



● **Board of Directors**
Water Planning and Stewardship Committee

3/10/2015 Board Meeting

8-3

Subject

Authorize entering into an agreement with Kern-Delta Water District to pay up to \$2.5 million from the Water Management Fund for improvement of the return reliability of the Kern-Delta Water District Water Management Program

Executive Summary

This action authorizes Metropolitan to fund an improvement to the Water Management Program with Kern-Delta Water District. The improvement includes a pipeline that would reduce losses when Kern River supplies are delivered for exchange. Metropolitan funding would be up to \$2.5 million from the Water Management Fund. This funding will be recovered through the elimination of put fees on the next 20,000 acre-feet delivered into the program.

Details

In 2003, Metropolitan entered into a Water Management Program Agreement (Program) with Kern-Delta Water District (Kern-Delta). The Program has allowed Metropolitan to store up to a maximum of 250,000 acre-feet (AF). Currently, Metropolitan has 150,800 acre-feet (AF) of water stored in this program. In times of surplus, Metropolitan recharges available State Water Project supplies. In times of drought, the Program returns water to Metropolitan by both direct pump-in to the California Aqueduct and by exchange.

The return of water by exchange is a significant element in ensuring return reliability of the Program. Constructing a 0.4-mile long, 72-inch-diameter conveyance pipeline from an existing canal to deliver water directly to the Bakersfield Improvement District No. 4 (ID4) treatment plant would improve the reliability of the exchange water.

Historically to facilitate the exchange, the Kern River water is delivered to the ID4 treatment plant in lieu of supplies it would receive from the California Aqueduct. As the Kern River water travels to the treatment plant, water is lost to recharge to the underlying groundwater basin. The losses are very large in dry years, as was the case in 2014, reducing the Program return capability.

Staff estimates that Metropolitan could have improved the return capability by around 20,000 AF in 2014 if the pipeline had been constructed. The losses were around 40 percent in 2014. The new pipeline will connect an existing canal to deliver water more efficiently bypassing over three miles of river flow. Construction cost of the pipeline is estimated at up to \$5 million with Metropolitan's \$2.5 million covering 50 percent of the cost.

Metropolitan staff is requesting authorization to enter into an agreement with Kern-Delta to improve the return reliability of the Program. Key terms for the agreement include the following:

1. Metropolitan will make a one-time, upfront payment in the amount of up to \$2.5 million to Kern-Delta for the construction of the pipeline.
2. Metropolitan will have first priority access to the prorated capacity Metropolitan funded.
3. Kern-Delta will waive the next 20,000 AF of put regulation fees into the Program.

The improved exchange reliability will increase Metropolitan's return capability from the Program during low hydrologic conditions on the Kern River. Metropolitan's up-front costs will be more than offset through an elimination of put regulation fees on the next 20,000 AF delivered into the Program. The value of these avoided regulation fees is estimated to be at least \$2.5 million. Since the Program is located south of the Delta, the supply is not subject to Delta conveyance restrictions or losses. A total of 40,000 AF of water deliveries to Metropolitan is scheduled from this Program in 2015 based on exchanges and direct pump back. Staff recommends that the Board authorize the General Manager to enter into an agreement with Kern-Delta to improve Metropolitan's recovery reliability.

Policy

By Minute Item 44394, dated March 13, 2001, the Board authorized entering into Principles of Agreement with the Kern-Delta Water District and to proceed with environmental studies and final negotiations on a dry-year supply program.

By Minute Item 45082, dated November 19, 2002, the Board authorized the General Manager to enter into a Program Agreement with Kern-Delta.

Metropolitan Water District Administrative Code Section 4203: Metropolitan will vigorously pursue the development of water transfers to meet its public water supply objectives in the future.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the Kern County Water Agency, acting as the Lead Agency, adopted the Improvement District No. 4 Cross River Pipeline Project Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting Program (MMRP) on March 21, 2007, (SCH#2007011122). Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the MND and MMRP and adopt the Lead Agency's findings prior to approval. The environmental documentation is in [Attachment 1](#).

The CEQA determination is: Review and consider information provided in the adopted 2007 MND and MMRP and adopt the Lead Agency's findings related to the proposed actions.

CEQA determination for Option #2:

None required

Board Options

Option #1

Review and consider information provided in the adopted 2007 MND and MMRP and adopt the Lead Agency's findings, and authorize entering into an agreement with Kern-Delta Water District consistent with the terms outlined herein and in a form approved by the General Counsel.

Fiscal Impact: Up to \$2.5 million from the Water Management Fund.

Business Analysis: The upfront payment will benefit Metropolitan by improving Program return capability and eliminating regulation fees on 20,000 AF of future put costs. Further, this funding would be fully returned to Metropolitan in the form of credits for future program costs.

Option #2

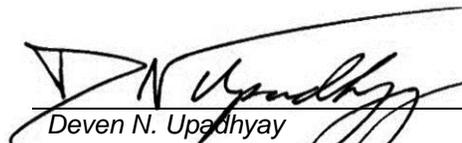
Do not authorize execution of an agreement with Kern-Delta Water District for improvement of return reliability.

Fiscal Impact: None

Business Analysis: Metropolitan may need to pursue other programs to improve the water supply reliability for the region.

Staff Recommendation

Option #1



Deven N. Upadhyay
Manager, Water Resource Management

2/24/2015
Date



Jeffrey Nightlinger
General Manager

2/24/2015
Date

Attachment 1 – Determinations and findings with respect to the mitigated negative declaration for the Improvement District No. 4 Cross River Pipeline Project

Ref# wrm12635663

BEFORE THE BOARD OF DIRECTORS
OF THE
KERN COUNTY WATER AGENCY

In the matter of:

DETERMINATIONS AND FINDINGS *
WITH RESPECT TO THE MITIGATED *
NEGATIVE DECLARATION FOR THE *
IMPROVEMENT DISTRICT NO. 4 CROSS *
RIVER PIPELINE PROJECT *

I, Josy M. Brown, 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 Mathews, and seconded by Director Radon, was duly passed and adopted by said Board of Directors at an official meeting hereof this 21st day of March, 2007, by the following vote, to wit:

Ayes: Radon, Gallagher, Lundquist, Rogers, Mathews, Frick and Starrh

Noes: None

Absent: None


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

Resolution No. 18-07

WHEREAS, the Board of Directors (Board) of the Kern County Water Agency (Agency) has had prepared, circulated and presented to it, and has reviewed and considered an Initial Study, Environmental Checklist, dated January 24, 2007, and a proposed Mitigated Negative Declaration (Exhibit A) attached thereto, all pertaining to the Improvement District No. 4 Cross River Pipeline Project; and

