The program is designed to avoid any potential adverse impacts on water quality. Utilization of the water rights acquired under the program will not significantly differ in water quality impacts from the existing uses of such water. The intent of

the program is to secure the benefits of Kern River water quality for drinking water quality and Kern County. The program will be operated to avoid significant adverse impact on the water quality available to any legal user of water.

(b) Monitoring and Reporting:

The General Manager shall include in an annual report to the Board of Directors the following items:

- (1) A statement regarding the water quality status of the program during the prior year;
- (2) An identification of all problem areas encountered, if any, and the measures taken to avoid any significant adverse impact on the water quality of any legal user of water.

GENERAL REPORTING REQUIREMENTS

The annual report referred to herein shall be prepared under the direction of the General Manager and a registered engineer of the State of California, in consultation with individual(s) knowledgeable in the identification of endangered or threatened species and their habitats. The report may include additional operational, and economic data of interest to the community, but at a minimum shall contain the information specified above as required elements of the report.



KERN COUNTY WATER AGENCY

Directors:

GROUNDWATER Kern River Program

August 29, 2000

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

Mr. Rob Quiring, District Manager
Kern Mosquito and Vector Control District
4705 Allen Road
Bakersfield, CA 93312

RE: Response to letter regarding CEQA compliance for the Kern River
Restoration and Water Supply Program

Dear Mr. Quiring:

Thank you for your letter dated August 3, 2000 responding to the Kern County Water Agency's (Agency) Initial Study and Proposed Negative Declaration for the Kern River Restoration and Water Supply Program (Program). The Agency has reviewed your concerns expressed in the letter and outlined below is the Agency's response.

Under the Program, two (2) recharge ponds (10 acre and 5 acre) are proposed for construction, both located just east of Allen Road and near the Kern River Stockdale Highway bridge. A proposed 40 acre to 50 acre Soccer field to be constructed may be used for groundwater recharge in the wettest years on the Kern River. This proposed field is also located east of Allen Road and north of the Kern River near the Stockdale bridge. The recharge ponds will be operated very similar to the Truxtun Lake recharge ponds owned by the City of Bakersfield, which we understand have not created a mosquito concern to the surrounding community. The Soccer field will probably be operated by the North of the River Parks and Recreation District under an arrangement with the City of Bakersfield. The two recharge ponds may be jointly managed by the Agency's Improvement District No. 4 and the City of Bakersfield's Water Resources Department. The recharge ponds and Soccer field are planned as part of a community park under a residential and commercial development proposed by Castle and Cooke California, Inc.

As with other existing recharge basins under the Agency's control, we do not anticipate any concerns with mosquitoes, however, we will comply with any applicable regulations and cooperate with your District to address any concerns you may have, should any arise at some future time. Please contact Kane Totzke at (661) 634-1468 with any questions regarding this matter.

Sincerely,

Tom Clark
General Manager

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

KR/KRP

TRUSTEES

STEVE FRANKLIN
RICHARD FREELAND
ROY JOHNSON
ROBERT MAYBORN
ROBERT MAYBORN
WILLIAM PROUT
J.B. SELVAGE
D.C. ZACHARY

MANAGER
ROBERT A. QUIRING
SUPERINTENDENT
TOM BLANTON

KERN MOSQUITO AND VECTOR CONTROL DISTRICT

DISTRICT OFFICE

4705 ALLEN RD. BAKERSFIELD, CALIFORNIA 93312
PH: (661) 589-2744 FAX: (661) 589-4913 E MAIL: kmvcd@lightspeed.net

August 3, 2000

Tom Clark, General Manager
Kern County Water Agency
P. O. Box 58
Bakersfield, California 93302-0058

RECEIVED

TNO <input checked="" type="checkbox"/>	RBI <input checked="" type="checkbox"/>
JFS <input type="checkbox"/>	DWM <input type="checkbox"/>
JMB <input checked="" type="checkbox"/>	JWP <input type="checkbox"/>
GLB <input type="checkbox"/>	SHR <input type="checkbox"/>
LWF <input type="checkbox"/>	SMR <input type="checkbox"/>
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AUG 16 2000

Kern County Water Agency

RE: Kern River Restoration & Water Supply Project

Tom:

The District has several comments in regard to the recharge basins that would be constructed as part of this proposed project.

During years when groundwater recharge operations were being conducted, it would not be feasible to treat these basins by aircraft if they produced mosquitoes because of the proximity of residential areas and heavily-traveled roads (i.e Stockdale, Buena Vista, Allen). During the last couple of years when performing mosquito control operations, the District's airplane pilot has encountered increasing numbers of joggers, bikers, horseback riders, etc. in the "2800" and the other recharge areas west of Allen Road. These new basins will, also, attract similar attention by the public.

Ideally, vegetation in the basins would be managed in a manner that would allow the control of the aquatic stage of mosquitoes through the use of mosquitofish. Due to the size of these basins, treatment by ground rigs spraying around the perimeter would be ineffective. The use of insecticides in areas frequented by the public is a real challenge these days due to the increasingly negative reaction by people to pesticide usage in general.

Hopefully, these concerns will be considered by the Agency when the basins are constructed.

Sincerely,



Rob Quiring
District Manager



KERN COUNTY WATER AGENCY

Directors:

GROUNDWATER Kern River Program

August 29, 2000

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

Ms. Susan Jones
U.S. Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, CA 95825

RE: Response to letter regarding CEQA compliance for the Kern River
Restoration and Water Supply Program

Dear Ms. Jones:

Thank you for your letter dated August 21, 2000 responding to the Kern County Water Agency's (Agency) Initial Study and Proposed Negative Declaration for the Kern River Restoration and Water Supply Program (Program). We concur with the U.S. Fish and Wildlife Service's (Service) statement that the Program as proposed will provide environmental benefits to the local environment: the Agency believes the Program is an opportunity to secure environmental local benefits along the Kern River corridor for wildlife and the community of Bakersfield.

In response to the Service's concern regarding participation in the Metropolitan Bakersfield Habitat Conservation Plan (HCP), the Agency plans to comply with any regulations including those requiring participation in payment of habitat management fees, where applicable. We note however that, the Program facilities proposed for modification and/or construction taking place within the Metropolitan Bakersfield HCP are projects less than ten (10) acres in size undertaken for strictly public purposes and therefore exempt from the Habitat Management Fees, pursuant to the City of Bakersfield Ordinance 3556.

Other Program facilities, as described in the Initial Study and proposed Negative Declaration may occur on active farmland owned by the Agency, on well maintained right-of-ways owned by the Agency or other local water districts. These proposed facilities will have a very small footprint of permanently disturbed land, e.g., less than 1/10th of an acre disturbance per well site, in areas devoid of species subject to the Federal Endangered Species Act. Furthermore, since no take of threatened or endangered species will occur due to construction of facilities on farmland, fallow land, grazing land or natural land, the Agency believes no incidental take permit or compensation is required for the Program. The Agency will, of course, comply with the regulations if avoidance of impacts is not feasible.

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

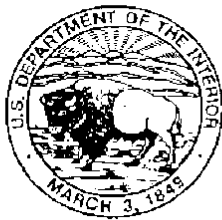
Ms. Susan Jones
U.S. Fish and Wildlife Service
August 29, 2000
Page 2

The Agency hopes this letter resolves any concerns you may have with the Program. Again, we believe the overall Program will secure significant water quality, water supply, environmental and community benefits to the citizens of the greater Bakersfield area. The Program will also complement and supplement the existing the Kern River Parkway Plan adopted by the City of Bakersfield in 1988 through cooperative water exchanges and groundwater recovery to keep the Kern River wet through the center of Bakersfield during the peak recreational months of May through September. Please contact Kane Totzke at (661) 634-1468 with any questions regarding this matter.

Sincerely,



Tom Clark
General Manager



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, California 95825

RECEIVED

INC ☒ ~~XL~~ *Scan*
JES ☒ ~~XL~~
JMB ☒ ~~XL~~
GLB ☐
LWF ☒ ~~XL~~
AUG 21 2000

Kern County Water Agency

RBI ☐
DWM ☐
JWP ☐
SHR ☐
SMR ☐
ALL ☐

IN REPLY REFER TO:

1-1-00-TA-2553

August 14, 2000

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, California 93302-0058

Subject: California Environmental Quality Act (CEQA) Compliance for the Kern River Restoration and Water Supply Program, Kern County, California

Dear Mr. Clark:

This is in response to your July 27, 2000, letter concerning the Initial Study and Proposed Draft Negative Declaration for the Kern River Restoration and Water Supply Program in Kern County, California. We understand from the materials enclosed with your letter that some of the property proposed for development is inside, and some is outside the boundaries of the Metropolitan Bakersfield Habitat Conservation Plan (HCP). We appreciate your efforts to provide water in the river channel for a greater part of the year, and we agree that this will enhance riparian vegetation and could provide habitat for some protected species in an area where they historically occurred, such as the least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii eximius*).

1

We expect that some parts of the project will occur within the boundaries of the Metropolitan Bakersfield HCP, and that fees will be paid into the habitat compensation fund. We think this should be mentioned in the Negative Declaration, as it is a mitigation under CEQA for effects on protected species. We are concerned about the effects of portions of the project outside the Metropolitan Bakersfield HCP on San Joaquin kit foxes (*Vulpes macrotis mutica*), Tipton kangaroo rats (*Dipodomys nitratoideus nitratoideus*), and blunt-nosed leopard lizards (*Gambelia silus*), which are protected under the Federal Endangered Species Act of 1973, as amended (Act). The map of the project mentions potential agricultural and urban area well sites, and installation of recharge ponds on an 80-acre parcel now belonging to Castle and Cooke. Kit fox are known to forage on, and disperse across natural land, fallow land, farmland in row crops, and grazing

2

land. Any construction of structures on farmland, fallow land, grazing land, or natural land likely will require compensation under the Act. No indication is given of the present land uses and

project footprints for portions of the project outside the MB HCP, so we cannot provide an adequate evaluation at this time.

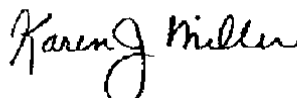
Section 9 of the Act and its implementing regulations prohibit the "take" of federally listed fish and wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any listed wildlife species. "Harm" in this definition includes significant habitat modification or degradation where it actually kills or injures wildlife, by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR § 17.3).

² Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required if it is determined that the proposed project will adversely affect a listed species. Such a consultation would result in a biological opinion that addresses the anticipated effects of the project to the listed species and may authorize a limited level of incidental take.⁷ If a Federal agency is not involved with the project, and a listed species may be taken as a result of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue a permit upon completion of a satisfactory HCP for the listed species that would be subject to take as a result of the project. Applicants approved by the Service and the California Department of Fish and Game, as applicable, may satisfy the Act by buying credits and obtaining incidental take authority through the Kern Water Bank HCP and Master Permit.

While the Metropolitan Bakersfield HCP is not applicable to portions of the project outside its borders, it sets a precedent in Kern County for providing endangered species compensation for conversion of farmland to buildings and other structures. For example, we worked with the Kern County Planning Department in the development of the compensation measures that were required for the Rio Bravo Tomato Company plant, which was sited on row crop farmland.

We appreciate you contacting us about your proposed project. We would appreciate receiving more detailed information about the project concerning proposed construction locations and footprints, related access roads if any, and schedule. Thank you for your interest in conserving threatened and endangered species. Please contact Susan Jones or Peter Cross at (916) 414-6600 if you have any questions about this letter.

Sincerely,



Karen J. Miller
Chief, Endangered Species Division

Mr. Thomas N. Clark

3

cc: Andy Gordus, CDFG, Fresno, California
Steve Strait, Kern County Planning Department
Cheryl Harding, Kern Water Bank Authority



California Regional Water Quality Control Board

Central Valley Region

Steven T. Butler, Chair



Gray Davis
Governor

L. Hickox
try for
onmental
tection

Fresno Branch Office

Internet Address: <http://www.swrcb.ca.gov/~rwqch5>
3614 East Ashlan Avenue, Fresno, California 93726
Phone (559) 445-5116 • FAX (559) 445-5910

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P. O. Box 58
Bakersfield, CA 93302-0058

RECEIVED		
TNC <input type="checkbox"/>	SCAW	RB <input checked="" type="checkbox"/>
JES <input checked="" type="checkbox"/>	2-sided	DWM <input type="checkbox"/>
JMB <input checked="" type="checkbox"/>	AUG 25 2000	JWP <input type="checkbox"/>
GLB <input type="checkbox"/>		SHR <input type="checkbox"/>
LWF <input type="checkbox"/>		SMR <input type="checkbox"/>
		ALL <input type="checkbox"/>
Kern County Water Agency		XC: <i>Kern</i> <i>Rick</i>

23 August 2000

SCH # 2000081017, KERN RIVER RESTORATION AND WATER SUPPLY PROJECT, KERN COUNTY

We have reviewed the Initial Study and Proposed Negative Declaration to provide groundwater and surface water augmentations to the Kern River as it flows through the City of Bakersfield. The augmentations will occur during the summer months and be used for recreation. We understand that the project will involve construction of new agricultural and urban wells, modification of existing water exchange facilities and, possibly, construction of an interconnection in the area of the Kern River.

If more than five acres will be disturbed, the construction activities will be subject to regulation under the General Construction Activity Storm Water Permit, State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System, General Permit No. CA000002 (general permit). A copy of the permit is enclosed. Before construction begins, a Notice of Intent to comply with the permit must be submitted to the State Water Resources Control Board at the address indicated in the permit, and a Storm Water Pollution Prevention Plan must be prepared. Further information regarding the storm water program is available at the State Board web site at: <http://www.swrcb.ca.gov> or you may call Jarna Bennett at (559) 445-6046.

If the construction activities will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the US Army Corps of Engineers. For more information, please call Kathy Norton with the US Army Corps of Engineers at (916) 557-5260.

If a permit is needed from the US Army Corps of Engineers, certification of conformance with water quality standards pursuant to Section 401 of the Clean Water Act will be needed. Enclosed is a summary of information that we would need to consider a request for water quality certification.

If you have any questions, please call Betty Yee of this office at (559) 445-5128.

Lonnie M. Wass

LONNIE M. WASS
Senior Engineer
ACE No. 38917

Enclosure

California Environmental Protection Agency

PLANNING DEPARTMENT**TED JAMES, AICP, Director**700 "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.usWeb Address: www.co.kern.ca.us/planning/info.htm**RESOURCE MANAGEMENT AGENCY****DAVID PRICE III, RMA DIRECTOR**

Community Development Program Department

Engineering & Survey Services Department

Environmental Health Services Department

Planning Department

Roads Department

September 5, 2000

Tom Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield CA 93302-0058

Re: Initial Study - Kern River Restoration and Water Supply Program

Dear Mr. Clark:

Thank you for the opportunity to review the Initial Study for this project. The Planning Department has no comments on this phase of the project. If you have any questions, please call Steve Strait at (661) 862-8643.

Very truly yours,

TED JAMES, AICP, Director
Kern County Planning Department

A handwritten signature in cursive script, appearing to read "Steve Strait".

by Steve Strait, Associate Planner

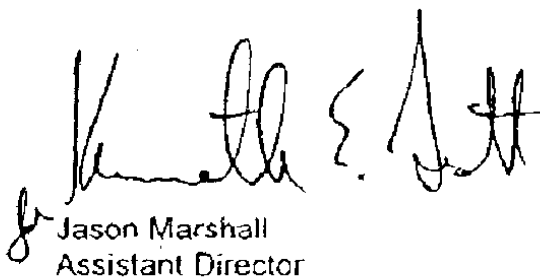
Mr. Thomas N. Clark

August 31, 2000

Page 2

abandonment will be reviewed at that time. If the well cannot be identified, remedial operations may be required.

Thank you for the opportunity to comment on the initial study and proposed negative declaration. If you have questions, or require technical assistance or information, please contact Jack Truschel at the Bakersfield district office: 4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309; or, phone (661) 322-4031. You may also call me at (916) 445-8733.



Jason Marshall
Assistant Director

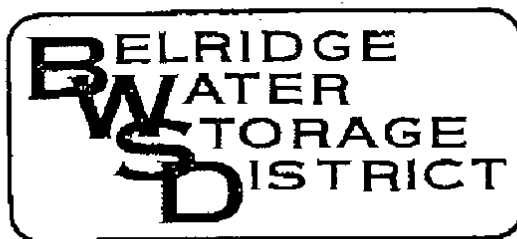
cc: Jack Truschel

Division of Oil, Gas, and Geothermal Resources, Bakersfield

Linda Campion

Division of Oil, Gas, and Geothermal Resources, Sacramento

DIRECTORS
WILLIAM D. PHILLIMORE
PRESIDENT
DAVID L. BARGER
VICE PRESIDENT
DAVID K. BANKER
SECRETARY
LARRY STARRH
TREASURER
ROBERT E. BAKER



J. PAUL HENDRIX
GENERAL MANAGER

WILLIAM C. KUHS
COUNSEL

September 6, 2000

Board of Directors
Kern County Water Agency
P. O. Box 58
Bakersfield, CA 93302-0058

Re: Funding for Kern River Restoration Project, Purchase of
Lower River Rights and Associated Activities

Dear Sirs and Madam:

Further to the policy meeting of Tuesday, August 29, 2000, and the Belridge Water Storage District (BWSD) Board meeting held on September 5, 2000, I am writing to you on behalf of the Belridge Board of Directors.

We appreciate the recent efforts of the Kern County Water Agency (KCWA) staff to explain the project as it develops, and acknowledge that this is still an evolving program. While we support the general direction of the Agency in this instance, and in deed applaud the efforts of Agency staff which made such a project possible, we ask that during the finalization of the project that staff attempt to assure that the BWSD is no worse off in its access to banking operations or water than it was prior to the acquisition of the Lower River Rights by the KCWA.