WHEREAS, the Agency has reviewed 5 (five) written comments from responsible agencies and interested parties and incorporated these comments, together with a letter from the State Clearinghouse and Planning Unit acknowledging Agency compliance with the State Clearinghouse, pursuant to the California Environmental Quality Act (CEQA), and any Agency response in the appendix of the Mitigated Negative Declaration ; and

WHEREAS, none of the comments received by the Agency regarding the Mitigated Negative Declaration are considered to be environmentally significant; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Kern County Water Agency does hereby find and determine that the foregoing recitals are true and correct; and:

1. The Board has reviewed and considered the contents of the Initial Study and proposed Mitigated Negative Declaration, the presentation to the Board made by staff pertaining to same, and the comments received from the public both during the Board meeting on March 21, 2007 and received during the required environmental review period; and
2. Based upon the evidence, the Board hereby finds that there is no substantial evidence that the Improvement District No. 4 Cross River Pipeline Project (Project) will 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) pursuant to with the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*); and
3. The Board hereby further finds that, when considering the record as a whole, there is no substantial evidence before the Board that the Project will adversely affect wildlife resources or habitat. Therefore, 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 Acts, the Agency will comply with all State and federal laws.

KERN COUNTY WATER AGENCY

MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act of 1970 (CEQA),¹ the State CEQA Guidelines,² and the Kern County Water Agency Guidelines for Implementation of CEQA Guidelines,³ the Kern County Water Agency (KCWA) has made an Initial Study of the possible environmental impacts of the following described project.

LEAD AGENCY: Kern County Water Agency

APPLICANT: Same as Lead Agency

NAME OF PROJECT: Improvement District No. 4 Cross River Pipeline

PROJECT LOCATION: Bakersfield, Kern County

DESCRIPTION OF PROPOSED PROJECT: See "Attachment " to the Initial Study

MITIGATION MEASURES:

1. Prior to unset of ground-disturbing project activities, project personnel shall be briefed on the occurrence and distribution of listed species in the project area, measures being implemented to protect these species during project actions, and reporting requirements should accidental take occur. New workers to the project will receive training within 15 days of their start date. Within 14-30 days prior to commencement of construction activities, a qualified biologist(s) shall conduct pre-activity surveys of the proposed work zones and a 200-foot buffer around each area. During pre-activity surveys, the status of previous surveys shall be reviewed; Any San Joaquin kit fox dens, Kangaroo rat or Borrowing owl burrows shall be flagged for avoidance, as necessary.
2. Pets shall not be permitted on the project site during construction activities.
3. All food-related trash such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only
4. All spills of hazardous materials within endangered species habitats shall be cleaned up immediately.
5. No firearms will be allowed in the project area.
6. All construction activities conducted during the project shall be confined to daylight hours unless circumstances warrant night work and approval is obtained from CDFG and USFWS.
7. All project-related vehicles shall observe a speed limit of 20-miles per hour (mph)

¹ Public Resources Code 21000, et seq.

² Title 13, Division 6, California Administrative Code, as amended.

³ Resolution 25-84, adopted October 25, 1988, as amended.

- and county highways and roads.
8. Project-related vehicle shall be confined to existing primary or secondary roads or to specifically delineated project areas (i.e., areas that have been surveyed and described in existing documentation). Otherwise, no off-road vehicle travel shall be permitted.
 9. All open trenches and footing holes shall be covered each night or ramped in such a way as to allow wildlife that may enter to escape unharmed. Ramps will be no more than 1,000 feet apart and no more than 45 degrees.
 10. All known and potential San Joaquin kit foxes dens and burrowing owl burrows shall be protected by implementing the following procedures. Such protection will help prevent incidental take of dens and burrows. All avoidable dens and burrows within the immediate vicinity of work area shall be prominently staked and/or flagged as necessary to alert project personnel to their presence.
 - a. The applicant shall make every reasonable effort to prevent the collapse of dens and burrows by relocating temporary access roads and lay down areas to avoid dens and burrows or other means as determined to be appropriate.
 - b. If damage or destruction to a known or potential San Joaquin kit fox den cannot be avoided during project activities the den shall be monitored for three consecutive days and excavated according to agency approved guidelines. All den excavation shall be performed or supervised by a qualified biologist.

FINDINGS: After making an assessment of the possible impacts of the proposed Project and reviewing an Initial Study dated January 24, 2007, 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.

STATE CLEARING HOUSE NUMBER: 2007011122

INITIAL STUDY: A copy of the Initial Study and environmental checklist prepared by KCWA staff, dated January 24, 2007, is attached.

CONTACT PERSON, TELEPHONE NUMBER: Mr. James M. Beck, 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; email: ktotzke@kcwa.com.

James M. Beck, General Manager

Date: 03-21-07

NOTICE OF DETERMINATION¹

TO:
County Clerk
County of Kern
1115 Truxtun Avenue, 1st floor
Bakersfield, CA 93301-4639

FROM:
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302

Office of Planning and Research
P.O. Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code.

PROJECT TITLE: Improvement District No.4 Solar Cross River Pipeline - SCH# 2007011122

PROJECT LOCATION: Kern River Channel, Bakersfield Metropolitan Area

PROJECT DESCRIPTION: See attached Mitigated Negative Declaration

This is to advise that the Kern County Water Agency (Lead Agency) has approved the above described project on March 21, 2007, and has made the following determinations regarding the above described project:

1. The project will, x will not, have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. x A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
4. Mitigation measures X were, were not, made a condition of approval for this project.
5. A statement of Overriding Considerations was, x was not, adopted for this project.

This is to certify that a copy of the Mitigated Negative Declaration with comments and responses and record of project approval is available to the general public at:
Administrative Office, Kern County Water Agency, 3200 Rio Mirada Drive, Bakersfield, CA 93308.

Date Received for Filing: _____

Signature

General Manager
Title

¹ Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title: Improvement District No. 4 Cross River Pipeline Project (SCH# 2007011122)

Location: The Project is located within the Kern River Channel just upstream of the Calloway Weir between Highway 204 and Chester Avenue bridge crossings.