We would also like to point out that currently BWSD has no opportunity to bank high flow river water in times of plenty, in order to withdraw such water during times of shortage. We would very much like to have access to some of this water.

While we know that there have been questions raised as to the equity of the distribution of the monies which, we understand, were originally intended to compensate for shortages on the State Water Project, we are sure that the KCWA Directors and staff will strive to be fair to all. We would hope, however, the substantial benefits that accrue to the City of Bakersfield from the project will lead to the City becoming further involved in water matters within the County. We believe that both the County and the City have

Board of Directors
Kern County Water Agency
September 6, 2000
Page Two

suffered from the absence of the City on many of the discussions regarding water and how it effects the future of the County. Hopefully this will now change.

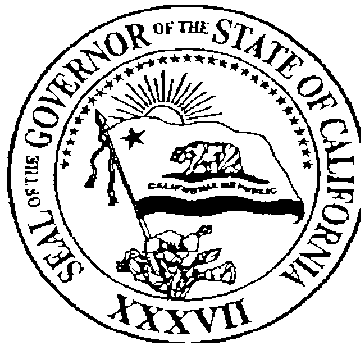
Please let us know if there are any questions on any of the above.

Sincerely,

A handwritten signature in black ink, appearing to read 'William D. Phillimore', with a stylized flourish at the end.

William D. Phillimore
President

WDP/et



GOVERNOR'S OFFICE OF
Planning and Research

1400 Tenth Street • Sacramento, California 95814 • 916-445-0613

FACSIMILE TRANSMITTAL

Date: 9-7-00
Facsimile phone number: 661/634-1428
To: Kane Totzke
At: Kern County
From: Sheila - State Clearinghouse
Special instructions: Closing letter with comments
for SCH #2000081017

State Clearinghouse Fax: 916-323-3018

Number of pages
(including cover page)

5

If you do not receive all the pages of this facsimile, please contact:



Gray Davis
GOVERNOR

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Steve Nissen
ACTING DIRECTOR

September 6, 2000

Kane Totzke
Kern County Water Agency
P.O. Box 58
3200 Rio Mirada Drive
Bakersfield, CA 93308

Subject: Kern River Restoration and Water Supply Program
SCH#: 2000081017

Dear Kane Totzke:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 5, 2000, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2000081017
Project Title Kern River Restoration and Water Supply Program
Lead Agency Kern County Water Agency

Type **Neg** Negative Declaration
Description Acquisition of Kern River lower right, modification and construction of water conveyance, recharge and recovery facilities.

Lead Agency Contact

Name Kane Totzke
Agency Kern County Water Agency
Phone 661-634-1468 **Fax**
email
Address P.O. Box 58
3200 Rio Mirada Drive
City Bakersfield **State** CA **Zip** 93308

Project Location

County Kern
City Bakersfield
Region
Cross Streets Buena Vista Road
Parcel No.
Township 30 **Range** 26/25 **Section** all **Base** MDB&M

Proximity to:

Highways Stockdale Highway
Airports
Railways
Waterways Kern River
Schools
Land Use Agricultural

Project Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Reclamation Board; Department of Water Resources; Caltrans, District 6; Department of Health Services; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission; State Lands Commission

Date Received 08/07/2000 **Start of Review** 08/07/2000 **End of Review** 09/05/2000

State of California

The Resources Agency

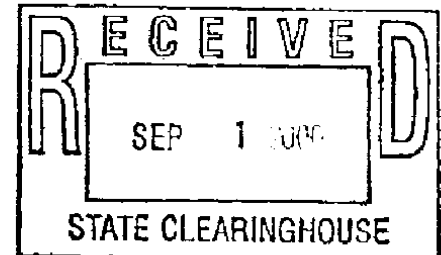
MEMORANDUM

To: Project Coordinator
Resources Agency

Date: August 31, 2000

CLC 19/5/00
Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058

From: Department of Conservation
Office of Governmental and Environmental Relations



Subject: Initial Study and Proposed Negative Declaration for the Kern River
Restoration and Water Supply Program, Kern County – SCH #2000081017

The Department of Conservation's Division of Oil, Gas and Geothermal Resources (Division) has reviewed the initial study for the referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas and geothermal wells in California. We offer the following comments for your consideration.

The proposed project area encompasses all, or a portion of the following oil fields: Bellevue, Canal, Canfield Ranch, Fruitvale, Kern River, McCung, North Coles Levee, Strand, Stockdale and Ten Section. There are numerous plugged and abandoned, producing and injection wells within or in proximity to these fields. Proposed project construction includes water wells, water quality exchange facilities, and facilities to enhance groundwater recharge and recovery. The project also proposes mitigation measures such as avoiding areas suspected to have hydrocarbon contamination and, where practical, avoiding interference with petroleum pipelines and oilfield areas.

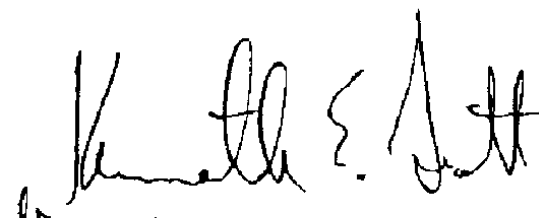
In support of these proposed mitigation measures, the Division recommends that the proposed construction projects be plotted accurately on the appropriate Division maps, and submitted to the Division's Bakersfield office for review. Upon receipt of the maps, the Division will provide locations of the affected wells. Also based on our review of the maps, the Division will convey information to the applicant on any applicable well work requirements. In addition, the Division requests that these oilfield wells be plotted accurately on all future maps related to this project, and that a legible copy of the final project map be submitted to the Division's Bakersfield office.

Finally, the Division district office in Bakersfield must be notified if excavation uncovers a previously plugged and abandoned well. If the well can be identified, its

Mr. Thomas N. Clark
August 31, 2000
Page 2

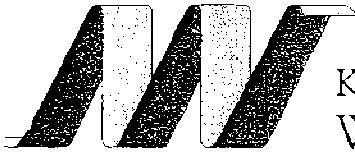
abandonment will be reviewed at that time. If the well cannot be identified, remedial operations may be required.

Thank you for the opportunity to comment on the initial study and proposed negative declaration. If you have questions, or require technical assistance or information, please contact Jack Truschel at the Bakersfield district office: 4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309; or, phone (661) 322-4031. You may also call me at (916) 445-8733.



Jason Marshall
Assistant Director

cc: Jack Truschel
Division of Oil, Gas, and Geothermal Resources, Bakersfield
Linda Campion
Division of Oil, Gas, and Geothermal Resources, Sacramento



KERN COUNTY
WATER AGENCY

Directors:

GW/Kern River Program

Fred L. Starnh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

September 7, 2000

Mr. Jack Truschel
Division of Oil, Gas, and Geothermal Resources
4800 Stockdale Highway, Suite 417
Bakersfield, CA 93309

RE: Response to letter regarding CEQA compliance for the Kern River Restoration and Water Supply Program

Dear Mr. Truschel:

Thank you for your letter dated August 31, 2000 responding to the Kern County Water Agency's (Agency) Initial Study and Proposed Negative Declaration for the Kern River Restoration and Water Supply Program (Program). The Agency has reviewed your concerns expressed in the letter and outlined below is the Agency's response.

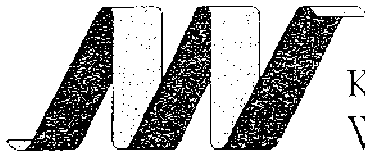
Under the Program, up to 24 water production wells, several recharge areas and modifications to existing canal systems are proposed for construction. Site assessments will be made prior to construction to identify oil and gas wells. As part of the site assessments, the project facilities will be plotted on Division of Oil and Gas maps and submitted to you for review.

The Agency will also notify your office if the proposed Program activities uncover a previously plugged and abandoned oil or gas well. The Agency will comply with any other applicable regulations and cooperate with your District to address concerns you may have, should any arise at some future time. Please contact Rick Iger at 661/634-1469 with any questions regarding this matter.

Sincerely,

Tom Clark
General Manger

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428



KERN COUNTY
WATER AGENCY

Directors:

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

SECRETARY'S CERTIFICATE

I, Pam Bosworth, Secretary of the Board of Directors of the Kern County Water Agency, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 56-00 duly passed and adopted by said Board of Directors at an official meeting of the Board held on the 24th day of August 2000, by the following vote:

AYES: Garnett, Frick, Radon, Lundquist, Rogers & Mathews

NOES: None

ABSENT: None


Secretary of the Board of Directors
of the Kern County Water Agency

SEAL:

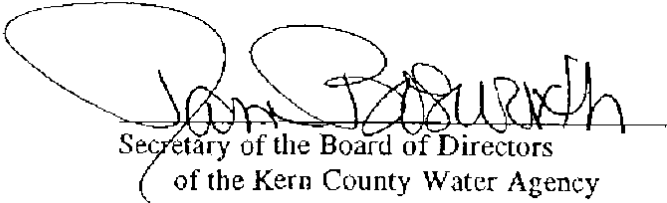
Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

BEFORE THE BOARD OF DIRECTORS
OF THE
KERN COUNTY WATER AGENCY

In the matter of:
ACCEPTANCE OF PROPOSITION 13
GRANT FOR THE KERN RIVER
RESTORATION PROJECT, AUTHORIZATION
OF PRESIDENT TO EXECUTE AGREEMENT,
DESIGNATION OF PROJECT DIRECTOR FOR
ADMINISTRATION AND DWR LIAISON, AND
APPROVAL OF BUDGET, TIMELINE AND INVOICE

I, PAMELA BOSWORTH, Secretary of the Board of Directors of the Kern County Water Agency, of the County of Kern, State of California, do hereby certify that the following resolution proposed by Director Frick and seconded by Director Radon, was duly passed and adopted by said Board of Directors at an official meeting hereof this 24th day of August, 1998 by the following vote, to-wit:

Ayes:	Garnett, Frick, Radon, Lundquist, Rogers & Mathews
Noes:	None
Absent:	Starrh


Secretary of the Board of Directors
of the Kern County Water Agency

Resolution No. 56-00

WHEREAS, the Governor's Budget Act for 2000, Chapter 52, Statutes of 2000 appropriated to the Department of Water Resources grant funds by budget item 3860-01-6027 for the Interim Water Supply and Water Quality Infrastructure and Management Subaccount to fund among other things the Kern River Restoration Project specified herein;

WHEREAS, DWR has proposed entry into an agreement with the Agency as demonstrated in attached Exhibit A to govern the grant and Agency acceptance thereof along with certain terms and conditions;

WHEREAS, the Agency is prepared to continue implementation of the project and has established a separate "Proposition 13 Fund" to allow for appropriate accounting of all income and expenditures of the project; and

WHEREAS, the General Manager has selected an Agency Executive Manager as Project Director.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Kern County Water Agency that:

1. The foregoing recitals are found to be true and correct;
2. The Agency hereby accepts the offered \$23 million dollar grant from the Department of Water Resources for the purposes of the project, and authorizes President Fred Starrh to enter into the Department of Water Resources proposed agreement attached as Exhibit A, subject to the approval of General Counsel as to form.
3. Assistant General Manager James M. Beck is designated as the Project Director to be the Agency's representative for the administration of the project and liaison with DWR for submission of required documents.
4. The proposed budget for the project attached as Exhibit B, and the proposed timeline for project development (conditioned upon CEQA compliance) attached as Exhibit C are hereby approved.
5. The Controller is directed to invoice the Department of Water Resources for the \$23 million grant in accordance with the terms of the agreement, with the funds to be deposited in the Proposition 13 Fund and to maintain appropriate accounting for such funds in accordance with Generally Accepted Accounting Practices and the agreement.

**Advance Copy
Information Only**

Mr. Fred L. Starrh, President
Board of Directors
Kern County Water Agency
Post Office Box 58
Bakersfield, California 93302-0058

Interim Water Supply Construction Grant Commitment -
Safe Drinking Water, Clean Water, Watershed Protection and
Flood Protection Act (Proposition 13, Chapter 9, Article 4)

Dear Mr. Starrh:

The Governor's Budget Act for 2000, Chapter 52, Statutes of 2000, appropriated to the Department of Water Resources local assistance grant funds in the amount of \$161,544,000 by budget item 3860-01-6027, payable from the Interim Water Supply and Water Quality Infrastructure and Management Subaccount. The Kern County Water Agency's Kern River Restoration Project has been selected for funding from this appropriation. This letter agreement serves as our commitment of \$23 million this project.

This letter sets forth the terms and conditions under which the transfer of funds will be made from DWR to KCWA. Before the funds can be transferred your agency must complete the following:

- Submit to DWR a formally adopted resolution of your governing body, accepting the grant, designating a representative to sign this letter agreement, and designating a Project Director to be your agency's representative for the administration of the project and liaison with DWR for submission of required documents.
- Sign and date both originals of this agreement and return one signed original to:

Division of Planning & Local Assistance
Department of Water Resources
Post Office Box 942836
Sacramento, California 94236-0001
Attention: Linda Buchanan Herzberg

- Provide to DWR a copy of all memoranda of understanding or other cooperative agreements between your agency and all other participating agencies for the project.

DNA

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Information Only**

- Provide to DWR an itemized budget projection of project costs and an invoice, on your letterhead, stating the purpose of the funds as outlined in this letter.
- Provide to DWR a detailed description of the proposed project, including a narrative description that details the project's purpose and defines the project scope. Include with your description a detailed list of project components to be funded by this grant and a time line for completion with major benchmarks noted. In addition, attach a map indicating the project location.

By signature of this letter agreement the Kern County Water Agency agrees to comply with the following terms and conditions for completion of your project:

1. Your agency agrees to faithfully and expeditiously perform or cause to be performed all project work, to apply State funds received only to eligible project costs and to expeditiously commence and to continue efficient and economical operation of the project in accordance with applicable law. You further agree to provide for all repairs, renewals, and replacements necessary to the efficient operation of the project; and to maintain in as good and efficient condition as upon its construction, ordinary and reasonable wear and depreciation excepted.
2. Your agency, its contractors, subcontractors, and their respective agents and employees required for performing any work in connection with the project shall act in an independent capacity and not as officers, employees or agents of the State.
3. Your agency is solely responsible for design, construction, operation and maintenance of the project.
4. Your agency shall be responsible for obtaining any and all permits, licenses and approvals required for the design, construction or operation of the project. You shall also be responsible for observing and complying with any applicable federal, state and local laws, rules or regulations affecting such work, specifically including, but not limited to, environmental, procurement and safety laws, rules, regulations and ordinances.
5. Your agency shall be responsible for work and for persons or entities engaged in work, including, but not limited to, subcontractors, suppliers and providers of services. You shall give personal supervision to any work required for the project or employ a competent representative with the authority to act for your agency. Your agency shall give attention to completion of the project, and shall keep work under control.

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6. Your agency shall be responsible for any and all disputes arising out of its contracts for work on the project, including but not limited to bid disputes and payment disputes with your contractors and subcontractors. The State will not mediate disputes between your agency and any other entity concerning responsibility for performance of work.
7. During project planning and construction, your agency shall provide semiannual progress reports detailing the activities completed for the reporting period, the amount of funds expended and the purpose of those expenditures. The first report shall be due six (6) months from the date of your agency's signature on this letter agreement. Subsequent reports shall be due every six (6) months thereafter.
8. Your agency must comply with all applicable requirements of the California Environmental Quality Act and the National Environmental Policy Act and complete appropriate environmental documentation including, but not limited to, any required environmental impact reports, environmental impact statements, negative declarations, mitigation agreements and environmental permits, prior to beginning construction.
9. All contracts let for project construction shall be let by competitive bid procedures that assure award of the contract to the lowest responsible bidder, except as may be otherwise authorized under your agency's enabling authority.
10. Procurement of necessary supplies or equipment shall be undertaken in such a manner as to encourage fair and competitive treatment of potential suppliers.
11. The project shall be completed not later than March 8, 2009.
12. Upon completion of the project your agency shall provide for a final inspection and a written certification by a California Registered Civil Engineer that the project has been completed in accordance with final plans and specifications and any modifications thereto. Such certification shall be submitted to the State with a copy of the final report of project expenditures required in item 13 below. You shall keep on file, for the useful life of the project, as built plans and specifications for the project. Such documents shall be made available for inspection by the State upon reasonable notice.
13. Upon project completion your agency shall furnish to the State, within sixty (60) days, a final statement of incurred eligible costs.
14. The State shall withhold ten (10) percent of the total project funding until the audit report, required in item 20, is received and accepted by the State.

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15. Within a period of sixty (60) days from project completion, your agency shall remit to the State any unexpended funds that were disbursed that were not needed to pay eligible project costs.
16. Pursuant to Government Code Section 8546.7, your agency and its subcontractors shall be subject to the examination and audit of the State for a period of three years after project completion. All of your records or those of your subcontractors shall be preserved for this purpose for at least three years after project completion.
17. Your agency shall account for the money disbursed separately from all other agency funds. You shall maintain audit and accounting procedures that are in accordance with generally accepted accounting principles and practices, consistently applied. You shall keep complete and accurate records of all receipts, disbursements, and interest earned on expenditures of such funds. Your agency shall require its contractors or subcontractors to maintain books, records, and other documents pertinent to their work in accordance with generally accepted accounting principles and practices. Records are subject to inspection by the State at any and all reasonable times, upon reasonable notice.
18. All money disbursed for your project shall be deposited, administered, and accounted for pursuant to the provisions of law applicable to your agency.
19. During regular office hours, each of the parties to this letter agreement and their duly authorized representatives shall have the right to inspect and to make copies of any books, records, or reports of either party pertaining to the project. Each of the parties shall maintain and shall make available at all times for such inspection accurate records of all its costs, disbursements, and receipts with respect to this project.
20. The State reserves the right to conduct an audit at any time between the execution of this letter agreement and the completion of the project, with the costs of such audit borne by the State. Within sixty (60) days of project completion, the State shall require your agency to conduct, at your agency's expense, a final financial and compliance audit of revenue and expenditures. Such audit shall be conducted and a report prepared by an independent Certified Public Accountant in compliance with generally accepted auditing standards and California government auditing standards. Upon its completion, said report shall be submitted to the State for review and acceptance.
21. The State shall have the right to inspect the work being performed at any and all reasonable times during project construction. This right shall extend to any subcontracts, and your agency shall include provisions ensuring such access in all its contracts or subcontracts entered into for completion of the

**Advance Copy
Information Only**

project.