Project Description: Construction of a buried .4 mile long, 72-inch diameter water conveyance pipeline crossing the Kern River Channel

Findings of Exemption:

1. The project consists of a public works project to construct a water conveyance pipeline in order to provide high quality raw water to the Henry C. Garnett Water Purification Plant. The project will reduce water treatment costs and provide flexibility for producing a potable drinking water supply for the urban Bakersfield area.
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: March 22, 2007

Local Lead Agency: Kern County Water Agency

Title: General Manger



Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cynthia Bryant
Director

February 28, 2007

Kane Totzke
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302

RECEIVED: Kern County Water Agency

JMB	<input type="checkbox"/>
BEW	<input type="checkbox"/>
DMB	<input checked="" type="checkbox"/>
CLC	<input type="checkbox"/>
DWM	<input type="checkbox"/>
LWF	<input type="checkbox"/>
KFT	<input checked="" type="checkbox"/>
All	<input type="checkbox"/>

MAR 12 2007

ATM	<input type="checkbox"/>
RBI	<input type="checkbox"/>
ELA	<input type="checkbox"/>
MMV	<input type="checkbox"/>
JWP	<input type="checkbox"/>
DML	<input type="checkbox"/>
SMR	<input type="checkbox"/>
Scan	<input checked="" type="checkbox"/>
Orig to file	<input type="checkbox"/>

50.3 Environmental
EIR/LES Mitigation
Negative Declaration
ED 4 Consensus Plan
X-ref 80. Cont. Stel
Gov. office - Planning
Room

Subject: Kern County Water Agency Improvement District No. 4 Cross River Pipeline
SCH#: 2007011122

Dear Kane Totzke:

The State Clearinghouse submitted the above named Mitigated 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 February 26, 2007, 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
Director, State Clearinghouse

Enclosures
cc: Resources Agency

SCH# 2007011122
Project Title Kern County Water Agency Improvement District No. 4 Cross River Pipeline
Lead Agency Kern County Water Agency

Type MN Mitigated Negative Declaration
Description D
 The Kern County Water Agency Improvement District No. 4 (District) proposes to construct a 0.4 mile long, 72-inch diameter water conveyance pipeline. The pipeline will convey raw water from the Carrier Canal to the Henry C. Garnett Water Purification Plant (HCGWPP) for treatment to meet urban water supply demands within the District service area.

Lead Agency Contact

Name Kane Totzke
Agency Kern County Water Agency
Phone (661) 634-1468 **Fax**
email
Address P.O. Box 58
City Bakersfield **State** CA **Zip** 93302

Project Location

County Kern
City Bakersfield
Region
Cross Streets Golden State Avenue
Parcel No.
Township 29S **Range** 28E **Section** 13 **Base** MDBM

Proximity to:

Highways 204
Airports
Railways UPRR
Waterways Kern River
Schools
Land Use Construction of a buried 72-inch diameter, 0.4 mile pipeline crossing the Kern River Channel.

Project Issues Biological Resources; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Health Services; Department of Fish and Game, Region 4; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Department of Toxic Substances Control; State Water Resources Control Board, Division of Water Rights; State Lands Commission

Date Received 01/26/2007 **Start of Review** 01/26/2007 **End of Review** 02/26/2007

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



February 13, 2007

Kane Totzke
Kern County Water Agency
Post Office Box 58
Bakersfield, California 93302

*Clear
2-26-07
E*

Kern County Water Agency Improvement District No. 4 Cross River Pipeline
State Clearinghouse (SCH) Number: 2007011122

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Huitt".

Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



clear
 2-26-07

January 30, 2007

RECEIVED

FEB 01 2007

STATE CLEARING HOUSE

Mr. James M. Beck, General Manager
KERN COUNTY WATER AGENCY
 P.O. Box 58
 Bakersfield, CA 93302

Re: SCH#2007011122; CEQA Notice of Completion; Mitigated Negative Declaration for Improvement District No. 4 for Cross River Pipeline Project; Kern County Water Agency; Kern County, California

Dear Mr. Beck:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human

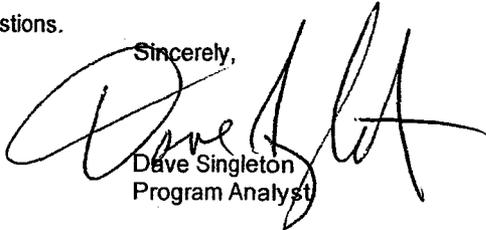
remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts



North of the River Municipal Water District

4000 Rio Del Norte Street • Oildale, CA 93308 • Office (661) 393-5411 • FAX (661) 399-8911

February 9, 2007

James M. Beck, General Manager
Kern County Water Agency
P. O. Box 58
Bakersfield, CA 93302-0058

Attn: Kane Totzke

Re: California Environmental Quality Act (CEQA) Compliance for the Kern
County Water Agency – Improvement District No. 4 (ID#4) Cross River
Pipeline Project

Dear Mr. Beck:

The North of the River Municipal Water District has reviewed the Initial Study and Environmental checklist for the above referenced project. Based upon its review, the District is in support of the proposed Draft Mitigated Negative Declaration as so described therein. With the precautions described, any lingering effect upon the local environment will be almost non-existent.

The District is eager to see this project go forward; as the long term people-related benefits to ID#4 are numerous. Not only does this project allow for the judicious transportation of water to the treatment plant in an efficient manner during times of reduced supply, but also helps protect against water supply contamination from human or animal activities at or near the Calloway Weir. Moreover, should chemical or other noxious materials accidentally be spilled into the Kern River at Gordon's Ferry, Manor Street or Chester Avenue bridges, for instance, the river supply transported through the Cross River pipeline to the treatment plant will be protected.

Thank you for the opportunity to comment.

Very truly yours,

William R. Miller
General Manager



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

March 7, 2007

James Beck, General Manager
Kern County Water Agency
Attn: Kane Totzke
PO Box 58
Bakersfield, CA 93302-0058

RECEIVED - Kern County Water Agency
MAR - 9 2007
JMB
BEW
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CLC
DWM
LWF
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**Project: Initial Study and Proposed Mitigated Negative Declaration:
Improvement District No. 4 Cross River Pipeline Project**

Subject: CEQA comments regarding the proposed construction of a 0.4 mile long, 72-inch diameter water conveyance pipeline crossing the Kern River channel by Improvement District No. 4 of the Kern County Water Agency

District Reference No: 200700147

Dear Mr. Beck:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

Findings of Significance

The San Joaquin Valley Air Basin is currently designated as serious non-attainment for Ozone and non-attainment (no classification) for PM2.5. On October 30, 2006, the US EPA found that the San Joaquin Valley had attained the PM10 standard. The US EPA based its determination upon monitoring data demonstrating that the ambient air quality had met the requirements for attainment. The US EPA's finding does not change the District's classification as a serious PM10 non-attainment to attainment area. However, re-designation from serious non-attainment to attainment requires additional documentation and will occur at some future date.