22. Your agency shall not sell, abandon, lease, transfer, exchange, mortgage, hypothecate, or encumber in any manner whatsoever all or any portion of any real or other property necessarily connected or used in conjunction with the project, or with your agency's service of water, without prior approval of the State.
23. Your agency, its contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.), the regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Government Code, Sections 11135-11139.5) and the regulations or standards adopted by the awarding State Agency to implement such article. Your agency, its contractors and subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. Your agency shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts let for the construction of the project.
24. Your agency agrees, unless exempted, to comply with the nondiscrimination program requirements of Government Code, Section 12990, and Title 2, California Code of Regulations, Section 8103.
25. Your agency shall comply with the provisions of Section 3700 of the California Labor Code, requiring every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and you affirm that the agency will comply with such provisions before commencing the construction of the project and will make the agency's contractors and subcontractors aware of this provision.
26. Your agency agrees to indemnify the State and its officers, agents, and employees against and to hold the same free and harmless from any and all claims, demands, damages, losses, costs, expenses, or liability due or incident to, either in whole or in part, and whether directly or indirectly, arising out of the project.
27. Your agency, its contractors or subcontractors agree to comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code 8350 et seq.) and have or will provide a drug-free workplace.
28. The agency agrees to comply with the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C. 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

**Advance Copy
Information Only**

Your expeditious handling of this letter agreement is appreciated. If you have any questions, please contact Linda Buchanan Herzberg at (916) 327-1663.

Approved as to Legal Form
and Sufficiency:

Sincerely,

By: _____

Chief Counsel
Department of Water Resources

William J. Bennett, Chief
Division of Planning and Local
Assistance

Kern County Water Agency

By: _____ Date: _____

Title: _____

Enclosure

cc: Ms. Linda Adams
Chief Deputy Assembly Relations
Governor's Office, First Floor
Sacramento, California 95814

Honorable Jim Costa
Member of the Senate
State Capitol, Room 5100
Sacramento, California 95814

~~Honorable Abel Maldonado
Member of the Assembly
State Capitol, Room 4015
Sacramento, California 95814~~

*Will add other appropriate
Reps.*

Mr. Thomas N. Clark
General Manager
Kern County Water Agency
Post Office Box 58
Bakersfield, California 93302-0058

**Advance Copy
Information Only**

Mr. Rick Iger
Engineering and Operations Manager
Kern County Water Agency
Post Office Box 58
Bakersfield, California 93302-0058

Ms. Holly Melton
Kern County Water Agency
Post Office Box 58
Bakersfield, California 93302-0058

Kern River Program Capital Budget Projection Summary

Item	Allotment (\$ Million)
1) Purchase Water Supplies	
a) Garces undivided interest in Lower Kern River Right	2.5
b) Nickel portion of Lower Kern River Right	7.5
<i>Subtotal</i>	10
2) Urban Area Recharge and Recreational Facilities Enhancements	
a) Purchase Property	3
b) Facilities	0.1
<i>Subtotal</i>	3.1
3) Urban Area Recovery and Flow Restoration Facilities	
a) Wells	2.9
b) Conveyance	1
<i>Subtotal</i>	3.9
4) Exchange Facilities Improvements for Water Quality Benefits	
a) Intertie/Turnout Improvements	0.5
b) Pump Station Improvements	1.5
<i>Subtotal</i>	2
5) Banking Project Recovery Facilities Enhancements	
a) Recovery Facilities	1.4
b) Conveyance and Recharge Facilities	2.6
<i>Subtotal</i>	4
Total	23



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse

OW/KRP
GWS/Misc



Steve Nissen
ACTING DIRECTOR

ACKNOWLEDGEMENT OF RECEIPT

DATE: August 17, 2000

TO: Kane Totzke
Kern County Water Agency
P.O. Box 58
3200 Rio Mirada Drive
Bakersfield, CA 93308

RE: Kern River Restoration and Water Supply Program
SCH#: 2000081017

TNC ☐
JFS ☐
JMB ☐
GLB ☐
LWF ☐
☐

RECEIVED

AUG 21 2000

FBI ☒
DWM ☐
JWP ☐
SHR ☐
SMR ☐
ALL ☐

Kern County Water Agency

KFT

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: August 7, 2000
Review End Date: September 5, 2000

We have distributed your document to the following agencies and departments:

Caltrans, District 6
Department of Conservation
Department of Fish and Game, Region 4
Department of Health Services
Department of Parks and Recreation
Department of Water Resources
Native American Heritage Commission
Office of Historic Preservation
Reclamation Board
Regional Water Quality Control Bd., Region 5 (Fresno)
Resources Agency
State Lands Commission
State Water Resources Control Board, Division of Water Rights

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

KR/KRP

TRUSTEES

STEVE FRANTOMICH
RODARD FREELAND
ROY JOHNSON
MORRIS MAULMANN
ROBERT MAYBACH
WILLIAM PROUT
J.B. SEVIER
G.G. ZACHARY

MANAGER
ROBERT A. CLARK
SUPERINTENDENT
TOM CLARK

KERN
MOSQUITO AND VECTOR CONTROL DISTRICT

DISTRICT OFFICE

4705 ALLEN RD. BAKERSFIELD, CALIFORNIA 93312
PH: (661) 589-2744 FAX: (661) 589-4913 E MAIL: kmvcd@lightspeed.net

August 3, 2000

Tom Clark, General Manager
Kern County Water Agency
P. O. Box 58
Bakersfield, California 93302-0058

RECEIVED	
TNO <input checked="" type="checkbox"/>	RBI <input checked="" type="checkbox"/>
JFS <input type="checkbox"/>	DWM <input type="checkbox"/>
JMB <input checked="" type="checkbox"/>	JWP <input type="checkbox"/>
GLB <input type="checkbox"/>	SHR <input type="checkbox"/>
LWF <input type="checkbox"/>	SMR <input type="checkbox"/>
<input type="checkbox"/>	ALL <input type="checkbox"/>
AUG 16 2000	
Kern County Water Agency	

RE: Kern River Restoration & Water Supply Project

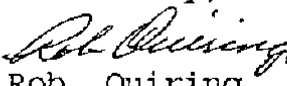
Tom:

The District has several comments in regard to the recharge basins that would be constructed as part of this proposed project.

During years when groundwater recharge operations were being conducted, it would not be feasible to treat these basins by aircraft if they produced mosquitoes because of the proximity of residential areas and heavily-traveled roads (i.e Stockdale, Buena Vista, Allen). During the last couple of years when performing mosquito control operations, the District's airplane pilot has encountered increasing numbers of joggers, bikers, horseback riders, etc. in the "2800" and the other recharge areas west of Allen Road. These new basins will, also, attract similar attention by the public.

Ideally, vegetation in the basins would be managed in a manner that would allow the control of the aquatic stage of mosquitoes through the use of mosquitofish. Due to the size of these basins, treatment by ground rigs spraying around the perimeter would be ineffective. The use of insecticides in areas frequented by the public is a real challenge these days due to the increasingly negative reaction by people to pesticide usage in general.

Hopefully, these concerns will be considered by the Agency when the basins are constructed.

Sincerely,

Rob Quiring
District Manager



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office

2800 Cottage Way, W-2605

Sacramento, California 95825

IN REPLY REFER TO:

1-1-00-TA-2553

RECEIVED

TNC ☒ *XL* Scan
JFS ☒ *XL*
JMB ☒ *XL*
GLB ☐ AUG 21 20
LWF ☒ *XL*

^{XL}AUG 21 2000

☐ Kern County Water Agency

FBI []
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 ncy
 KET

August 14, 2000

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, California 93302-0058

Subject: California Environmental Quality Act (CEQA) Compliance for the Kern River Restoration and Water Supply Program, Kern County, California

Dear Mr. Clark:

This is in response to your July 27, 2000, letter concerning the Initial Study and Proposed Draft Negative Declaration for the Kern River Restoration and Water Supply Program in Kern County, California. We understand from the materials enclosed with your letter that some of the property proposed for development is inside, and some is outside the boundaries of the Metropolitan Bakersfield Habitat Conservation Plan (HCP). We appreciate your efforts to provide water in the river channel for a greater part of the year, and we agree that this will enhance riparian vegetation and could provide habitat for some protected species in an area where they historically occurred, such as the least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*).

We expect that some parts of the project will occur within the boundaries of the Metropolitan Bakersfield HCP, and that fees will be paid into the habitat compensation fund. We think this should be mentioned in the Negative Declaration, as it is a mitigation under CEQA for effects on protected species. We are concerned about the effects of portions of the project outside the Metropolitan Bakersfield HCP on San Joaquin kit foxes (*Vulpes macrotis mutica*), Tipton kangaroo rats (*Dipodomys nitratoides nitratoides*), and blunt-nosed leopard lizards (*Gambelia silus*), which are protected under the Federal Endangered Species Act of 1973, as amended (Act). The map of the project mentions potential agricultural and urban area well sites, and installation of recharge ponds on an 80-acre parcel now belonging to Castle and Cooke. Kit fox are known to forage on, and disperse across natural land, fallow land, farmland in row crops, and grazing land. Any construction of structures on farmland, fallow land, grazing land, or natural land likely will require compensation under the Act. No indication is given of the present land uses and

Reactive communication as a feedback and emphasize the avoidable strategy

CLARIFY THAT NO STRUCTURES WILL IMPAIR FORMING.

Might say that is unexpected ^{REASON}~~from~~ from dead you initiate in Process (end)

Mr. Thomas N. Clark

project footprints for portions of the project outside the MB HCP, so we cannot provide an adequate evaluation at this time.

Section 9 of the Act and its implementing regulations prohibit the "take" of federally listed fish and wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any listed wildlife species. "Harm" in this definition includes significant habitat modification or degradation where it actually kills or injures wildlife, by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR § 17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required if it is determined that the proposed project will adversely affect a listed species. Such a consultation would result in a biological opinion that addresses the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and a listed species may be taken as a result of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue a permit upon completion of a satisfactory HCP for the listed species that would be subject to take as a result of the project. Applicants approved by the Service and the California Department of Fish and Game, as applicable, may satisfy the Act by buying credits and obtaining incidental take authority through the Kern Water Bank HCP and Master Permit.

While the Metropolitan Bakersfield HCP is not applicable to portions of the project outside its borders, it sets a precedent in Kern County for providing endangered species compensation for conversion of farmland to buildings and other structures. For example, we worked with the Kern County Planning Department in the development of the compensation measures that were required for the Rio Bravo Tomato Company plant, which was sited on row crop farmland.

We appreciate you contacting us about your proposed project. We would appreciate receiving more detailed information about the project concerning proposed construction locations and footprints, related access roads if any, and schedule. Thank you for your interest in conserving threatened and endangered species. Please contact Susan Jones or Peter Cross at (916) 414-6600 if you have any questions about this letter.

Sincerely,

Karen J. Miller

Karen J. Miller
Chief, Endangered Species Division

Mr. Thomas N. Clark

3

cc: Andy Gordus, CDFG, Fresno, California
Steve Strait, Kern County Planning Department
Cheryl Harding, Kern Water Bank Authority

PLANNING DEPARTMENT

TED JAMES, AICP, Director

2700 "M" STREET, SUITE 100
WAKERSFIELD, 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/info.htm



RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR

Community Development Program Department

Engineering & Survey Services Department

Environmental Health Services Department

Planning Department

Roads Department

FACSIMILE TRANSMITTAL SHEET

FAX SERVICE FROM: KERN COUNTY PLANNING DEPARTMENT

SENT BY: Steve Strait

Name of Sender

Date: 9-5-00

FAX NO. _____

TO: KCWA

Company

ATTN: Tom Clark

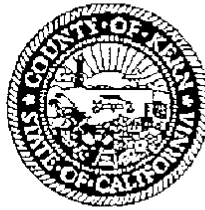
2 TOTAL PAGES (Including this cover sheet)

COMMENTS: Original to follow in mail.

PLANNING DEPARTMENT

TED JAMES, AICP, Director

700 "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
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RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR
Community Development Program Department
Engineering & Survey Services Department
Environmental Health Services Department
Planning Department
Roads Department

September 5, 2000

Tom Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield CA 93302-0058

Re: Initial Study - Kern River Restoration and Water Supply Program

Dear Mr. Clark:

Thank you for the opportunity to review the Initial Study for this project. The Planning Department has no comments on this phase of the project. If you have any questions, please call Steve Strait at (661) 862-8643.

Very truly yours,

TED JAMES, AICP, Director
Kern County Planning Department

A handwritten signature in cursive script, appearing to read "Steve Strait".

by Steve Strait, Associate Planner



KERN COUNTY
WATER AGENCY

MEMORANDUM

GROUNDWATER kwp
Agency B. of D.

TO: Kern County Water Agency Board of Directors
Agenda Item No. 1

FROM: John Stovall/Kane Totzke *KT*

DATE: September 7, 2000

SUBJECT: Agency adoption of a Negative Declaration pursuant to CEQA Guideline section 15072 for the Kern River Restoration Program

Issue:

Consider adoption of the draft Negative Declaration for the Kern River Restoration and Water Supply Program.

Recommended Motion:

At the close of the public hearing and absent any significant comments or testimony received at the hearing, adopt Resolution 59-00 entitled *Determinations and Findings with Respect to the Kern River Restoration and Water Supply Program*, thereby approving the Negative Declaration.

Discussion

At the July 27, 2000, meeting, the Board reviewed an Initial Study, Environmental Checklist, Response to Checklist prepared by staff for the Kern River Restoration and Water Supply Program. The Board also authorized the publication of the "Notice of Intent" to adopt a Negative Declaration and distribution of the documents to interested parties and responsible agencies for comments. During the public review period, the Agency has held a number of meetings with local water districts to address concerns and resolve outstanding issues regarding the proposed Project. As a result of the meeting and to resolve those issues the Agency is proposing to include a Mitigation, Monitoring and Reporting Program as part of the Negative Declaration. The Agency has also received a number of written comments from responsible agencies and these together with our responses are incorporated in the Negative Declaration, which will all be discussed in more detail at the public hearing.

At the public hearing, the Board will receive any additional comments on the environmental assessment of the Project and absent any significant comments or testimony received at the hearing, adopt Resolution 59-00, approving the Negative Declaration for the Project.

BEFORE THE BOARD OF DIRECTORS

OF THE

KERN COUNTY WATER AGENCY

In the Matter of:

DETERMINATIONS AND FINDINGS *
WITH RESPECT TO THE *
KERN RIVER RESTORATION AND *
AND WATER SUPPLY PROGRAM *

I, Pam Bosworth, Secretary of the Board of Directors to the Kern County Water Agency, of the County of Kern, State of California, do hereby certify that the following resolution proposed by Director _____ and seconded by Director _____, was duly passed and adopted by said Board of Directors at an official meeting hereof this ____ day of _____, 2000, by the following vote, to wit:

Ayes:

Noes:

Absent:

Secretary of the Board of Directors
of the Kern County Water Agency

RESOLUTION NO. 59-00

WHEREAS, the Board of Directors (the "Board") of the Kern County Water Agency (the "Agency") has had prepared, circulated and presented to it, and has reviewed and considered an Initial Study, Environmental Checklist, dated July 27, 2000, and a proposed Negative Declaration (Exhibit "A") attached thereto, all pertaining to the Kern River Restoration and Water Supply Program; and

WHEREAS, the Agency has received comments from several responsible agencies and interested parties and incorporated those comments, together with the Agency's response to those comments, in the appendix of the Negative Declaration; and

WHEREAS, the Agency has incorporated into and made part of the Negative Declaration, a Mitigation, Monitoring and Reporting Program that satisfactorily addresses the Federal and State Endangered Species Act, Injury to Rights of Legal Users of Water and Water Quality issues; and

WHEREAS, in recognition of the Agency securing the \$23 million grant pursuant to Proposition 13, the Agency will continue to work with the Member Units and other local water districts to acquire additional grants and loans for the purpose of constructing water supply and/or water management facilities in Kern County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Agency as follows:

The Board hereby finds and determines that the foregoing recitals, are true and correct.

1. Section 1, Review of Evidence

The Board has reviewed and considered the contents of the Initial Study and proposed Negative Declaration, the presentation to the Board made by staff pertaining to same, and the comments received from the public both during a public hearing conducted by the Board on September 7, 2000 and received during the required environmental review period; and

2. Section 2, Approval of Negative Declaration

Based upon the afore-described evidence, the Board hereby finds;

- a) that there is no substantial evidence that the Kern River Restoration and Water Supply Program with the mitigation measures provided therein will have a significant effect on the environment;
- b) that the mitigation measures therein are incorporated within the scope of the project, and the project as defined will not have a significant effect on the environment. Therefore, in accordance with such findings, the Board approves the Negative Declaration submitted in conjunction with the Initial Study and hereby

directs staff to prepare and file a Notice of Determination (in the form attached hereto as Exhibit "B") in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.); and

3. Section 3. Finding of No Impact on Wildlife

The Board hereby further finds that, when considering the record as a whole, there is no substantial evidence before the Board that the proposed Project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends on. As such, the Board directs the General manager to sign a Certificate of a De Minimis Impact Finding exempting payment of the \$1,250 Department of Fish and Game fee (in the form attached hereto as Exhibit "C"). If subsequent information becomes available indicating potential impacts to Federal and State listed or sensitive species as defined under the State and Federal Endangered Species Act, the Agency will comply with all mandatory State and Federal laws.