This project would contribute to the overall decline in air quality due to construction activities in preparation of the site, and ongoing traffic and other operational emissions. Based on the information provided, the District expects that the project would not exceed the District's Thresholds of Significance for ozone precursors of 10 tons per

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061
www.valleyair.org

Southern Region
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
Tel: (661) 326-6900 FAX: (661) 326-6985

year of reactive organic gases (ROG) and oxides of nitrogen (NOx). However, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the San Joaquin Valley. A concerted effort should be made to reduce project-related emissions as outlined below:

Applicable District Rules

The District does not consider compliance with District regulations to be mitigation. Mitigation measures are those measures taken to lower emissions above and beyond what is required by compliance with District rules. The District believes this distinction is important because mitigation measures will require the preparation of a mitigation monitoring program that provides the schedule for implementation and the enforcement mechanism.

Based on the information provided, the proposed project will be subject to the District rules identified below. These rules have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (661) 326-6969. Current District rules can be found at www.valleyair.org/rules/1ruleslist.htm.

Regulation VIII (Fugitive PM10 Prohibitions) Rules 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc. The District's compliance assistance bulletin for construction sites can be found at www.valleyair.org/busind/comply/PM10/Reg VIII CAB.pdf.

Rule 4002 (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). In accordance with CAL-OSHA requirements, a certified asbestos contractor must remove any identified ACBM having the potential for disturbance. If you have any questions concerning asbestos related requirements, please contact the District's Compliance Division at (661) 326-6900 or contact CAL-OSHA at (559) 454-1295. The District's Asbestos Requirements Bulletin can be found online at <http://valleyair.org/busind/comply/asbestosbultn.htm>.

Rule 4102 (Nuisance) This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Recommended Mitigation Measures

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. The suggestions listed below should not be considered all-inclusive and are options that the agency with the land-use authority should consider for incorporation into the project.

The applicant/tenant(s) should implement measures to reduce the amount of single occupancy vehicle employee traffic to and from the project area that further reduce air pollution in the valley.

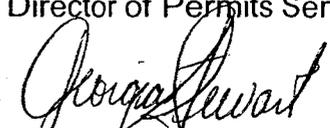
Construction activity mitigation measures include:

- Require that all diesel engines be shut off when not in use to reduce emissions from idling
- Minimize obstruction of traffic on adjacent roadways.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services


for
Amaud Marjollet
Permit Services Manager

DW: gs

cc: file



Phillip W. Burns
Building Director
(661) 326-3733
FAX (661) 852-2135 1ST floor

James D. Movius
Planning Director
(661) 326-3720
FAX (661) 325-0266
FAX (661) 852-2136 2nd floor

February 26, 2007

James M. Beck, General Manager
Attn: Kane Totzke
Kern County Water Agency
PO Box 58
Bakersfield, CA 93302-0058

RE: Proposed draft Mitigated Negative Declaration for the Improvement District No. 4 Cross River Pipeline

Dear Mr. Beck:

Thank you for allowing the City of Bakersfield Planning Department to review the above referenced project. At this time the Planning Department would like to make the following comments:

The project description is a little unclear in regards to how much water will flow through the Kern River Channel area after the pipeline has been constructed. The project site is located immediately within the Kern River Parkway, which includes bike paths, equestrian trails, and a large public recreational area. These areas are considered aesthetically sensitive areas and we disagree with the finding under Section I (c) of "No Impact" should water be diverted from this area. The document also did not address the imminent disturbance to the plant and wildlife that depend on the seasonal flow of water. Under Section IV (d) this project has potential to substantially interfere with the movement of native and migratory species.

While there is a historical reference to the Kern River Parkway Management Program there is no mitigation measures included ensuring the continued implementation of this agreement.

In addition, the excavation area will disturb and dislocate plant and wildlife at least temporarily. Although there is proposed mitigation to return the area to its "pre-project" state, the proposed mitigation did not address specific plans for restoration of the native landscape.

This Department respectfully requests that several findings be amended and proposed mitigation measures are included to ensure that this project is mitigated to a reasonable degree in light of the site's recreational/environmental sensitivity:

1. That a Management Program be agreed to by the City of Bakersfield and Water Agency prior to project inception that will continue operations to ensure adequate water be made available in the Kern River Channel.

The intent of this measure is to address the issue of water availability within the Kern River Channel.

2. That a native plant landscaping plan and a management program define where and when the area disturbed would be revegetated.

The intent of this measure is to address biologic impacts caused by construction activities.

Should you have any questions, feel free to call me at 661-326-3733.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Gauthier", written in a cursive style.

Marc Gauthier
Principal Planner



January 24, 2007

Directors:

Fred L. Starrh
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Lawrence P. Gallagher
Vice President
Division 6

Gene A. Lundquist
Division 7

James M. Beck
General Manager

Amelia T. Minaberrigarai
General Counsel

TO: Responsible Agencies and Interested Parties (see distribution list)
FROM: James M. Beck
SUBJECT: California Environmental Quality Act (CEQA) Compliance for the Kern County Water Agency - Improvement District No. 4 Cross River Pipeline Project

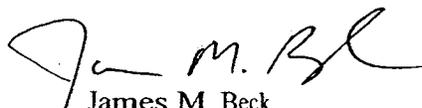
Pursuant to CEQA, the Kern County Water Agency (Agency) will be the Lead Agency and has prepared an Initial Study and Proposed Draft Mitigated Negative Declaration for the Agency - Improvement District No. 4 Cross River Pipeline Project. We are soliciting the views of your agency as to the scope and 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 prior to 5:00 p.m., Monday, February 26, 2007. Following the review and comment period, the Initial Study, along with the Mitigated Negative Declaration, will be presented to the Agency Board of Directors for adoption, to be held at 12:00 p.m. on Wednesday, March 21, 2007 at the Agency's administration office at 3200 Rio Mirada Drive, Bakersfield, CA. Please submit written comments to:

Mr. James M. Beck, General Manager
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058
Att: Kane Totzke

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

Sincerely,


James M. Beck
General Manager

Enclosures

661/634-1400

Mailing Address
P.O. Box 58
Bakersfield, CA 93302-0058

Street Address
3200 Rio Mirada Dr.
Bakersfield, CA 93308

Cawelo Water District Board Meeting
 Ansolabehere, David R
 17207 Industrial Farm Rd
 Bakersfield CA 93308 9801

Semitropic WSD
 Boschman, Will
 PO Box Z
 Wasco CA 93280

Delano Palomar Irrigation District
 Brogan, Dale R
 14181 Avenue 24
 Delano CA 93215