4. Section 4. Mitigation, Monitoring and Reporting Program

The Board hereby incorporates the Mitigation, Monitoring and Reporting Program (in the form attached hereto as Exhibit "D") to address concerns with local water districts regarding water use, distribution of benefits and water quality.

5. Section 5. Continued efforts towards securing Proposition 13 funds

The Board hereby directs staff to continue working , in a timely manner, with Member Units and other local Kern County water districts towards maximizing the acquisition additional Proposition 13 grants and loans for local water supply projects and/or other water management projects as deemed appropriate by the General manager.

EXHIBIT A

KERN COUNTY WATER AGENCY PROPOSED NEGATIVE DECLARATION

This is prepared pursuant to the California Environmental Quality Act of 1970 (CEQA),¹ and the State CEQA Guidelines,².

NAME OF PROJECT: Kern River Restoration and Water Supply Program.

PROPOSED PROJECT LOCATION: The Project is primarily located along the Kern River corridor from the projected extension of Haley Street on the east side, to the California Aqueduct on the west end, and south and west of Bakersfield in the unincorporated portion of the county along the Cross Valley Canal and Arvin-Edison Canal and including other local water conveyance facilities. Also, see attached Project location maps.

DESCRIPTION OF PROPOSED PROJECT: Summary. Project proposes to provide significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users through the coordinated implementation of a number of program components including the: (1) acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right, including associated Lake Isabella Storage; (2) Purchase of land from Castle and Cooke California, Inc., for additional recharge and recovery facilities; (3) construction of 12 new water Ag recovery wells and enough Urban wells to achieve a maximum flow capacity of 60 cfs; and (4) Construction of water exchange facilities and modification of the Pool 1 portion of the Cross Valley Canal.

Expanded Description. See Initial Study for Proposed Project, attached.

FINDINGS WHICH SUPPORT NEGATIVE DECLARATION: After making an assessment of the possible impacts of the proposed Project and reviewing an Initial Study dated July 27, 2000, the Board of Directors of the Kern County Water Agency has determined that the proposed Project as presented will not have any significant effect on the environment, either directly or indirectly.

INITIAL STUDY: A copy of the Initial Study and environmental checklist prepared by Agency staff, dated July 27, 2000, is attached.

EXHIBIT A

MITIGATION MEASURES: Mitigation measures which have been incorporated into the proposed Project to avoid potentially significant environmental effects are as follows:

1. Throughout the term of the proposed Project, Project water quality, groundwater monitoring, and groundwater recharge losses will be consistent with the Memorandum of Understanding Regarding Operation and Monitoring of the Kern Water Bank Groundwater Banking Program, dated October 26, 1995, and consistent with the Operation and Monitoring Procedure for the Pioneer Project, dated May 28, 1998.
2. Project recharge and recovery well areas will be designed and located to avoid areas suspected to have hydrocarbon contamination, and to the extent practical, not to interfere with oil (crude or refined) or natural gas pipelines or other sensitive oilfield areas.
3. Project recharge and recovery well areas will be designed and located to minimize potential impacts to the Agency's Cross Valley Canal.
4. A mitigation, Monitoring and Reporting Program (attached as Exhibit C)

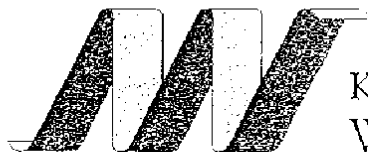
CONTACT PERSON, TELEPHONE NUMBER: Mr. Thomas N. Clark, General Manager, Kern County Water Agency, P.O. Box 58, Bakersfield, CA. 93302; (661)-634-1400. If you require additional information regarding this proposed Project, please contact Mr. Kane Totzke, Kern County Water Agency, (661) 634-1468; e-mail: kane@kcwa.com

Thomas N. Clark, General Manager

Date

1. Public Resources Code, Section 2100, et seq.

2. Title 14, Division 6, California Administrative Code, as amended.



KERN COUNTY WATER AGENCY

Directors:

GROUNDWATER krp

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

September 7, 2000

Ms. Karen Fowler
Office of the Governor
Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, Ca 95812-3044

RE: SCH # 2000081017 - Notice of Determination and De Minimis
Impact Finding

Dear Ms. Fowler:

Transmitted herein are the Kern County Water Agency's (Agency) "Notice of Determination" and a "California Department of Fish and Game Certificate of Fee Exemption -De Minimis Impact Finding" for the *Kern River Restoration and Water Supply Program* Negative Declaration. The Agency Board of Directors took action to adopt the Negative Declaration at a meeting held on September 7, 2000. The De Minimis Impact finding exempts the Agency from the \$1,250 filing fee. Please contact Kane Totzke at 661-634-1468 with any questions regarding this matter.

Sincerely,

Tom Clark
General Manager

enclosures

cc: Office of the County Clerk (Kern)

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

EXHIBIT B
CEQA Notice of Determination

☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: Kern County Water Agency
P.O. Box 58
3200 Rio Mirada Drive
Bakersfield, CA 93302

☒ County Clerk
County of Kern
1115 Truxton Ave., 1st Floor
Bakersfield, CA 93301-4639

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

oject Title: Kern River Restoration and Water Supply Program

a Clearinghouse Number: SCH #2000081017
(submitted to Clearinghouse)

J Agency: Kern County Water Agency
act Person: Thomas N. Clark, General Manager
elephone: (661) 634-1400

ect Location: See attached Negative Declaration.
ude county)

roject Description: See attached Negative Declaration.

is to advise that on September 7, 2000, the Kern County Water Agency (as lead agency) approved the project (more particularly described in the attached Negative Declaration) and has determined that no additional environmental review is required.

Initial Study and Subsequent Negative Declaration with findings were prepared for the Agency's recent action pursuant to the provisions of CEQA Guidelines sections 15070 through 15075 concluding that no additional environmental review is required. The recent action will not have any significant effect on the environment. Mitigation measures were made a condition of the Agency's recent action on the project. A Statement of Overriding Considerations was not adopted in connection with the Agency's recent action on this project.

his is to certify that the Initial Study with comments and responses and record of project approval is available to the general public at: Kern County Water Agency, P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield, Kern County, CA 93302.

Signature, _____
Thomas N. Clark, General Manager, Kern County Water Agency

ate _____

Received for filing at OPR: _____

EXHIBIT C

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title: Kern River Restoration and Water Supply Program

Location: Kern River Corridor area, from Metropolitan Bakersfield to the California Aqueduct, Kern County

Project Description: This project will generate broad local water supply, environmental and community benefits, and targeted drinking water quality benefits within the metropolitan Bakersfield area.
The Project consists of the four components, generally described below.

1. Acquisition of the Kern River lower water right;
2. Construction of enough urban area wells to achieve a flow capacity of about 60 cfs;
3. Construction of water conveyance exchange facilities;
4. Construction and acquisition of local facilities to enhance groundwater recharge and recovery opportunities.

Findings of Exemption:

1. The project consists of water right transfer and minimal construction and/or modification of water transfer and exchange facilities.
2. The lead agency has no evidence before it, including the information in the Initial Study and comments of appropriate reviewing agencies, to indicate that the proposed project could have any potential for adverse effects on fish and wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding(s) and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 71.2 of the Fish and Game Code.

Date: September 7, 2000

Local Lead Agency: Kern County Water Agency

Title: General Manger Manager

EXHIBIT D

MITIGATION, MONITORING AND REPORTING PROGRAM

OVERVIEW

Comments received on the Proposed Negative Declaration regarding the Kern River Program highlight a significant feature of the design of the program: the program has been designed and will be implemented to comply with all aspects of existing law. Important laws with which the project has been designed to comply are the Federal Endangered Species Act, State Endangered Species Act, and a variety of laws and regulations governing water quality and impacts on legal users of water. While compliance with such laws and regulations is an integral feature of the program, the Agency understands that some entities would prefer a formal acknowledgment of intended compliance as a form of mitigation, and appropriate monitoring and reporting. Accordingly, the Agency agrees to clarify the following mitigation measures which are part of the program as designed and adopt appropriate monitoring and reporting measures.

MONITORING & REPORTING FOR DESIGNED MITIGATION ELEMENTS

1. ADOPTED MITIGATION ELEMENT: Federal and State Endangered Species Act

(a) Program Design:

The program has been designed to avoid any impact on known endangered or threatened species, federal or state, or other species of concern. In the first instance, the program has been designed to have an extremely small footprint of disrupted land in the construction of facilities. Additionally, the facility construction will occur primarily on existing highly cultivated farmland or highly maintained rights of way in which it is unlikely that such species or their habitat will be encountered. Further, care will be utilized to have such locations examined by personnel knowledgeable in the identification of endangered and threatened

insignificance.

2. ADOPTED MITIGATION ELEMENT: Injury to Rights of Legal Users of Water and Facilities

(a) Program Design:

The program is designed to ensure that all water and facilities utilized by the program are obtained with full protection of the rights of existing legal users. Full compensation will be provided by the Agency where such rights of legal users of water or facilities are impaired, and absent such compensation such rights of legal users will not be impaired. This extends to the legal users of ground water as the program has been designed to avoid significant impact on such users. In the event of disputes regarding the existence of such impacts, the Agency will submit such disputes to the previously established Kern Fan Monitoring Committee for handling under established rules.

(b) Monitoring and Reporting:

The General Manager shall include in an annual report to the Board a report on the following items of concern:

- (1)** The alleged occurrence of any impact on the rights of legal users of water or facilities, including any alleged impacts on groundwater;
- (2)** The measures utilized to investigate such alleged impacts;
- (3)** The results of such investigation;
- (4)** The measures utilized to avoid impacts to such rights of legal users, or the measures utilized to reduce such impacts to insignificance.

3. ADOPTED MITIGATION ELEMENT: Water Quality

(a) Program Design:

The program is designed to avoid any potential adverse impacts on water quality. Utilization of the water rights acquired under the program will not significantly differ in water quality impacts from the existing uses of such water. The intent of

the program is to secure the benefits of Kern River water quality for drinking water quality and Kern County. The program will be operated to avoid significant adverse impact on the water quality available to any legal user of water.

(b) Monitoring and Reporting:

The General Manager shall include in an annual report to the Board of Directors the following items:

- (1)** A statement regarding the water quality status of the program during the prior year;
- (2)** An identification of all problem areas encountered, if any, and the measures taken to avoid any significant adverse impact on the water quality of any legal user of water.

GENERAL REPORTING REQUIREMENTS

The annual report referred to herein shall be prepared under the direction of the General Manager and a registered engineer of the State of California, in consultation with individual(s) knowledgeable in the identification of endangered or threatened species and their habitats. The report may include additional operational, and economic data of interest to the community, but at a minimum shall contain the information specified above as required elements of the report.

KR/KRP

TRUSTEES
SLOTT FRANKTOWNS
RICHARD FREELAND
BOY JOHNSON
MORRIS MAHMAN
ROBERT MAYBORN
WILLIAM PEARCE
JR. SPINAGE
DE. ZACHARY

MANAGER
ROBERT A. QUIRING
SUPERINTENDENT
TOM BLANTON

KERN MOSQUITO AND VECTOR CONTROL DISTRICT

DISTRICT OFFICE

4705 ALLEN RD. BAKERSFIELD, CALIFORNIA 93312

PH: (661) 589-2744 FAX: (661) 589-4913 E MAIL: kmvcd@lightspeed.net

August 3, 2000

Tom Clark, General Manager
Kern County Water Agency
P. O. Box 58
Bakersfield, California 93302-0058

RECEIVED
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Kern County Water Agency

RE: Kern River Restoration & Water Supply Project

Tom:

The District has several comments in regard to the recharge basins that would be constructed as part of this proposed project.

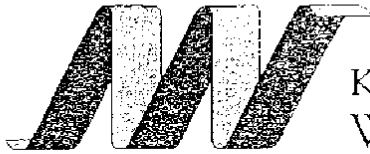
During years when groundwater recharge operations were being conducted, it would not be feasible to treat these basins by aircraft if they produced mosquitoes because of the proximity of residential areas and heavily-traveled roads (i.e Stockdale, Buena Vista, Allen). During the last couple of years when performing mosquito control operations, the District's airplane pilot has encountered increasing numbers of joggers, bikers, horseback riders, etc. in the "2800" and the other recharge areas west of Allen Road. These new basins will, also, attract similar attention by the public.

Ideally, vegetation in the basins would be managed in a manner that would allow the control of the aquatic stage of mosquitoes through the use of mosquitofish. Due to the size of these basins, treatment by ground rigs spraying around the perimeter would be ineffective. The use of insecticides in areas frequented by the public is a real challenge these days due to the increasingly negative reaction by people to pesticide usage in general.

Hopefully, these concerns will be considered by the Agency when the basins are constructed.

Sincerely,

Rob Quiring
Rob Quiring
District Manager



KERN COUNTY
WATER AGENCY

Directors:

GROUNDWATER Kern River Program

August 29, 2000

Fred L. Starch
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

Mr. Rob Quiring, District Manager
Kern Mosquito and Vector Control District
4705 Allen Road
Bakersfield, CA 93312

RE: Response to letter regarding CEQA compliance for the Kern River
Restoration and Water Supply Program

Dear Mr. Quiring:

Thank you for your letter dated August 3, 2000 responding to the Kern County Water Agency's (Agency) Initial Study and Proposed Negative Declaration for the Kern River Restoration and Water Supply Program (Program). The Agency has reviewed your concerns expressed in the letter and outlined below is the Agency's response.

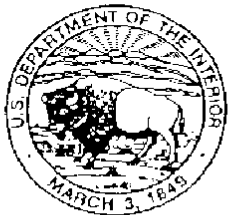
Under the Program, two (2) recharge ponds (10 acre and 5 acre) are proposed for construction, both located just east of Allen Road and near the Kern River Stockdale Highway bridge. A proposed 40 acre to 50 acre Soccer field to be constructed may be used for groundwater recharge in the wettest years on the Kern River. This proposed field is also located east of Allen Road and north of the Kern River near the Stockdale bridge. The recharge ponds will be operated very similar to the Truxton Lake recharge ponds owned by the City of Bakersfield, which we understand have not created a mosquito concern to the surrounding community. The Soccer field will probably be operated by the North of the River Parks and Recreation District under an arrangement with the City of Bakersfield. The two recharge ponds may be jointly managed by the Agency's Improvement District No. 4 and the City of Bakersfield's Water Resources Department. The recharge ponds and Soccer field are planned as part of a community park under a residential and commercial development proposed by Castle and Cooke California, Inc.

As with other existing recharge basins under the Agency's control, we do not anticipate any concerns with mosquitoes, however, we will comply with any applicable regulations and cooperate with your District to address any concerns you may have, should any arise at some future time. Please contact Kane Totzke at (661) 634-1468 with any questions regarding this matter.

Sincerely,

Tom Clark
General Manager

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, California 95825

RECEIVED

ENC ☒ ~~XL~~ ~~Scan~~
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Kern County Water Agency

RBI ☒
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IN REPLY REFER TO:

I-1-00-TA-2553

August 14, 2000

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, California 93302-0058

Subject: California Environmental Quality Act (CEQA) Compliance for the Kern River Restoration and Water Supply Program, Kern County, California

Dear Mr. Clark:

This is in response to your July 27, 2000, letter concerning the Initial Study and Proposed Draft Negative Declaration for the Kern River Restoration and Water Supply Program in Kern County, California. We understand from the materials enclosed with your letter that some of the property proposed for development is inside, and some is outside the boundaries of the Metropolitan Bakersfield Habitat Conservation Plan (HCP). We appreciate your efforts to provide water in the river channel for a greater part of the year, and we agree that this will enhance riparian vegetation and could provide habitat for some protected species in an area where they historically occurred, such as the least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*).

- 1 We expect that some parts of the project will occur within the boundaries of the Metropolitan Bakersfield HCP, and that fees will be paid into the habitat compensation fund. We think this should be mentioned in the Negative Declaration, as it is a mitigation under CEQA for effects on protected species. We are concerned about the effects of portions of the project outside the Metropolitan Bakersfield HCP on San Joaquin kit foxes (*Vulpes macrotis mutica*), Tipton kangaroo rats (*Dipodomys nitratooides nitratooides*), and blunt-nosed leopard lizards (*Gambelia silus*), which are protected under the Federal Endangered Species Act of 1973, as amended (Act). The map of the project mentions potential agricultural and urban area well sites, and installation of recharge ponds on an 80-acre parcel now belonging to Castle and Cooke. Kit fox are known to forage on, and disperse across natural land, fallow land, farmland in row crops, and grazing
- 2 land. Any construction of structures on farmland, fallow land, grazing land, or natural land likely will require compensation under the Act. No indication is given of the present land uses and

project footprints for portions of the project outside the MB HCP, so we cannot provide an adequate evaluation at this time.

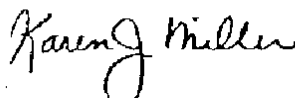
Section 9 of the Act and its implementing regulations prohibit the "take" of federally listed fish and wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any listed wildlife species. "Harm" in this definition includes significant habitat modification or degradation where it actually kills or injures wildlife, by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR § 17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required if it is determined that the proposed project will adversely affect a listed species. Such a consultation would result in a biological opinion that addresses the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and a listed species may be taken as a result of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue a permit upon completion of a satisfactory HCP for the listed species that would be subject to take as a result of the project. Applicants approved by the Service and the California Department of Fish and Game, as applicable, may satisfy the Act by buying credits and obtaining incidental take authority through the Kern Water Bank HCP and Master Permit.

While the Metropolitan Bakersfield HCP is not applicable to portions of the project outside its borders, it sets a precedent in Kern County for providing endangered species compensation for conversion of farmland to buildings and other structures. For example, we worked with the Kern County Planning Department in the development of the compensation measures that were required for the Rio Bravo Tomato Company plant, which was sited on row crop farmland.

We appreciate you contacting us about your proposed project. We would appreciate receiving more detailed information about the project concerning proposed construction locations and footprints, related access roads if any, and schedule. Thank you for your interest in conserving threatened and endangered species. Please contact Susan Jones or Peter Cross at (916) 414-6600 if you have any questions about this letter.

Sincerely,



Karen J. Miller
Chief, Endangered Species Division

Mr. Thomas N. Clark

3

cc: Andy Gordus, CDFG, Fresno, California
Steve Strait, Kern County Planning Department
Cheryl Harding, Kern Water Bank Authority



KERN COUNTY WATER AGENCY

Directors:

GROUNDWATER Kern River Program

August 29, 2000

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

Ms. Susan Jones
U.S. Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, CA 95825

RE: Response to letter regarding CEQA compliance for the Kern River
Restoration and Water Supply Program

Dear Ms. Jones:

Thank you for your letter dated August 21, 2000 responding to the Kern County Water Agency's (Agency) Initial Study and Proposed Negative Declaration for the Kern River Restoration and Water Supply Program (Program). We concur with the U.S. Fish and Wildlife Service's (Service) statement that the Program as proposed will provide environmental benefits to the local environment: the Agency believes the Program is an opportunity to secure environmental local benefits along the Kern River corridor for wildlife and the community of Bakersfield.

In response to the Service's concern regarding participation in the Metropolitan Bakersfield Habitat Conservation Plan (HCP), the Agency plans to comply with any regulations including those requiring participation in payment of habitat management fees, where applicable. We note however that the Program facilities proposed for modification and/or construction taking place within the Metropolitan Bakersfield HCP are projects less than ten (10) acres in size undertaken for strictly public purposes and therefore exempt from the Habitat Management Fees, pursuant to the City of Bakersfield Ordinance 3556.

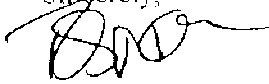
Other Program facilities, as described in the Initial Study and proposed Negative Declaration may occur on active farmland owned by the Agency, on well maintained right-of-ways owned by the Agency or other local water districts. These proposed facilities will have a very small footprint of permanently disturbed land, e.g., less than 1/10th of an acre disturbance per well site, in areas devoid of species subject to the Federal Endangered Species Act. Furthermore, since no take of threatened or endangered species will occur due to construction of facilities on farmland, fallow land, grazing land or natural land, the Agency believes no incidental take permit or compensation is required for the Program. The Agency will, of course, comply with the regulations if avoidance of impacts is not feasible.

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

Ms. Susan Jones
U.S. Fish and Wildlife Service
August 29, 2000
Page 2

The Agency hopes this letter resolves any concerns you may have with the Program. Again, we believe the overall Program will secure significant water quality, water supply, environmental and community benefits to the citizens of the greater Bakersfield area. The Program will also complement and supplement the existing the Kern River Parkway Plan adopted by the City of Bakersfield in 1988 through cooperative water exchanges and groundwater recovery to keep the Kern River wet through the center of Bakersfield during the peak recreational months of May through September. Please contact Kane Totzke at (661) 634-1468 with any questions regarding this matter.

Sincerely,



Tom Clark
General Manager



California Regional Water Quality Control Board

Central Valley Region

Steven T. Butler, Chair

Steven H. Hickox

Secretary for
Environmental
Protection



Gray Davis
GOVERNOR

Fresno Branch Office

Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>
3614 East Ashlan Avenue, Fresno, California 93726
Phone (559) 445-5116 • FAX (559) 445-5910

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P. O. Box 58
Bakersfield, CA 93302-0058

TNC ☐
JES ☒
JMB ☒
GLB ☐
LWF ☐
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Kern County Water Agency

RECEIVED

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AUG 25 2000

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DWM ☐
JWP ☐
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23 August 2000

XC:
Kane
Rack

SCH # 2000081017, KERN RIVER RESTORATION AND WATER SUPPLY PROJECT, KERN COUNTY

We have reviewed the Initial Study and Proposed Negative Declaration to provide groundwater and surface water augmentations to the Kern River as it flows through the City of Bakersfield. The augmentations will occur during the summer months and be used for recreation. We understand that the project will involve construction of new agricultural and urban wells, modification of existing water exchange facilities and, possibly, construction of an interconnection in the area of the Kern River.

If more than five acres will be disturbed, the construction activities will be subject to regulation under the General Construction Activity Storm Water Permit, State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System, General Permit No. CA000002 (general permit). A copy of the permit is enclosed. Before construction begins, a Notice of Intent to comply with the permit must be submitted to the State Water Resources Control Board at the address indicated in the permit, and a Storm Water Pollution Prevention Plan must be prepared. Further information regarding the storm water program is available at the State Board web site at: <http://www.swrcb.ca.gov> or you may call Jarma Bennett at (559) 445-6046.

If the construction activities will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the US Army Corps of Engineers. For more information, please call Kathy Norton with the US Army Corps of Engineers at (916) 557-5260.

If a permit is needed from the US Army Corps of Engineers, certification of conformance with water quality standards pursuant to Section 401 of the Clean Water Act will be needed. Enclosed is a summary of information that we would need to consider a request for water quality certification.

If you have any questions, please call Betty Yee of this office at (559) 445-5128.

Lonnie M. Wass

LONNIE M. WASS
Senior Engineer
RCE No. 38917

Enclosure

PLANNING DEPARTMENT**TED JAMES, AICP, Director**

2700 "M" STREET, SUITE 100

BAKERSFIELD, CA 93301-2323

Phone: (661) 862-8600

FAX: (661) 862-8601 TTY Relay: 1-800-735-2020

E-Mail: planning@co.kern.ca.usWeb Address: www.co.kern.ca.us/planning/info.htm**RESOURCE MANAGEMENT AGENCY****DAVID PRICE III, RMA DIRECTOR**

Community Development Program Department

Engineering & Survey Services Department

Environmental Health Services Department

Planning Department

Roads Department

September 5, 2000

Tom Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield CA 93302-0058

Re: Initial Study - Kern River Restoration and Water Supply Program

Dear Mr. Clark:

Thank you for the opportunity to review the Initial Study for this project. The Planning Department has no comments on this phase of the project. If you have any questions, please call Steve Strait at (661) 862-8643.

Very truly yours,

TED JAMES, AICP, Director
Kern County Planning Department

A handwritten signature in cursive script, appearing to read "Steve Strait".

by Steve Strait, Associate Planner

State of California

The Resources Agency

MEMORANDUM

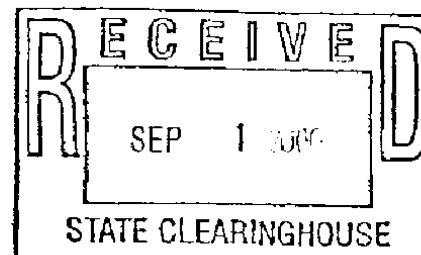
To: Project Coordinator
Resources Agency

Date: August 31, 2000

CLS 19/5/00

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058

From: Department of Conservation
Office of Governmental and Environmental Relations



Subject: Initial Study and Proposed Negative Declaration for the Kern River
Restoration and Water Supply Program, Kern County – SCH #2000081017

The Department of Conservation's Division of Oil, Gas and Geothermal Resources (Division) has reviewed the initial study for the referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas and geothermal wells in California. We offer the following comments for your consideration.

The proposed project area encompasses all, or a portion of the following oil fields: Bellevue, Canal, Canfield Ranch, Fruitvale, Kern River, McClung, North Coles Levee, Strand, Stockdale and Ten Section. There are numerous plugged and abandoned, producing and injection wells within or in proximity to these fields. Proposed project construction includes water wells, water quality exchange facilities, and facilities to enhance groundwater recharge and recovery. The project also proposes mitigation measures such as avoiding areas suspected to have hydrocarbon contamination and, where practical, avoiding interference with petroleum pipelines and oilfield areas.

In support of these proposed mitigation measures, the Division recommends that the proposed construction projects be plotted accurately on the appropriate Division maps, and submitted to the Division's Bakersfield office for review. Upon receipt of the maps, the Division will provide locations of the affected wells. Also based on our review of the maps, the Division will convey information to the applicant on any applicable well work requirements. In addition, the Division requests that these oilfield wells be plotted accurately on all future maps related to this project, and that a legible copy of the final project map be submitted to the Division's Bakersfield office.

Finally, the Division district office in Bakersfield must be notified if excavation uncovers a previously plugged and abandoned well. If the well can be identified, its

9/1/00

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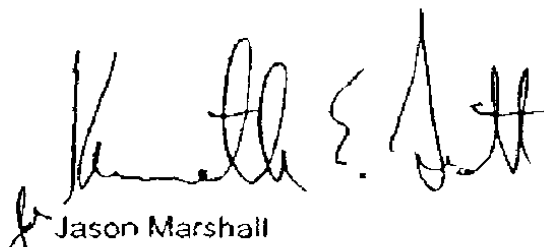
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NO. 133 002

Mr. Thomas N. Clark
August 31, 2000
Page 2

abandonment will be reviewed at that time. If the well cannot be identified, remedial operations may be required.

Thank you for the opportunity to comment on the initial study and proposed negative declaration. If you have questions, or require technical assistance or information, please contact Jack Truschel at the Bakersfield district office: 4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309; or, phone (661) 322-4031. You may also call me at (916) 445-8733.



Jason Marshall
Assistant Director

cc: Jack Truschel
Division of Oil, Gas, and Geothermal Resources, Bakersfield
Linda Campion
Division of Oil, Gas, and Geothermal Resources, Sacramento

BEFORE THE BOARD OF DIRECTORS.

OF THE

KERN COUNTY WATER AGENCY

In the Matter of:

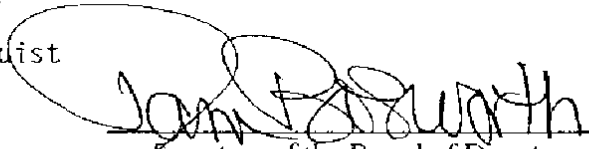
DETERMINATIONS AND FINDINGS *
WITH RESPECT TO THE *
KERN RIVER RESTORATION AND *
AND WATER SUPPLY PROGRAM *

I, Pam Bosworth, Secretary of the Board of Directors to the Kern County Water Agency, of the County of Kern, State of California, do hereby certify that the following resolution proposed by Director Radon and seconded by Director Garnett, was duly passed and adopted by said Board of Directors at an official meeting hereof this 7th day of September, 2000, by the following vote, to wit:

Ayes: Garnett, Radon, Rogers, Mathews & Starrh

Noes: None

Absent: Frick & Lundquist


Secretary of the Board of Directors
of the Kern County Water Agency

RESOLUTION NO. 59-00

WHEREAS, the Board of Directors (the "Board") of the Kern County Water Agency (the "Agency") has had prepared, circulated and presented to it, and has reviewed and considered an Initial Study, Environmental Checklist, dated July 27, 2000, and a proposed Negative Declaration (Exhibit "A") attached thereto, all pertaining to the Kern River Restoration and Water Supply Program; and

WHEREAS, the Agency has received comments from several responsible agencies and interested parties and incorporated those comments, together with the Agency's response to those comments, in the appendix of the Negative Declaration; and

WHEREAS, the Agency has incorporated into and made part of the Negative Declaration, a Mitigation, Monitoring and Reporting Program that satisfactorily addresses the Federal and State Endangered Species Act, Injury to Rights of Legal Users of Water and Water Quality issues; and

WHEREAS, in recognition of the Agency securing the \$23 million grant pursuant to Proposition 13, the Agency will continue to work with the Member Units and other local water districts to acquire additional grants and loans for the purpose of constructing water supply and/or water management facilities in Kern County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Agency as follows:

The Board hereby finds and determines that the foregoing recitals, are true and correct.

1. Section 1, Review of Evidence

The Board has reviewed and considered the contents of the Initial Study and proposed Negative Declaration, the presentation to the Board made by staff pertaining to same, and the comments received from the public both during a public hearing conducted by the Board on September 7, 2000 and received during the required environmental review period; and

2. Section 2, Approval of Negative Declaration

Based upon the afore-described evidence, the Board hereby finds;

- a) that there is no substantial evidence that the Kern River Restoration and Water Supply Program with the mitigation measures provided therein will have a significant effect on the environment;
- b) that the mitigation measures therein are incorporated within the scope of the project, and the project as defined will not have a significant effect on the environment. Therefore, in accordance with such findings, the Board approves the Negative Declaration submitted in conjunction with the Initial Study and hereby

directs staff to prepare and file a Notice of Determination (in the form attached hereto as Exhibit "B") in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.); and

3. Section 3, Finding of No Impact on Wildlife

The Board hereby further finds that, when considering the record as a whole, there is no substantial evidence before the Board that the proposed Project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends on. As such, the Board directs the General manager to sign a Certificate of a De Minimis Impact Finding exempting payment of the \$1,250 Department of Fish and Game fee (in the form attached hereto as Exhibit "C"). If subsequent information becomes available indicating potential impacts to Federal and State listed or sensitive species as defined under the State and Federal Endangered Species Act, the Agency will comply with all mandatory State and Federal laws.

4. Section 4, Mitigation, Monitoring and Reporting Program

The Board hereby incorporates the Mitigation, Monitoring and Reporting Program (in the form attached hereto as Exhibit "D") to address concerns with local water districts regarding water use, distribution of benefits and water quality.

5. Section 5, Continued efforts towards securing Proposition 13 funds

The Board hereby directs staff to continue working , in a timely manner, with Member Units and other local Kern County water districts towards maximizing the acquisition additional Proposition 13 grants and loans for local water supply projects and/or other water management projects as deemed appropriate by the General manager.

EXHIBIT A

KERN COUNTY WATER AGENCY PROPOSED NEGATIVE DECLARATION

This is prepared pursuant to the California Environmental Quality Act of 1970 (CEQA),¹ and the State CEQA Guidelines,².

NAME OF PROJECT: Kern River Restoration and Water Supply Program.

PROPOSED PROJECT LOCATION: The Project is primarily located along the Kern River corridor from the projected extension of Haley Street on the east side, to the California Aqueduct on the west end, and south and west of Bakersfield in the unincorporated portion of the county along the Cross Valley Canal and Arvin-Edison Canal and including other local water conveyance facilities. Also, see attached Project location maps.

DESCRIPTION OF PROPOSED PROJECT: Summary. Project proposes to provide significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users through the coordinated implementation of a number of program components including the: (1) acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right, including associated Lake Isabella Storage; (2) Purchase of land from Castle and Cooke California, Inc., for additional recharge and recovery facilities; (3) construction of 12 new water Ag recovery wells and enough Urban wells to achieve a maximum flow capacity of 60 cfs; and (4) Construction of water exchange facilities and modification of the Pool 1 portion of the Cross Valley Canal.

Expanded Description. See Initial Study for Proposed Project, attached.

FINDINGS WHICH SUPPORT NEGATIVE DECLARATION: After making an assessment of the possible impacts of the proposed Project and reviewing an Initial Study dated July 27, 2000, the Board of Directors of the Kern County Water Agency has determined that the proposed Project as presented will not have any significant effect on the environment, either directly or indirectly.

INITIAL STUDY: A copy of the Initial Study and environmental checklist prepared by Agency staff, dated July 27, 2000, is attached.

EXHIBIT A

MITIGATION MEASURES: Mitigation measures which have been incorporated into the proposed Project to avoid potentially significant environmental effects are as follows:

1. Throughout the term of the proposed Project, Project water quality, groundwater monitoring, and groundwater recharge losses will be consistent with the Memorandum of Understanding Regarding Operation and Monitoring of the Kern Water Bank Groundwater Banking Program, dated October 26, 1995, and consistent with the Operation and Monitoring Procedure for the Pioneer Project, dated May 28, 1998.
2. Project recharge and recovery well areas will be designed and located to avoid areas suspected to have hydrocarbon contamination, and to the extent practical, not to interfere with oil (crude or refined) or natural gas pipelines or other sensitive oilfield areas.
3. Project recharge and recovery well areas will be designed and located to minimize potential impacts to the Agency's Cross Valley Canal.
4. A mitigation, Monitoring and Reporting Program (attached as Exhibit C)

CONTACT PERSON, TELEPHONE NUMBER: Mr. Thomas N. Clark, General Manager, Kern County Water Agency, P.O. Box 58, Bakersfield, CA. 93302; (661)-634-1400. If you require additional information regarding this proposed Project, please contact Mr. Kane Totzke, Kern County Water Agency, (661) 634-1468; e-mail: kane@kcwa.com

Thomas N. Clark, General Manager

Date

1. Public Resources Code, Section 2100, et seq.

2. Title 14, Division 6, California Administrative Code, as amended.



KERN COUNTY
WATER AGENCY

Directors:

GROUNDWATER.krp

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

September 7, 2000

Ms. Karen Fowler
Office of the Governor
Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, Ca 95812-3044

RE: SCH # 2000081017 - Notice of Determination and De Minimis
Impact Finding

Dear Ms. Fowler:

Transmitted herein are the Kern County Water Agency's (Agency) "Notice of Determination" and a "California Department of Fish and Game Certificate of Fee Exemption -De Minimis Impact Finding" for the *Kern River Restoration and Water Supply Program* Negative Declaration. The Agency Board of Directors took action to adopt the Negative Declaration at a meeting held on September 7, 2000. The De Minimis Impact finding exempts the Agency from the \$1,250 filing fee. Please contact Kane Totzke at 661-634-1468 with any questions regarding this matter.