Southern San Joaquin MUD
 Carlisle, Bill
 PO Box 279
 Delano CA 93216

DWR Div of Environmental Serv
 Chief
 PO Box 942836
 Sacramento CA 94236 0001

DWR Proj Water Contracts
 Chief, Trobly, Craig
 PO Box 942836
 Sacramento CA 94236 00

Arvin Edison WSD
 Collup, Steven C
 PO Box 175
 Arvin CA 93203 0175

City of Bakersfield Water Dept
 Core, Florn
 1000 Buena Vista Rd
 Bakersfield CA 93311

Rosedale Rio Bravo WSD
 Crossley, Hal
 PO Box 867
 Bakersfield CA 93302 00

Kern-Tulare & Rag Gulch WDS
 Jalke, Steve
 5001 California Ave Ste 202
 Bakersfield CA 93309 1592

Division of Oil, Gas & Geothermal
 4800 Stockdale Hwy
 Bakersfield CA 93309

Shafter-Wasco Irrigation Dist.
 Ezell, Jerry
 PO Box 1168
 Wasco CA 93280 00

Farm Bureau Federation
 1601 Exposition Blvd FB3
 Sacramento CA 95815 5195

City of Bakersfield
 Gauthier, Marc
 1715 Chester Ave
 Bakersfield CA 93301

State Clearing House
 Governors Office Planning & Research
 1400 Tenth St - Room 212
 Sacramento CA

Western Audubon Society
 Coffin, Mary
 1604 Duke Dr
 Bakersfield CA 93305

Belridge WSD
 Hammett, Greg
 PO Box 250
 Lost Hills CA 93249

Vaughn Water Co Inc
 Huhn, Michael
 10014 Glenn St
 Bakersfield CA 93312 29

James L Nickel
 PO Box 60679
 Bakersfield CA 93386 0679

Kern County Planning
 James, Ted
 2700 M Street Suite 100
 Bakersfield CA 93301

Kern County Air Pollution Ctrl Dist
 2700 M St Ste 302
 Bakersfield CA 93301

Kern County Mosquito & Vector Ctrl D
 4705 Allen Rd
 Bakersfield CA 93312 3429

Kern County Parks & Recreation Dept
 1110 Golden State Hwy
 Bakersfield CA 93301

Henry Miller Water District
 Lutje, Joe
 PO Box 9759
 Bakersfield CA 93389 97

Union Pacific Railroad Co
 Mary Hauschild
 1800 Farnam St
 Omaha NE 68102

Dudley Ridge Water District
 Melville, Dale
 286 W Cromwell Ave
 Fresno CA 93711 6162

North of the River MWD
 Miller, William
 4000 Rio Del Norte St
 Bakersfield CA 93308 100

Buena Vista WSD
 Milobar, Martin
 Box 756
 Buttonwillow CA 93206

Tehachapi Cummings County WD
 Mueller, Glenn H.
 PO Box 326
 Tehachapi CA 93581 0326

Kern Delta Water District
 Mulkay, Mark
 501 Taft Highway
 Bakersfield CA 93307

Attachment	Host	File	Page	Count
Tejon-San Joaquin Board Meeting	North Kern Water Storage Dist	Attachments Hills	Page 20	1 of 69
Mullins, Dennis PO Box 1000 Lebec CA 93243	Munn, Dana 33380 Cawelo Ave Bakersfield CA 93308 9575	Nixon, Phil 3008 Sillect Ave Ste 205 Bakersfield CA 93308		
dale Mutual Water Company	Kern Water Bank Authority	West Kern Water District		
Nunneley, Doug PO Box 5638 Bakersfield CA 93388	Parker, Jon 5500 Ming Ave Ste 490 Bakersfield CA 93309	Pearson, Jerry W PO Box 1105 Taft CA 93268 1		
East Niles CSD	San Joaquin Air Pollution Ctrl Dist	Kern-Kaweah Chapter		
Ruiz, Tim P. PO Box 6038 Bakersfield CA 93386 6038	2700 M St Ste 275 Bakersfield CA 93301	Sierra Club 2815 La Cresta Dr Bakersfield CA 93305 17		
Department of Fish and Game	Wheeler Ridge Maricopa WSD	California Water Service Co.		
Single, Jeff 1234 East Shaw Avenue Fresno CA 93710	Taube, Bill 12109 Highway 166 Bakersfield CA 93313 9630	Treloar, Tim 3725 So. "H" Street Bakersfield CA 93304		
Natural Resources Conservation	San Joaquin Valley Brnch Chief	Chevron - Texaco		
IS Department of Agriculture 5000 California Ave Ste 100 Bakersfield CA 93309 0711	US Fish & Wildlife Service 2800 Colltage Way #W-2605 Sacramento CA 95825 1846	Waldron, Jim PO Box 1392 Bakersfield CA 93302		
Time Elk State Park	Cal Trans District 6	Bolthouse Farms		
PO Box 895 Lebec CA 93243	PO Box 12616 Fresno CA 93778	7200 E Brundage Ln Bakersfield CA 93307		

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: Kern County Water Agency Improvement District No. 4 Cross River Pipeline
 Lead Agency: Kern County Water Agency Contact Person: Kane Totzke
 Mailing Address: P.O. Box 58 Phone: 661-634-1468
 City: Bakersfield, CA Zip: 93302 County: Kern

Project Location:

County: Kern City/Nearest Community: Bakersfield
 Cross Streets: Golden State Ave Zip Code: _____
 Assessor's Parcel No.: _____ Section: 13 Twp: 29S Range: 28E Base: MDBM
 Within 2 Miles: State Hwy #: 204 Waterways: Kern River
 Airports: _____ Railways: Union Pacific Schools: _____

Document Type:

- | | | | |
|---|--|------------------------------------|--|
| <input type="checkbox"/> CEQA: <input type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input type="checkbox"/> Neg Dec | (Prior SCH No.) _____ | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Mit Neg Dec | <input type="checkbox"/> Other _____ | <input type="checkbox"/> FONSI | |

Local Action Type:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other _____ |

Development Type:

- | | |
|---|--|
| <input type="checkbox"/> Residential: Units _____ Acres _____ | <input checked="" type="checkbox"/> Water Facilities: Type _____ MGD _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Educational _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ |
| <input type="checkbox"/> Recreational _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| Total Acres (approx.) _____ | <input checked="" type="checkbox"/> Other: <u>Water Pipeline</u> |

Project Issues Discussed in Document:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input type="checkbox"/> Recreation/Parks | <input type="checkbox"/> Vegetation |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input type="checkbox"/> Water Quality |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input checked="" type="checkbox"/> Water Supply/Groundwater |
| <input type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input checked="" type="checkbox"/> Wetland/Riparian |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Minerals | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Wildlife |
| <input type="checkbox"/> Coastal Zone | <input type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Growth Inducing |
| <input type="checkbox"/> Drainage/Absorption | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Economic/Jobs | <input type="checkbox"/> Public Services/Facilities | <input type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Cumulative Effects |
| | | | <input type="checkbox"/> Other _____ |

Flood Plain

Present Land Use/Zoning/General Plan Designation:

Construction of a buried 72 inch diameter, 4 mile long pipeline crossing the
 Project Description: (please use a separate page if necessary) Kern River channel.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

continued

3/10/2015 Board Meeting

8-3

Attachment 1, Page 22 of 69

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "S". If you have already sent your document to the agency please denote that with an "S".