Sincerely,

Tom Clark
General Manager

enclosures

cc: Office of the County Clerk (Kern)

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

EXHIBIT B
CEQA Notice of Determination

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

From: Kern County Water Agency
P.O. Box 58
3200 Rio Mirada Drive
Bakersfield, CA 93302

☒ County Clerk
County of Kern
1115 Truxton Ave., 1st Floor
Bakersfield, CA 93301-4639

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

Project Title: Kern River Restoration and Water Supply Program

State Clearinghouse Number: SCH #2000081017
(If submitted to Clearinghouse)

Lead Agency: Kern County Water Agency
Contact Person: Thomas N. Clark, General Manager
Telephone: (661) 634-1400

Project Location: See attached Negative Declaration.
(include county)

Project Description: See attached Negative Declaration.

This is to advise that on September 7, 2000, the Kern County Water Agency (as lead agency) approved the project (more particularly described in the attached Negative Declaration) and has determined that no additional environmental review is required.

An Initial Study and Subsequent Negative Declaration with findings were prepared for the Agency's recent action pursuant to the provisions of CEQA Guidelines sections 15070 through 15075 concluding that no additional environmental review is required. The recent action will not have any significant effect on the environment. Mitigation measures were made a condition of the Agency's recent action on the project. A Statement of Overriding Considerations was not adopted in connection with the Agency's recent action on this project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the general public at: Kern County Water Agency, P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield, Kern County, CA 93302.

Signature, _____
Thomas N. Clark, General Manager, Kern County Water Agency

Date _____

Date received for filing at OPR: _____

EXHIBIT C

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title: Kern River Restoration and Water Supply Program

Location: Kern River Corridor area, from Metropolitan Bakersfield to the California Aqueduct, Kern County

Project Description: This project will generate broad local water supply, environmental and community benefits, and targeted drinking water quality benefits within the metropolitan Bakersfield area.
The Project consists of the four components, generally described below.

1. Acquisition of the Kern River lower water right;
2. Construction of enough urban area wells to achieve a flow capacity of about 60 cfs;
3. Construction of water conveyance exchange facilities;
4. Construction and acquisition of local facilities to enhance groundwater recharge and recovery opportunities.

Findings of Exemption:

1. The project consists of water right transfer and minimal construction and/or modification of water transfer and exchange facilities.
2. The lead agency has no evidence before it, including the information in the Initial Study and comments of appropriate reviewing agencies, to indicate that the proposed project could have any potential for adverse effects on fish and wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding(s) and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 71.2 of the Fish and Game Code.

Date: September 7, 2000

Local Lead Agency: Kern County Water Agency

Title: General Manager

EXHIBIT D

MITIGATION, MONITORING AND REPORTING PROGRAM

OVERVIEW

Comments received on the Proposed Negative Declaration regarding the Kern River Program highlight a significant feature of the design of the program: the program has been designed and will be implemented to comply with all aspects of existing law. Important laws with which the project has been designed to comply are the Federal Endangered Species Act, State Endangered Species Act, and a variety of laws and regulations governing water quality and impacts on legal users of water. While compliance with such laws and regulations is an integral feature of the program, the Agency understands that some entities would prefer a formal acknowledgment of intended compliance as a form of mitigation, and appropriate monitoring and reporting. Accordingly, the Agency agrees to clarify the following mitigation measures which are part of the program as designed and adopt appropriate monitoring and reporting measures.

MONITORING & REPORTING FOR DESIGNED MITIGATION ELEMENTS

1. **ADOPTED MITIGATION ELEMENT: Federal and State Endangered Species Act**
 - (a) **Program Design:**

The program has been designed to avoid any impact on known endangered or threatened species, federal or state, or other species of concern. In the first instance, the program has been designed to have an extremely small footprint of disrupted land in the construction of facilities. Additionally, the facility construction will occur primarily on existing highly cultivated farmland or highly maintained rights of way in which it is unlikely that such species or their habitat will be encountered. Further, care will be utilized to have such locations examined by personnel knowledgeable in the identification of endangered and threatened

species and their habitat to ensure the avoidance of any impact. In the unlikely event that unavoidable impacts are encountered, the Agency will comply fully with Federal and State Endangered Species Acts to ensure that such impacts are mitigated to insignificance.

In summary, the Agency commits to full compliance with both Federal and State Endangered Species Act requirements. While no impact on such species is contemplated due to the design of the program, any unexpected impacts will be handled in full compliance with federal and state law.

(b) Monitoring & Reporting:

The General Manager is hereby directed to provide knowledgeable staff assistance, and consultants where required, to monitor the progress of construction and implementation to ensure compliance with federal and state endangered species laws and regulations.

- (1) During the construction phase of the program, the General Manager shall report to the Board on a quarterly basis regarding the following:
 - (i) The identification, if any, of any potentially impacted federal or state threatened or endangered species.
 - (ii) Specification of all measures taken to avoid any impact on such species or on the habitat of such species.
 - (iii) Where impact proves to be unavoidable, whether a project component was abandoned or whether sufficient mitigation measures were utilized to reduce the level of impact to insignificance.
- (2) After construction, the General Manager shall include in annual reports to the Board the following:
 - (i) Whether any potential significant impacts on federal or state endangered or threatened species have been identified, and
 - (ii) What measures have been taken to reduce such potential impacts to

insignificance.

2. ADOPTED MITIGATION ELEMENT: Injury to Rights of Legal Users of Water and Facilities

(a) Program Design:

The program is designed to ensure that all water and facilities utilized by the program are obtained with full protection of the rights of existing legal users. Full compensation will be provided by the Agency where such rights of legal users of water or facilities are impaired, and absent such compensation such rights of legal users will not be impaired. This extends to the legal users of ground water as the program has been designed to avoid significant impact on such users. In the event of disputes regarding the existence of such impacts, the Agency will submit such disputes to the previously established Kern Fan Monitoring Committee for handling under established rules.

(b) Monitoring and Reporting:

The General Manager shall include in an annual report to the Board a report on the following items of concern:

- (1) The alleged occurrence of any impact on the rights of legal users of water or facilities, including any alleged impacts on groundwater;
- (2) The measures utilized to investigate such alleged impacts;
- (3) The results of such investigation;
- (4) The measures utilized to avoid impacts to such rights of legal users, or the measures utilized to reduce such impacts to insignificance.

3. ADOPTED MITIGATION ELEMENT: Water Quality

(a) Program Design:

The program is designed to avoid any potential adverse impacts on water quality. Utilization of the water rights acquired under the program will not significantly differ in water quality impacts from the existing uses of such water. The intent of

the program is to secure the benefits of Kern River water quality for drinking water quality and Kern County. The program will be operated to avoid significant adverse impact on the water quality available to any legal user of water.

(b) Monitoring and Reporting:

The General Manager shall include in an annual report to the Board of Directors the following items:

- (1) A statement regarding the water quality status of the program during the prior year;
- (2) An identification of all problem areas encountered, if any, and the measures taken to avoid any significant adverse impact on the water quality of any legal user of water.

GENERAL REPORTING REQUIREMENTS

The annual report referred to herein shall be prepared under the direction of the General Manager and a registered engineer of the State of California, in consultation with individual(s) knowledgeable in the identification of endangered or threatened species and their habitats. The report may include additional operational, and economic data of interest to the community, but at a minimum shall contain the information specified above as required elements of the report.

KR/KRP

TRUSTEES

STEVE FRANTZOWSKI
ROHARD FREELAND
ROY JOHNSON
MOORE MAHLMANN
ROBERT MAYBORN
WILLIAM PROUT
J.B. SELVAGE
D.G. ZACHARY

MANAGER
ROBERT A. QUIRING
SUPERINTENDENT
TOM BLANTON

KERN MOSQUITO AND VECTOR CONTROL DISTRICT

DISTRICT OFFICE

4705 ALLEN RD. BAKERSFIELD, CALIFORNIA 93312

PH: (661) 589-2744 FAX: (661) 589-4913 E MAIL: kmvcd@lightspeed.net

August 3, 2000

Tom Clark, General Manager
Kern County Water Agency
P. O. Box 58
Bakersfield, California 93302-0058

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JMB <input checked="" type="checkbox"/>	JWP <input type="checkbox"/>
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LWF <input type="checkbox"/>	SMR <input type="checkbox"/>
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AUG 16 2000	
Kern County Water Agency	

RE: Kern River Restoration & Water Supply Project

Tom:

The District has several comments in regard to the recharge basins that would be constructed as part of this proposed project.

During years when groundwater recharge operations were being conducted, it would not be feasible to treat these basins by aircraft if they produced mosquitoes because of the proximity of residential areas and heavily-traveled roads (i.e Stockdale, Buena Vista, Allen). During the last couple of years when performing mosquito control operations, the District's airplane pilot has encountered increasing numbers of joggers, bikers, horseback riders, etc. in the "2800" and the other recharge areas west of Allen Road. These new basins will, also, attract similar attention by the public.

Ideally, vegetation in the basins would be managed in a manner that would allow the control of the aquatic stage of mosquitoes through the use of mosquitofish. Due to the size of these basins, treatment by ground rigs spraying around the perimeter would be ineffective. The use of insecticides in areas frequented by the public is a real challenge these days due to the increasingly negative reaction by people to pesticide usage in general.

Hopefully, these concerns will be considered by the Agency when the basins are constructed.

Sincerely,



Rob Quiring
District Manager



KERN COUNTY
WATER AGENCY

Directors:

GROUNDWATER Kern River Program

August 29, 2000

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

Mr. Rob Quiring, District Manager
Kern Mosquito and Vector Control District
4705 Allen Road
Bakersfield, CA 93312

RE: Response to letter regarding CEQA compliance for the Kern River
Restoration and Water Supply Program

Dear Mr. Quiring:

Thank you for your letter dated August 3, 2000 responding to the Kern County Water Agency's (Agency) Initial Study and Proposed Negative Declaration for the Kern River Restoration and Water Supply Program (Program). The Agency has reviewed your concerns expressed in the letter and outlined below is the Agency's response.

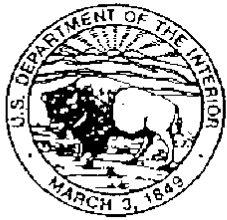
Under the Program, two (2) recharge ponds (10 acre and 5 acre) are proposed for construction, both located just east of Allen Road and near the Kern River Stockdale Highway bridge. A proposed 40 acre to 50 acre Soccer field to be constructed may be used for groundwater recharge in the wettest years on the Kern River. This proposed field is also located east of Allen Road and north of the Kern River near the Stockdale bridge. The recharge ponds will be operated very similar to the Truxtun Lake recharge ponds owned by the City of Bakersfield, which we understand have not created a mosquito concern to the surrounding community. The Soccer field will probably be operated by the North of the River Parks and Recreation District under an arrangement with the City of Bakersfield. The two recharge ponds may be jointly managed by the Agency's Improvement District No. 4 and the City of Bakersfield's Water Resources Department. The recharge ponds and Soccer field are planned as part of a community park under a residential and commercial development proposed by Castle and Cooke California, Inc.

As with other existing recharge basins under the Agency's control, we do not anticipate any concerns with mosquitoes, however, we will comply with any applicable regulations and cooperate with your District to address any concerns you may have, should any arise at some future time. Please contact Kane Totzke at (661) 634-1468 with any questions regarding this matter.

Sincerely,

Tom Clark
General Manager

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428



IN REPLY REFER TO:

1-1-00-TA-2553

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, California 95825

RECEIVED

INC ☒ ~~XX~~ ~~Scan~~
JES ☒ ~~XX~~
JMB ☒ ~~XX~~
GLB ☐
LWF ☒ ~~XX~~

AUG 21 2000

RBI ☒
DWM ☐
JWP ☐
SHR ☐
SMR ☐
ALL ☐

Kern County Water Agency

KCT

August 14, 2000

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, California 93302-0058

Subject: California Environmental Quality Act (CEQA) Compliance for the Kern River Restoration and Water Supply Program, Kern County, California

Dear Mr. Clark:

This is in response to your July 27, 2000, letter concerning the Initial Study and Proposed Draft Negative Declaration for the Kern River Restoration and Water Supply Program in Kern County, California. We understand from the materials enclosed with your letter that some of the property proposed for development is inside, and some is outside the boundaries of the Metropolitan Bakersfield Habitat Conservation Plan (HCP). We appreciate your efforts to provide water in the river channel for a greater part of the year, and we agree that this will enhance riparian vegetation and could provide habitat for some protected species in an area where they historically occurred, such as the least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii eximius*).

- 1 - We expect that some parts of the project will occur within the boundaries of the Metropolitan Bakersfield HCP, and that fees will be paid into the habitat compensation fund. We think this should be mentioned in the Negative Declaration, as it is a mitigation under CEQA for effects on protected species. We are concerned about the effects of portions of the project outside the Metropolitan Bakersfield HCP on San Joaquin kit foxes (*Vulpes macrotis mutica*), Tipton kangaroo rats (*Dipodomys nitratoideus nitratoideus*), and blunt-nosed leopard lizards (*Gambelia silus*), which are protected under the Federal Endangered Species Act of 1973, as amended (Act). The map of the project mentions potential agricultural and urban area well sites, and installation of recharge ponds on an 80-acre parcel now belonging to Castle and Cooke. Kit fox are known to forage on, and disperse across natural land, fallow land, farmland in row crops, and grazing land.
- 2 - Any construction of structures on farmland, fallow land, grazing land, or natural land likely will require compensation under the Act. No indication is given of the present land uses and

project footprints for portions of the project outside the MB HCP, so we cannot provide an adequate evaluation at this time.

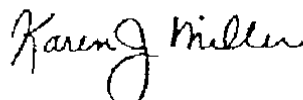
Section 9 of the Act and its implementing regulations prohibit the "take" of federally listed fish and wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any listed wildlife species. "Harm" in this definition includes significant habitat modification or degradation where it actually kills or injures wildlife, by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR § 17.3).

? Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required if it is determined that the proposed project will adversely affect a listed species. Such a consultation would result in a biological opinion that addresses the anticipated effects of the project to the listed species and may authorize a limited level of incidental take.⁴ If a Federal agency is not involved with the project, and a listed species may be taken as a result of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue a permit upon completion of a satisfactory HCP for the listed species that would be subject to take as a result of the project. Applicants approved by the Service and the California Department of Fish and Game, as applicable, may satisfy the Act by buying credits and obtaining incidental take authority through the Kern Water Bank HCP and Master Permit.

While the Metropolitan Bakersfield HCP is not applicable to portions of the project outside its borders, it sets a precedent in Kern County for providing endangered species compensation for conversion of farmland to buildings and other structures. For example, we worked with the Kern County Planning Department in the development of the compensation measures that were required for the Rio Bravo Tomato Company plant, which was sited on row crop farmland.

We appreciate you contacting us about your proposed project. We would appreciate receiving more detailed information about the project concerning proposed construction locations and footprints, related access roads if any, and schedule. Thank you for your interest in conserving threatened and endangered species. Please contact Susan Jones or Peter Cross at (916) 414-6600 if you have any questions about this letter.

Sincerely,

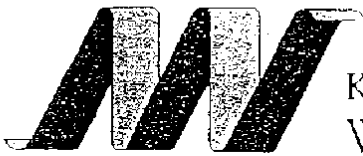


Karen J. Miller
Chief, Endangered Species Division

Mr. Thomas N. Clark

3

cc: Andy Gordus, CDFG, Fresno, California
Steve Strait, Kern County Planning Department
Cheryl Harding, Kern Water Bank Authority



KERN COUNTY
WATER AGENCY

Directors:

GROUNDWATER Kern River Program

August 29, 2000

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

Ms. Susan Jones
U.S. Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, CA 95825

RE: Response to letter regarding CEQA compliance for the Kern River
Restoration and Water Supply Program

Dear Ms. Jones:

Thank you for your letter dated August 21, 2000 responding to the Kern County Water Agency's (Agency) Initial Study and Proposed Negative Declaration for the Kern River Restoration and Water Supply Program (Program). We concur with the U.S. Fish and Wildlife Service's (Service) statement that the Program as proposed will provide environmental benefits to the local environment; the Agency believes the Program is an opportunity to secure environmental local benefits along the Kern River corridor for wildlife and the community of Bakersfield.

In response to the Service's concern regarding participation in the Metropolitan Bakersfield Habitat Conservation Plan (HCP), the Agency plans to comply with any regulations including those requiring participation in payment of habitat management fees, where applicable. We note however that, the Program facilities proposed for modification and/or construction taking place within the Metropolitan Bakersfield HCP are projects less than ten (10) acres in size undertaken for strictly public purposes and therefore exempt from the Habitat Management Fees, pursuant to the City of Bakersfield Ordinance 3556.

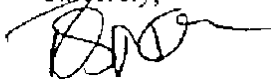
Other Program facilities, as described in the Initial Study and proposed Negative Declaration may occur on active farmland owned by the Agency, on well maintained right-of-ways owned by the Agency or other local water districts. These proposed facilities will have a very small footprint of permanently disturbed land, e.g., less than 1/10th of an acre disturbance per well site, in areas devoid of species subject to the Federal Endangered Species Act. Furthermore, since no take of threatened or endangered species will occur due to construction of facilities on farmland, fallow land, grazing land or natural land, the Agency believes no incidental take permit or compensation is required for the Program. The Agency will, of course, comply with the regulations if avoidance of impacts is not feasible.