- Air Resources Board
- Boating & Waterways, Department of
- California Highway Patrol
- Caltrans District # _____
- Caltrans Division of Aeronautics
- Caltrans Planning
- Coachella Valley Mountains Conservancy
- Coastal Commission
- Colorado River Board Commission
- Conservation, Department of
- Corrections, Department of
- Delta Protection Commission
- Education, Department of
- Office of Public School Construction
- Energy Commission
- Fish & Game Region # _____
- Food & Agriculture, Department of
- Forestry & Fire Protection
- General Services, Department of
- Health Services, Department of
- Housing & Community Development
- Integrated Waste Management Board
- Native American Heritage Commission

- Office of Emergency Services
- Office of Historic Preservation
- Parks & Recreation
- Pesticide Regulation, Department of
- Public Utilities Commission
- Reclamation Board
- Regional WQCB # _____
- Resources Agency
- S.F. Bay Conservation & Development Commission
- San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy
- San Joaquin River Conservancy
- Santa Monica Mountains Conservancy
- State Lands Commission
- SWRCB: Clean Water Grants
- SWRCB: Water Quality
- SWRCB: Water Rights
- Tahoe Regional Planning Agency
- Toxic Substances Control, Department of
- Water Resources, Department of
- Other USFWS, Sacramento office
- Other _____

Local Public Review Period (to be filled in by lead agency)

Starting Date Jan 24, 2007

Ending Date February 26, 2007

Lead Agency (Complete if applicable):

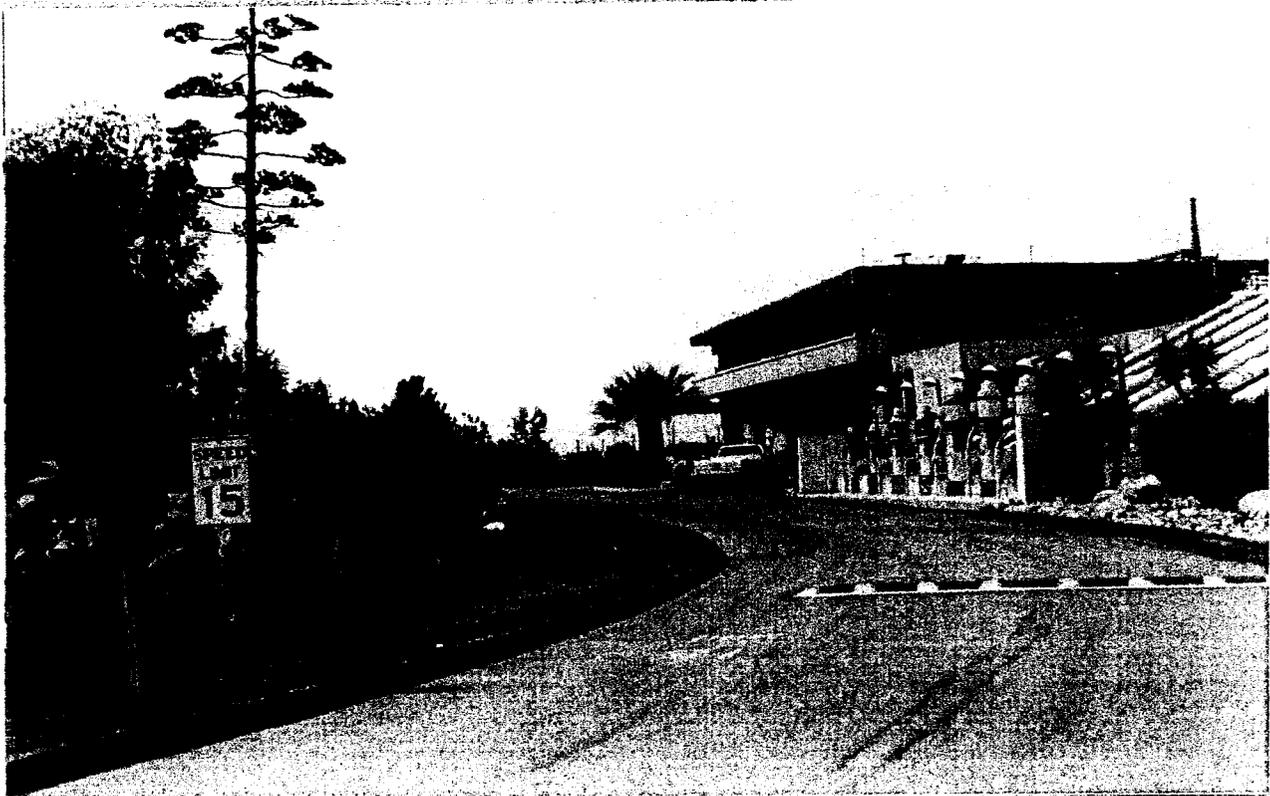
Consulting Firm: _____
 Address: _____
 City/State/Zip: _____
 Contact: _____
 Phone: (____) _____

Applicant: _____
 Address: _____
 City/State/Zip: _____
 Phone: (____) _____

Signature of Lead Agency Representative

Date 1-24-07

Henry C. Garnett Water Purification Plant



Improvement District No. 4

of the

Kern County Water Agency –

Initial Study and Environmental Checklist,

and Proposed Mitigated Negative Declaration

for the

Cross River Pipeline Project

January 2007

ORGANIZATION

Kern County Water Agency



Board of Directors

Division 1 - Fred L. Starrh

Division 2 - Terry Rogers

Division 3 - Peter Frick

Division 4 - Michael Radon

Division 5 - Adrienne J. Mathews

Division 6 - Lawrence P. Gallagher

Division 7 - Gene A. Lundquist

James M. Beck – General Manager

Amelia T. Minaberrigarai – General Counsel

Improvement District No. 4

Urban Bakersfield Advisory Committee

California Water Service - Tim Treloar

North of the River Municipal Water District - William R. Miller

East Niles Community Services District – Tim Ruiz

City of Bakersfield – Mark Lambert

Kern County Water Agency Subcontractor – Doug Nunneley

Kern County Water Agency Representatives - Debbie Moreno, Bakersfield

Chamber of Commerce

This document was prepared by Kane Totzke,
Environmental Specialist
Kern County Water Agency

**KERN COUNTY WATER AGENCY
NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION
[to confirm CEQA Guidelines section 15072 determination]**

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

1. **Name of Project:** Improvement District No. 4 Cross River Pipeline
2. **Project Lead Agency and Sponsor:** Kern County Water Agency (Agency), P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield CA 93302-0058. Contact person: James M. Beck, General Manager, 661-634-1400.
3. **Project Description:** The Kern County Water Agency Improvement District No. 4 (District) proposes to construct a .4 mile long, 72-inch diameter water conveyance pipeline. The pipeline will convey raw water from the Carrier Canal to the Henry C. Garnett Water Purification Plant (HCGWPP) for treatment to meet urban water supply demands within the District service area. For a complete Project description see Attachment "1" to the Initial Study.
4. **Purpose and explanation of Initial Study:** The Kern County Water Agency has prepared the Initial Study in order to determine whether the approval and implementation of the project as described in the Initial Study may have a significant effect on the environment under CEQA Guidelines section 15063. The Kern County Water Agency Water Improvement District No. 4 Cross River Pipeline Project is intended to provide raw water for treatment to supply high quality surface water for urban and industrial use within the Bakersfield area.
5. **Project Location:** The project is located within the Kern River channel just upstream of the Calloway Weir between Highway 204 and Chester Avenue bridge crossings. Please see Initial Study site map for location.
6. **Proposed Finding:** The Agency Board of Directors has reviewed the proposed project, Initial Study, comments received on the proposal to adopt this Mitigated Negative Declaration, and other documents and information from Agency staff, and on the basis of this information and the whole record before the Agency, hereby finds and determines the Initial Study and a Mitigated Negative Declaration reflect the Agency's independent judgment and analysis. This Mitigated Negative Declaration confirms this conclusion.
7. **Initial Study:** A copy of the Initial Study is either attached or available for public review at the above address.
8. **Location of Background Documents:** The Initial Study, documents referenced in the Initial Study, notice of intent to adopt Mitigated Negative Declaration, comments on the Initial Study, and other documents concerning this project are on file and available for public review at the office at the above address. The Agency Secretary (same address) is the custodian of the documents that constitute the record of proceedings upon which the decision in this matter is based.
9. **Public Review:** Public comments on this proposal to adopt a Mitigated Negative Declaration will be received by the Agency at the above address beginning January 24, 2007 and ending February 26, 2007. The Agency Board of Directors is expected to consider the adoption of the Mitigated Negative Declaration at a regular Board meeting scheduled for March 21, 2007 at 12:00 p.m., at the Agency's offices at the above address.

James M. Beck
General Manager
Kern County Water Agency

Date: January 24, 2007

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

1. Project title: Improvement District No. 4 Cross River Pipeline

2. Lead agency name and address:

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

3. Contact person and phone number: James M. Beck, General Manager, 661-634-1400; Att: Kane Totzke

4. Project location: City of Bakersfield, Kern County (see Attachment 1, Project Description, for detail)

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

6. Description of project: See Attachment 1.

7. General plan designation and zoning: n/a

8. Surrounding land uses and setting: Construction occurs within the Kern River channel, surrounding land uses include open space and residential development.

9. Other public agencies whose approval is required: U.S. Corps of Engineers, Department of Fish and Game, Regional Water Quality Control Board, City of Bakersfield.

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 Resources	<input type="checkbox"/>	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 (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 James M. Beck
 General Manager
 Kern County Water Agency

January 24, 2007

 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>I. AESTHETICS</u> -- 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 -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<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				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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"/>

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

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)?

c) Substantially alter the existing drainage pattern of the

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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:				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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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"/>
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XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population-growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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

<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 Incorporation	Less Than Significant Impact	No Impact
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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"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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"/> |
| 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"/> |

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

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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<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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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)?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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<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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LIST OF REFERENCES AND SUPPORTING FACTUAL BASES

- Calloway-Carrier Cross River Pipeline Project Biological Assessment, prepared by William Vanherweg, April 2006, attached.
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Response to Checklist (Cross River Pipeline)

I. Aesthetics

- a) Construction of proposed project facilities will occur within the Kern River channel area. The pipeline will be buried below grade and out of view once completed. Other appurtenance facilities will be constructed on existing Agency property and built to blend in with existing surrounding appearance. This is an area not subject to general viewing by the public and will have a less than significant impact.
- b) The project will not impact any scenic resources, since the primary facility is being constructed and buried below ground.
- c) Construction of pipeline will be built to existing legal construction code standards and regulations and will not impact the surrounding visual characteristics of the area.
- d) No new outside lighting is proposed for this project.

II. Agriculture Resources

- a) No construction will occur on agricultural lands. Therefore, there will be no agricultural land converted to non-agricultural uses.
- b) See II a) above.
- c) See II a) above.

III. Air Quality

- a) The project will comply with all applicable air quality standards and regulations. This project will not obstruct or conflict with any air quality plans.
- b) No. Because during construction watering trucks will be used to minimize dust.
- c) There will be some increase in air pollutants during the construction phase of the

Project. However, these are deemed to be less than significant

- d) No. Standard construction safety rules and regulation will be employed to reduce this to less than significant.
- e) See III d) above.

IV. Biological Resources

- a) No threatened or endangered, or other sensitive plant or wildlife species, pursuant to State and federal Endangered Species Acts, or under the California Department of Fish and Game and the US Fish and Wildlife Service will be impacted during construction and operation of the project. The project does lie within the Metropolitan Bakersfield Habitat Conservation Plan and the Project will comply with its applicable regulations.
- b) No Riparian habitat will be impacted as a result of project construction and operation.
- c) No wetlands habitat will be impacted as a result of project construction and operation.
- d) Buried pipeline construction that temporarily impacts area will be returned to pre-project conditions and will not interfere with wildlife movement.
- e) There are no known local policies or ordinances that would conflict with the project.
- f) The project lies entirely within the Metropolitan Bakersfield Habitat Conservation Plan and will not conflict with any of its provisions.