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

Ms. Susan Jones
U.S. Fish and Wildlife Service
August 29, 2000
Page 2

The Agency hopes this letter resolves any concerns you may have with the Program. Again, we believe the overall Program will secure significant water quality, water supply, environmental and community benefits to the citizens of the greater Bakersfield area. The Program will also complement and supplement the existing the Kern River Parkway Plan adopted by the City of Bakersfield in 1988 through cooperative water exchanges and groundwater recovery to keep the Kern River wet through the center of Bakersfield during the peak recreational months of May through September. Please contact Kane Totzke at (661) 634-1468 with any questions regarding this matter.

Sincerely,



Tom Clark
General Manager

6W/KR
6055/RWCB



California Regional Water Quality Control Board

Central Valley Region



an H. Hickox
ary for
nmental
irection

Steven T. Butler, Chair

Gray Davis
Governor

Fresno Branch Office

Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>
3614 East Ashlan Avenue, Fresno, California 93726
Phone (559) 445-5116 • FAX (559) 445-5910

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058

RECEIVED	
TNC <input type="checkbox"/>	SCW
JES <input checked="" type="checkbox"/>	2-sided
JMB <input checked="" type="checkbox"/>	AUG 25 2000
GLB <input type="checkbox"/>	
LWF <input type="checkbox"/>	
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Kern County Water Agency	
RTI <input checked="" type="checkbox"/>	
DWM <input type="checkbox"/>	
JWP <input type="checkbox"/>	
SHR <input type="checkbox"/>	
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23 August 2000

SCH # 2000081017, KERN RIVER RESTORATION AND WATER SUPPLY PROJECT, KERN COUNTY

We have reviewed the Initial Study and Proposed Negative Declaration to provide groundwater and surface water augmentations to the Kern River as it flows through the City of Bakersfield. The augmentations will occur during the summer months and be used for recreation. We understand that the project will involve construction of new agricultural and urban wells, modification of existing water exchange facilities and, possibly, construction of an interconnection in the area of the Kern River.

If more than five acres will be disturbed, the construction activities will be subject to regulation under the General Construction Activity Storm Water Permit, State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System, General Permit No. CA000002 (general permit). A copy of the permit is enclosed. Before construction begins, a Notice of Intent to comply with the permit must be submitted to the State Water Resources Control Board at the address indicated in the permit, and a Storm Water Pollution Prevention Plan must be prepared. Further information regarding the storm water program is available at the State Board web site at: <http://www.swrcb.ca.gov> or you may call Jarma Bennett at (559) 445-6046.

If the construction activities will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the US Army Corps of Engineers. For more information, please call Kathy Norton with the US Army Corps of Engineers at (916) 557-5260.

If a permit is needed from the US Army Corps of Engineers, certification of conformance with water quality standards pursuant to Section 401 of the Clean Water Act will be needed. Enclosed is a summary of information that we would need to consider a request for water quality certification.

If you have any questions, please call Betty Yee of this office at (559) 445-5128.

LONNIE M. WASS
Senior Engineer
RCE No. 38917

Enclosure

Distribution List - Kern River Restoration & Water Supply Program

ARVIN-EDISON WSD
P.O. Box 175
ARVIN, CA 93203

BILRIDGE WSD
P.O. Box 1087
BAKERSFIELD, CA 93302

BERRANDA MESA WD
2100 "F" STREET, SUITE 100
BAKERSFIELD, CA 93301

BUENA VISTA WSD
P.O. Box 756
BUTTONWILLOW, CA 93206

CALIFORNIA WATER SERVICE COMPANY
3725 S. "H" STREET
BAKERSFIELD, CA 93304

CAWELT WATER DISTRICT
17207 INDUSTRIAL FARM ROAD
BAKERSFIELD, CA 93308

CHEVRON PRODUCTION COMPANY
ATT: MR. JIM WALDRON
5001 CALIFORNIA AVENUE
BAKERSFIELD, CA 93302

CITY OF BAKERSFIELD
ATT: MR. MARC GAUTHIER
1715 CHESTER AVENUE
BAKERSFIELD, CA 93301

CITY OF BAKERSFIELD WATER RESOURCES
ATT: GENE BOGART
1000 BUENA VISTA RD
BAKERSFIELD, CA 93311

DALEDALE MUTUAL WATER COMPANY
P.O. Box 5638
BAKERSFIELD, CA 93388

DELANO-EARLIMART ID
14181 AVENUE 24
DELANO, CA 93215

DEPARTMENT OF FISH AND GAME
ATT: MR. JEFF SINGLE
1234 EAST SHAW AVENUE
FRESNO, CA 93710

DIVISION OF OIL, GAS, AND GEOTHERMAL
RESOURCES
800 STOCKDALE HWY
BAKERSFIELD, CA 93309

MR. JAMES L. NICKEL
P.O. Box 60679
BAKERSFIELD, CA 93386-0679

DUDLEY RIDGE WATER DISTRICT
286 W. CROMWELL AVENUE
FRESNO, CA 93711-6162

EAST NILES COMMUNITY SERVICES DISTRICT
P.O. Box 6038
BAKERSFIELD, CA 93386

HENRY MILLER WATER DISTRICT
P.O. Box 9759
BAKERSFIELD, CA 93389-9759

KERN COUNTY MOSQUITO & VECTOR CONTROL
DISTRICT
4705 ALLEN ROAD
BAKERSFIELD, CA 93312-3429

KERN AUDUBON SOCIETY
ATT: MARY GRIFFIN
1604 DUKE DRIVE
BAKERSFIELD, CA 93305

KERN WATER BANK AUTHORITY
P.O. Box 80607
BAKERSFIELD, CA 93380-0607

KERN DELTA WD
501 TAIT HIGHWAY
BAKERSFIELD, CA 93307

KERN COUNTY PLANNING DEPARTMENT
ATT: MR. TED JAMES
2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301

KERN-TULARE WD
1820 21ST STREET
BAKERSFIELD, CA 93301

KERN COUNTY PARKS AND RECREATION
DEPT
1110 GOLDEN STATE HWY
BAKERSFIELD, CA 93301

LOST HILLS WATER DISTRICT
8008 SILLECT AVENUE, SUITE 205
BAKERSFIELD, CA 93308

LOWER TULE RIVER ID
ATT: DAN VINK
P.O. Box 4388
PORTERVILLE, CA 93258

NORTH KERN WSD
P.O. Box 81435
BAKERSFIELD, CA 93380-1435

RAG GULCH WD
1820 21ST STREET
BAKERSFIELD, CA 93301

ROSEDALE RIO-BRAVO WSD
P.O. Box 867
BAKERSFIELD, CA 93302-0867

SEMITROPIC WSD
P.O. Box Z
WASCO, CA 93280

SHAFTER WASCO IRRIGATION DISTRICT
P.O. BOX 158
WASCO, CA 93280-0158

TEHACHAPI CUMMINGS COUNTY WD
P.O. BOX 326
TEHACHAPI, CA 93581-0326

U.S. FISH AND WILDLIFE SERVICE
SAN JOAQUIN VALLEY BRANCH CHIEF
2800 COTTAGE WAY #W-2605
SACRAMENTO, CA 95825-1846

WEST KERN WD
P.O. BOX 1105
TAFT, CA 93268-1105

THOMAS FALLGATTER
KERN RIVER CORRIDOR ENDOWMENT & HOLDING CO.
P.O. BOX 11172
BAKERSFIELD, CA 93306

EARL VOSS
GRIMMWAY FARMS
P.O. BOX 81498
LAMONT, CA 93380-1498

LAN DESTEFANI
8035 OLD RIVER ROAD
BAKERSFIELD, CA 93311

SIERRA CLUB
KERN-KAWeah CHAPTER
2815 LA CRESTA DRIVE
BAKERSFIELD, CA 93305-1719

TEJON-CASTAC WD
P.O. BOX 1000
LEBEC, CA 93243

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
1601 NEW STINE ROAD, SUITE 270
BAKERSFIELD, CA 93309-3698

WHEELER RIDGE-MARICOPA WSD
P.O. BOX 9429
BAKERSFIELD, CA 93389-9429

CAROLYN BELL
KERN RIVER CORRIDOR ENDOWMENT & HOLDING CO.
5025 PANORAMA DRIVE
BAKERSFIELD, CA 93306

DAVE RUSSELL
MCCALLISTER RANCH IRRIGATION DISTRICT
230 TRUXTON AVENUE
BAKERSFIELD, CA 93301-5312

STEVE DEBRANCH
CASTLE & COOKE CALIFORNIA INC.
10000 STOCKDALE HIGHWAY
BAKERSFIELD, CA 93311

SOUTHERN SAN JOAQUIN MUD
P.O. BOX 279
DLIANO, CA 93216

TEXACO EXPLORATION AND PRODUCTION
COMPANY, ATT: MR. DAVE WRIGHT
BOX 5197X,
BAKERSFIELD, CA 93388

VAUGHN WATER COMPANY
10014 GLEN STREET
BAKERSFIELD, CA 93312

RICH O'NEILL
KERN RIVER PARKWAY COMMITTEE
208 LOS NIETOS
BAKERSFIELD, CA 93309

BILL BOLTHOUSE
WM. BOLTHOUSE FARMS INC.
7200 EAST BRUNDAGE LANE
BAKERSFIELD, CA 93307-3099

ROYCE EAST
17958 KRANENBURG STREET
BAKERSFIELD, CA 93312

state Clearing House
15 copies

County Clerk - 2 copies

The Bakersfield Californian

1707 Eye Street
Bakersfield, CA 93301

Date: 7/31/00 2:31:40PM

To: KERN CO WATER AGENCY
Phone: 661-634-1400
Fax: 661-634-1428

From: Marie Ricks
Phone: 661-395-7314
Fax: 661-395-7540

Customer Information

KERN CO WATER AGENCY
PO BOX 58
BAKERSFIELD, CA 93302

Here is a proof of your ad. Please check the ad carefully and call with any corrections.

Notes:

Ad Information:

This ad will run in Classification: Legal Notices

Ad Depth in Lines: 149

Total Price: \$219.03

Ad Number: 376048

This Ad will run in the following paper(s)

Non-Publishing Publication

Run Dates: 08/05/00

The Bakersfield Californian

Run Dates: 08/05/00

This Fax is Magnified: 2 X

Pursuant to the California Environmental Quality Act and CEQA Guidelines, the Kern County Water Agency hereby provides notice of its intent to adopt a Negative Declaration pursuant to CEQA Guidelines section 15072 for the following:

Name of Project: Kern River Restoration and Water Supply Project

1. Project Lead Agency and Sponsor: Kern County Water Agency, P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield CA 93302-0058. Contact person: Thomas N. Mark, General Manager, 661-634-1000.

2. Project Description: Project proposes to provide significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users through the coordinated implementation of a number of program components including: (1) acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right, including associated Lake Isabella Storage; (2) Purchase of land from Little and Cooke California, Inc., for additional recharge and recovery facilities; (3) construction of 2 new water Ag recovery wells and construction of enough urban water wells to achieve a flow capacity of about 60 cfs; and (4) Construction of water exchange facilities and modification of the Pool 1 portion of the Cross Valley Canal. For more information concerning

For more information concerning the project, see the Kern County Water Agency Environmental Initial Study Form [for CEQA Guidelines section 15072 Determination] dated July 27, 2000 (the "Initial Study"), which is available for review and copying during regular business hours at the Agency office at the above address.

Purpose and explanation of Initial Study: The Agency has prepared the Initial Study in order to determine whether the approval and implementation of the project described in the Initial Study may have a significant effect on the environment under CEQA Guidelines section 15063. The Kern Water Restoration and Water Supply Program is intended to provide significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users. The Agency has determined, in light of the record as a whole, there is no substantial evidence that the project may have a significant effect on the environment.

Project Location: The Project is located in the City of Bakersfield, primarily located along the Kern Water corridor from the projected extension of Haley Street on the east side, to the California Aqueduct on the west end, and south and west of Bakersfield in the unincorporated portion of the county along the Cross Valley Canal and the Edison Canal (see maps attached to Initial Study):

Proposed Finding: The Agency Board of Directors has reviewed the proposed project, Initial Study, comments received on the proposal to adopt this Negative Declaration, and other documents and information from Agency staff.

1 the basis of this information and the whole record before me, hereby finds and determines as follows: (a) The Initial and Negative Declaration reflects the Agency's independent judgment and analysis; and (b) mitigation measures have been included to avoid, minimize, or compensate for less than significant potential environmental effects of the project and nothing further is required. This Negative Declaration confirms this conclusion.

Initial Study: A copy of the Initial Study is either attached or available for public review at the Agency office at the above address.

Review of Background Documents: The Initial Study, notice of intent to adopt Negative Declaration, comments on the Initial Study, and other documents concerning this project are on file and available for public review at the Agency office at the above address.

Agency Board Secretary (same as above) is the custodian of the documents that constitute the record of proceedings upon which the decision in this matter is based.

Public Review: Pursuant to Guideline section 15105, comments on this proposal to adopt a Negative Declaration were received by the Agency at the above address beginning July 1, 2000 and ending September 1, 2000. The Agency Board of Directors is expected to consider the merits of the Negative Declaration at a public meeting scheduled for Thursday, September 7, 2000 at 7:00 p.m., at the Agency's office at the above address.

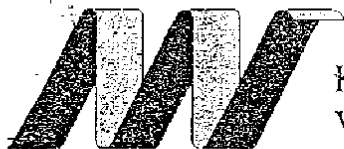
Initial signed on July 27, 2000

s N. Clark

1 Manager

County Water Agency

→ S. 2000(376048)



KERN COUNTY
WATER AGENCY

Kane

MEMORANDUM
TO: WATER AGENCY
GROUNDWATER Pioneer

TO: Water Management Committee
Agenda Item No. 5

FROM: John Stovall/Kane Totzke

DATE: July 27, 2000

SUBJECT: Notice of Intent to adopt a Negative Declaration for the Kern River Program,
including acquisition of water rights, and discussion of a program

Issue

Consider authorizing filing and distribution of an Initial Study, Environmental Checklist/Response to Checklist and Proposed Draft Negative Declaration for the Kern River Restoration and Water Supply Program.

Recommended Motion:

Adopt Resolution No. 49-00 authorizing the General Manager, upon approval as to legal form by the General Counsel, to file the Initial Study and Proposed Draft Negative Declaration for the Kern River Restoration and Water Supply Program.

Discussion

Over the past few months, local water leaders have been working to implement the Kern River Restoration and Water Supply Program, utilizing \$23 million from the "Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act" (Proposition 13). This project will generate broad local water supply, environmental and community benefits, and targeted drinking water quality benefits within the metropolitan Bakersfield area. In order to implement the proposed Project, the Kern County Water Agency (Agency) must first comply with the California Environmental Quality Act (CEQA). The Agency, as the Lead Agency under CEQA, has prepared an Initial Study and associated Environmental Checklist and Response to Checklist, and a proposed draft Negative Declaration for the Project to be filed with the County Clerk and State Clearing House, and to be distributed to interested parties and responsible agencies for comment. Staff is recommending that a Negative Declaration be prepared for this Project, since an evaluation of the environmental impacts resulting from implementing the Project are shown to be less than significant. In order to provide the required 30 day public review period, the public hearing for the Board to consider adoption of the Negative Declaration is set for Thursday at 4:00pm, on September 7, 2000 at the Agency office.

The Project consists of the four components, generally described below.

1. Acquisition of the Kern River lower water right;
2. Construction of enough urban area wells to achieve a flow capacity of about 60 cfs;
3. Construction of water conveyance exchange facilities;
4. Construction and acquisition of local facilities to enhance groundwater recharge and recovery opportunities.

For a complete description of the Project and proposed Project Operation, see the *Initial Study* Project Description (attached). A brief description of the Project follows. Water quality and water supply benefits from the Project will be realized through the acquisition of high flow lower Kern River water right (Lower Right), i.e., Hacienda and Garces pre-1914 water right. This high flow water is estimated to be available when the river is at or above 120% of normal or in about one out of every five years. The estimated long-term average annual yield is 40,000 acre-feet. Due to the high quality nature of Kern River water, up to the maximum of 40,000 acre-feet of annual Lower Right water available will be given priority for delivery to Improvement District No. 4 Henry C. Garnett Water Purification Plant (Purification Plant) and delivered for urban use in the greater Bakersfield area. Annual Lower Right water available above the amount used by the Purification Plant will be used for groundwater recharge and provide water supply benefits to local agricultural water districts.

Environmental and community benefits are an important part of the Project. The Project plans to assure through acquisition of the Lower Right and by annual water exchanges with local water districts having Kern River water rights, that the heart of the City of Bakersfield (from Manor Street downstream to Stockdale Hwy bridge) will enjoy a re-watered Kern River, at least from May through September. This stretch of the Kern River has been dry since the mid-1950's, except in wet years.

An integral component of the program is the proposed construction of enough urban area wells along the right-of-way of the Kern Island, Carrier, Kern River and Cross Valley Canals, east of Allen Rd to achieve a capacity of about 60 cfs. In dry years, estimated to be when the supply for the SWP and the Kern River is at or below 50% of normal, these wells will be pumped as part of the exchange to keep the Kern River channel wet between Manor Street on the east end, and the Stockdale Hwy bridge at the west end of the City. Water that has previously been released down the Kern River channel and percolated will be recaptured and recirculated by these wells. The ability to recirculate water is accomplished by an exchange among ID4 and Kern Delta WD/North Kern WSD. These wells will only be pumped during the driest of years to pay back to North Kern WSD and Kern Delta WD for release of their Kern River water from Isabella into the Kern River channel. This component of the Project will serve to keep the river flowing during the peak recreational use months of May through

September, without decreasing the supplies that are needed during the critical water short years.

Also, a component of the Project includes water conveyance exchange facilities, i.e., modifications and improvements to existing surface water delivery systems to increase their integration and flexibility, thus generating both water quality and water supply benefits to local water users. These improvements will be made to facilities which provide for the exchange/delivery of high quality Kern River water to areas which currently receive water of lesser quality. They include structures on the Arvin-Edison Canal to increase water deliveries to the Kern Delta WD service area, and improvements on the Cross Valley Canal and Beardsley Canal to increase deliveries of water to Kern Delta WD and to North Kern WSD from the Cross Valley Canal, and a Cross River pipeline from the CVC near the Purification Plant to the Kern Island Canal or Carrier Canal.

Another program component is to acquire and construct facilities to enhance local groundwater recharge and recovery operations. To accomplish this goal, additional regulation/recharge basins will be constructed on approximately 80 acres of property which has been targeted for acquisition from Castle and Cooke California, Inc. The property is located along both sides of the Kern River near the Stockdale bridge. Portions of the property will be dedicated to groundwater recharge and other portions will be used for a multi-purpose park facility, with groundwater recharge given a priority when the Kern River is in a high flow year, thus combining a prominent water feature into the park.

To enhance the capability of existing canals to convey recovered water, the Project proposes to interconnect the Kern River Canal with the Kern Water Bank Canal and to raise the lining of the CVC in Pool 1. The CVC would be modified to "float" off the Aqueduct to increase the operational opportunity for water exchanges. The modification will also reduce water over-topping the lining, increase flexibility to move water around the County, reduce energy costs, and reduce operations and maintenance costs. This work covers the portion of the CVC that extends from the California Aqueduct turnout near Tupman to the forebay of Pumping Plant 1.

To recover the Lower Right water that will be recharged during wet years, the Project proposes to construct 12 additional groundwater recovery wells (Ag wells). The Ag wells will be constructed on either the Agency's Pioneer property, Kern Water Bank, City of Bakersfield's Kern River Canal right-of-way, and/or on private land near the Cross Valley Canal or Kern River Canal. In dry years, these wells will be pumped and the recovered water delivered to the CVC and/or the Kern River Canal for direct delivery or by exchange to water districts to supplement deficiencies in surface water deliveries. The Ag wells will have an annual recovery capacity of approximately 36,000 acre-feet.

To address any concerns that may arise from the Agency implementing this project, the Agency proposes to incorporate a number of mitigation measures into the Negative Declaration as part of the Project. These measures include but are not limited to the following:

1. Throughout the term of the proposed Project, Project water quality, groundwater monitoring, and groundwater recharge losses will be consistent with the Memorandum of Understanding Regarding Operation and Monitoring of the Kern Water Bank Groundwater Banking Program, dated October 26, 1995, and consistent with the Operation and Monitoring Procedure for the Pioneer Project, dated May 28, 1998.
2. Project recharge and recovery well areas will be designed and located to avoid areas suspected to have hydrocarbon contamination, and to the extent practical, not to interfere with operation of oil (crude or refined) or natural gas pipelines or other sensitive oilfield facilities.
3. Project recharge and recovery well areas will be designed and located to minimize potential impacts to the Agency's Cross Valley Canal.
4. The Agency will develop agreements with Kern Delta WD and North Kern WSD to address concerns regarding the water exchanges with ID4 for the Kern River Restoration component of the Project.
5. The Agency will develop agreements to share the portion of Lower Right water available for groundwater recharge with the Member Units not required by the ID4 Water Purification Plant.
6. The Agency will develop agreements with the Member Units to share the recovery capacity of the 12 agricultural wells.
7. Improvement District No. 4 will develop agreements with the Kern River Interests to account for natural and unavoidable post-1950 Isabella Reservoir river losses when operating the urban area wells for the Kern River Restoration Project, for banking purposes.
8. Agreements with public and/or private landowners for construction and operation of Agricultural wells.

In conclusion, the Project will provide significant water quality, water supply, environmental and community benefits for the Metropolitan Bakersfield area and for a broad range of Kern County water users through the coordinated implementation and operation of the above-mentioned program components. The Project would be a cooperative arrangement among the Kern County Water Agency, Improvement District No. 4, City of Bakersfield, Kern Delta Water District, and the North Kern Water Storage District.

BEFORE THE BOARD OF DIRECTORS
OF THE
KERN COUNTY WATER AGENCY

In the Matter of:

INITIAL STUDY AND PROPOSED *
NEGATIVE DECLARATION FOR THE *
KERN COUNTY WATER AGENCY *
KERN RIVER RESTORATION AND *
WATER SUPPLY PROGRAM *

I, PAM BOSWORTH, Secretary of the Board of Directors of the Kern County Water Agency, of the County of Kern, State of California, do hereby certify that the following resolution proposed by Director _____ and seconded by Director _____, was duly passed and adopted by said Board of Directors at an official meeting hereof this _____ day of _____, 2000, by the following vote to-wit:

Ayes:

Noes:

Absent:

Secretary of the Board of Directors
of the Kern County Water Agency

RESOLUTION 49-00

WHEREAS, with the passage in March 2000, of Proposition 13, the *Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act*, more than \$1.9 billion was made available to improve California's water infrastructure; and

WHEREAS, it is estimated these funds could generate nearly 1,000,000 acre-feet of new dry-year supply, restoring a portion of the Bay-Delta water supply that have been lost to federal actions, as well as generate important water quality and flood control benefits; and

WHEREAS, Chapter 9, Article 4 of Proposition 13, the *Interim Water Reliability Supply and Water Quality Infrastructure and Management Program*, provides \$180 million in competitive grants and loans to local agencies located in the Delta export service areas for programs or projects that can be completed and provide the intended benefits not later than March 8, 2009, and are designed to increase water supplies, enhance water supply reliability, or improve water quality; and

WHEREAS, Kern County water leaders and planners have been working to develop a comprehensive local program that would encompass the specific types of activities targeted for funding under Chapter 9, Article 4 portion of the bond; and

WHEREAS, the Kern County Water Agency (Agency) has been approved for a grant by the Governor for \$23 million under the above described Chapter 9, Article 4 of Proposition 13 to fund the *Kern River Restoration and Water Supply Program*, (Project) which proposes to provide significant water quality, water supply, environmental and community benefits; and

WHEREAS, the Project proposes to achieve these benefits through construction and acquisition of facilities defined in four broad based components: 1) acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right, including associated Lake Isabella Storage; 2) purchase of land from Castle and Cooke California, Inc., to provide for construction of additional recharge and recovery facilities; 3) construction of 12 new water Ag recovery wells and enough Urban area wells to achieve a flow capacity of about 60cfs; 4) construction of water exchange facilities, including modifications to the Pool 1 portion of the Cross Valley Canal (CVC); and 5) interconnection of other existing canals; and

WHEREAS, all the above proposed components comprise the Project and are subject to the California Environmental Quality Act (CEQA); and

WHEREAS, the Agency's acquisition of the Lower Right will not result in any new operation or reoperation of the Kern River and as such, any environmental impacts created as a result of acquisition

of the Lower Right will be less than significant; and

WHEREAS, construction of the urban area wells to achieve a flow capacity of about 60 cfs and 12 Agricultural wells will be on existing right-of-way owned by the Agency and/or the City of Bakersfield, and/or on land owned by the Agency and/or Kern Water Bank Authority, and/or on private land currently being farmed or fallowed, and as such, will have less than a significant impact on the environment; and

WHEREAS, construction of proposed water exchange facilities and CVC modifications will occur in the existing right-of-way of local water districts conveyance canals/facilities, and as such, will have a less than significant impact on the environment; and

WHEREAS, no threatened or endangered species pursuant to State and Federal Endangered Species Act will be impacted as a result of Project implementation; and

WHEREAS, the Agency has prepared an Initial Study and proposed draft Negative Declaration for the *Kern River Restoration and Water Supply Program* pursuant to CEQA; and

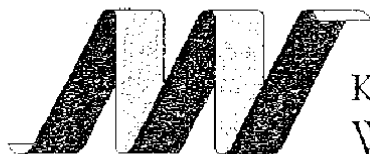
WHEREAS, in light of the whole record, the Agency has made an evaluation of the potential environmental effects from implementation of the Project and has found these effects, based on the Initial Study to be less than significant and therefore recommends preparation of the proposed Negative Declaration for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Kern County Water Agency Board of Directors that:

1. The Board hereby finds and determines that the foregoing recitals are true and correct; and
2. Directs the General Manager to file with the State Clearinghouse and County Clerk, the Initial Study/Environmental Checklist and proposed draft Negative Declaration for the Kern County Water Agency *Kern River Restoration and Water Supply Program*, in the form shown attached hereto as Exhibit "A"; and

3. Set the hearing time, date and location for 4:00 p.m., Thursday, September 7, 2000, at the Kern County Water Agency, 3200 Rio Mirada Drive, Bakersfield, Kern County, California in order to consider adoption of the proposed Negative Declaration; and
4. Directs the Secretary of the Board to advertise a "Notice to Intent to Adopt Negative Declaration" in a local newspaper no later than one week before the public hearing.

EXHIBIT "A"



KERN COUNTY
WATER AGENCY

Directors:

Fred L. Starth
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

GROUNDWATER
Pioneer

TO: All Responsible Agencies and Interested Parties

FROM: Thomas N. Clark

DATE: July 27, 2000

SUBJECT: California Environmental Quality Act (CEQA) Compliance for the Kern River Restoration and Water Supply Program

Pursuant to the California Environmental Quality Act (CEQA), the Kern County Water Agency (Agency) will be the Lead Agency and has prepared an Initial Study, Environmental Checklist/Explanation of Responses and Proposed Draft Negative Declaration for the Kern River Restoration and Water Supply Program. We are soliciting the views of your agency as to the scope and content of the environmental information which is applicable to your agency's statutory responsibilities in connection with the proposed project.

In order to review and consider your comments during the public review period, the Agency requests that all comments be received no later than September 1, 2000. Following the review and comment period, the Initial Study and Negative Declaration will be presented for adoption by the Agency Board of Directors at a public hearing to be held at 4:00pm on Thursday, September 7, 2000, at 3200 Rio Mirada Drive, Bakersfield. Please submit comments to:

Mr. Thomas N. Clark, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058

If you require any further information, please contact Kane Totzke at (661) 634-1468.

Sincerely,

Thomas N. Clark
General Manager

Enclosures

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: 661/634-1400
Fax: 661/634-1428

CEQA Notice of Determination

COPY

RECEIVED WITH FEE
RECEIPT # De Minimis

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

From: Kern County Water Agency
P.O. Box 58
3200 Rio Mirada Drive
Bakersfield, CA 93302

X County Clerk
County of Kern
1115 Truxton Ave., 2nd Floor
Bakersfield, CA 93301

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Kern County Water Agency

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6

A. Bumater

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

Project Title: Transfer of 10,000 acre-feet per year of Banked Lower Kern River Water

State Clearinghouse Number
(If submitted to Clearinghouse)

**Lead Agency/
Contact Person**

Area Code/Telephone/Extension

SCH # 2000081017

Kern County Water Agency/
General Manager Thomas N. Clark

661-634-1400

Project Location (include county)
See attached Negative Declaration.

Project Description:
See attached Negative Declaration.

This is to advise that on November 13, 2001 the Kern County Water Agency (as lead agency) approved the project (more particularly described in the attached Negative Declaration) and determined that no additional environmental review is required.

An Initial Study and Subsequent Negative Declaration with findings were prepared for the Agency's recent action pursuant to the provisions of CEQA Guidelines section 15162 concluding that no additional environmental review is required. The recent action will not have any significant effect on the environment that was not already addressed in the previous CEQA documents for this project. Mitigation measures and statements of overriding consideration were already adopted for the previously considered project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the general public at: Kern County Water Agency, P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield, CA 93302.

Date received for filing and posting at OPR: _____

TSNA

Signature, Thomas N. Clark, General Manager, Kern County Water Agency

11/13/01

Date

Notice of Environmental Document
Posted by County Clerk on 11-16-01
and for 30 days thereafter, Pursuant to
SECTION 21108(b), PUBLIC RESOURCES CODE

1069

**KERN COUNTY WATER AGENCY
SUBSEQUENT NEGATIVE DECLARATION
[to confirm CEQA Guidelines section 15162 determination]**

Pursuant to the California Environmental Quality Act and CEQA Guidelines, the Kern County Water Agency hereby adopts this Subsequent negative declaration pursuant to CEQA Guidelines section 15162 for the following:

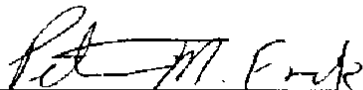
1. **Name of Project:** Transfer of 10,000 acre-feet per year of Banked Lower Kern River water.
2. **Project Lead Agency and Sponsor:** Kern County Water Agency, P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield CA 93302-0058. Contact person: Thomas N. Clark, General Manager, 661-634-1400.
3. **Project Description:** In September 2000, the Kern County Water Agency (Agency) certified a Negative Declaration for the *Kern River Restoration and Water Supply Program* (Program). A component of the Program was acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right. Studies conducted by Agency staff showed that the controllable average annual yield from the Lower Right was approximately 40,000 acre-feet. Historically, the prior owner of the Lower Right, Nickel Family, LLC had exported at least 10,000 acre-feet per year from the basin under various terms and conditions. For example, during the period from 1992 through 2001, approximately 13,000 acre-feet of Lower River water was exported out-of-County. Subsequent to the Board certification of the Negative Declaration for the Program, the Agency detailed a proposal to continue to transfer, on an annual basis, the 10,000 acre-feet of water from the Agency's groundwater bank account. The transferred water will be recovered from the Agency's storage account in the Pioneer Groundwater Recharge and Recovery Project and/or from other local banking facilities either directly or by exchange and delivered back to the California Aqueduct either directly or by exchange, via the Kern Water Bank Canal and/or the Cross Valley Canal. For more information concerning the project, see the *Kern County Water Agency Environmental Initial Study Form [for CEQA Guidelines section 15162 Determination]* dated September 27, 2001 (the "Initial Study"), which is available for review and copying during regular business hours at the Agency office at the above address.
4. **Purpose and explanation of Initial Study:** The Agency has prepared the Initial Study in order to determine whether the approval and implementation of the project as described in the Initial Study require subsequent or additional environmental review under CEQA Guidelines section 15162. The purpose of the project is to continue to transfer the 10,000 acre-feet of water per year. The recipient entity(s) of the transferred water are unknown at this time. A portion or all of this water may be transferred outside Agency boundaries. In comparing water transfers between the prior owner and the Agency, except for which groundwater banking project the water is delivered from, the physical arrangement and potential impacts remain very much the same.

The Initial Study evaluates the incremental differences between the impacts of the transfer of the 10,000 acre-feet from the prior owner versus transfer by the Agency as the new owner of the water and use of the Agency's Pioneer groundwater bank supply and/or other local banking facilities, as previously described, analyzed and approved in the previous CEQA documents. For more information concerning the purpose of the Initial Study and this Subsequent Negative Declaration, see the Initial Study. CEQA compliance for acquisition of the Lower Kern River water right and the Pioneer Groundwater Recharge and Recovery Project are available for review at the above address.
5. **Project Location:** Water storage in and transfer from Agency Pioneer Groundwater Recharge and Recovery Project and/or other local banking facilities, Kern County, California (see map attached to Initial Study); water delivery via the State Department of Water Resources California Aqueduct.
6. **Finding:** The Agency Board of Directors has reviewed the proposed project, Initial Study, comments received on the proposal to adopt this Subsequent Negative Declaration, and other documents and information from Agency staff, and on the basis of this information and the whole record before Agency,

hereby finds and determines as follows: (a) The Initial Study and Subsequent Negative Declaration reflect Agency's independent judgment and analysis; and (b) the Agency's Kern River Restoration and Water Supply Program and the Pioneer Groundwater Recharge and Recovery Project and other local banking facilities (i) have been analyzed adequately in the previous CEQA documents pursuant to applicable standards, and (ii) impacts have been avoided or mitigated pursuant to the previous negative declarations, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. This Subsequent Negative Declaration confirms this conclusion.

7. **Initial Study:** A copy of the Initial Study is either attached or available for public review at the Agency office at the above address.

8. **Location of Background Documents:** The Initial Study, documents referenced in the Initial Study, notice of intent to adopt Subsequent Negative Declaration, comments on the Initial Study, and other documents concerning this project are on file and available for public review at the Agency office at the above address. The Agency Board Secretary (same address) is the custodian of the documents that constitute the record of proceedings upon which the decision in this matter is based.

By: 
President

Date: 11/13/01

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title: Kern County Water Agency's (Agency) Transfer of 10,000 acre-feet per year of Banked Lower Kern River Water Project

Location: California Aqueduct, Kern County

Project Description: The Project is to continue the transfer 10,000 acre-feet per year of banked Lower Kern River Water. The transferred water would come from the Agency's banked groundwater account stored in the Pioneer Groundwater Recharge and Recovery Project and/or other local banking facilities and would be recovered either directly or by exchange and conveyed back to the California Aqueduct either directly or by exchange.

Findings of Exemption:

1. The project consists of a water transfer.
2. A Subsequent Negative Declaration has been conducted by Kern County Water Agency (lead agency) which evaluates the potential for adverse environmental impacts resulting from the approval and implementation of the project.
3. The lead agency has no evidence before it, including the information in the Subsequent Negative Declaration and comments of appropriate reviewing agencies, to indicate that the proposed project could have any potential for adverse effects on fish and wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding(s) and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 71.2 of the Fish and Game Code.



Title: General Manager

Local Lead Agency: Kern County Water Agency

Date: November 13, 2001