V. Cultural Resources

- a) There are no known historical resources in the vicinity of the project.
- b) There are no known archaeological resources in the vicinity of the project.
- c) There are no known paleontological resources in the vicinity of the project.
- d) There are no known cemeteries in the vicinity of the project.

VI. Geology and Soils

- a) The proposed project will not expose people or structures to potential substantial adverse effects resulting from earthquakes, seismic ground shaking, seismic-related ground failure or landslides.
- b) The project lies within the River channel and will be subject to river flows on a periodic basis. However, this is not expected to impact the project operations or add to soil erosion. Any disturbed vegetated areas will be re-vegetated to prevent wind erosion.
- c) The project will not uncover or expose any unstable earth conditions and/or unstable geologic substructures or unit.
- d) No
- e) The project will not require new septic or disposal systems.

VII. Hazards and Hazardous Materials

No. This is a water conveyance project.

- a) See VII a) above.
- b) No, there are no known or proposed schools within one-quarter mile of the project.
- c) No.
- d) The proposed project is not located within any existing or proposed public airport.
- e) There are no known private airstrips within the vicinity of the proposed project.
- f) No.
- g) See VII a) above.

VIII. Hydrology and Water Quality

- a) Implementing the project will improve water quality benefits for residents dependent on this water supply. Water will be treated to comply with newly passed water quality standards by the USEPA.
- b) This project will not change existing groundwater or surface water deliveries. The project will use ID4 existing water supplies in order to improve water quality and management flexibility capabilities. The project may alter patterns when surface water percolates to the groundwater. However, annual recharge amounts within ID4 will not significantly be altered over the no project conditions because of ID4 will continue its existing groundwater replenishment programs within the Kern River channel.
- c) The project will cross the Kern River channel. The Agency is in the process of obtaining a 1602 Streambed Alteration Permit from the Department of Fish and

Game and a federal Nation Wide 404 Permit from the U.S. Army Corps of Engineers. The Agency will also obtain the necessary permit from the Regional Water Quality Control Board

- d) The project will not create flooding on or off-site.
- e) The proposed project will have no effect on existing stormwater drainage system.
- f) The Project will not degrade water quality.
- g) The project is within the 100-year flood hazard area and flood insurance rate map. See response to item VIII(c) above.
- h) See VIII g) above.
- i) This project will have no impact on flooding within the project site.
- j) This project is not located next to any natural water body.

IX. Land Use and Planning

- a) The project is located entirely within the Kern River channel.
- b) The project site is properly zoned by the County of Kern for the proposed project.
- c) The project site does reside within the Metropolitan Bakersfield Habitat Conservation Plan and proposes to comply with all of its applicable provisions.

X. Mineral Resources

- a) There are no known mineral resources within the project site.

- b) There are no mineral resources involved in this project.

XI. Noise

- a) There will be elevated noise levels generated during the construction phase of the project; however, this will be within acceptable limits of the local general plan.
- b) No excessive groundborne vibration is expected from this project.
- c) See XI a) above.
- d) See XI a) above.
- e) The project is not located within an airport plan, nor is the project located within two miles of an airport.
- f) The project is not located in the vicinity of a private airstrip.

XII. Population and Housing

- a) The project proposes to improve water quality benefits to ID4 treated water urban purveyors to meet urban demands. This will use existing water supplies to meet existing demand occurring within ID4. The urban growth in these areas is already planned and being driven by the Project and the availability of surface water supplies.
- b) The project will have no effect on existing housing.
- c) See XII b) above.

XIII. Public Services

- a) The project will have no effect on fire protection, police protection, schools, parks or other public facilities.

XIV. Recreation

- a) The proposed project will have no impact on local recreation.
- b) See XIV a) above.

XV. Transportation

- a) During the construction phase of the proposed project, increased vehicle traffic will occur to transport workers and supplies. However, this will be temporary and within the limits of existing local roads.
- b) The project will meet existing service standards established by county transportation departments.
- c) See XV a) above.
- d) There are no new public roads proposed for this project.
- e) The ID4 has an Emergency Response Plan to address access.
- f) No new net parking will be required.
- g) The project will take place within the Kern River channel.

XVI. Utilities and Service Systems

- a) The project will not change existing wastewater treatment requirements.
- b) No.
- c) The project will not expand existing stormwater or drainwater facilities.

- d) No new water supplies are required for this project. All water will be provided under existing water supply contracts.
- e) See XVI a) above.
- f) The project will not impact solid waste disposal needs.
- g) Yes.

KERN COUNTY WATER AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act of 1970 (CEQA),¹ the State CEQA Guidelines,² and the Kern County Water Agency Guidelines for Implementation of CEQA Guidelines,³ the Kern County Water Agency (KCWA) has made an Initial Study of the possible environmental impacts of the following described project.

LEAD AGENCY: Kern County Water Agency

APPLICANT: Same as Lead Agency

NAME OF PROJECT: Improvement District No. 4 Cross River Pipeline

PROJECT LOCATION: Bakersfield, Kern County

DESCRIPTION OF PROPOSED PROJECT: See "Attachment " to the Initial Study

MITIGATION MEASURES:

1. Prior to onset of ground-disturbing project activities, project personnel shall be briefed on the occurrence and distribution of listed species in the project area, measures being implemented to protect these species during project actions, and reporting requirements should accidental take occur. New workers to the project will receive training within 15 days of their start date. Within 14-30 days prior to commencement of construction activities, a qualified biologist(s) shall conduct pre-activity surveys of the proposed work zones and a 200-foot buffer around each area. During pre-activity surveys, the status of previous surveys shall be reviewed; Any San Joaquin kit fox dens, Kangaroo rat or Borrowing owl burrows shall be flagged for avoidance, as necessary.
2. Pets shall not be permitted on the project site during construction activities.
3. All food-related trash such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only
4. All spills of hazardous materials within endangered species habitats shall be cleaned up immediately.
5. No firearms will be allowed in the project area.
6. All construction activities conducted during the project shall be confined to daylight hours unless circumstances warrant night work and approval is obtained from CDFG and USFWS.
7. All project-related vehicles shall observe a speed limit of 20-miles per hour (mph) or less on all routes that traverse endangered species habitat, except on state

¹ Public Resources Code 21000, et seq.

² Title 13, Division 6, California Administrative Code, as amended.

³ Resolution 25-84, adopted October 25, 1988, as amended.

- and county highways and roads.
8. Project-related vehicle shall be confined to existing primary or secondary roads or to specifically delineated project areas (i.e., areas that have been surveyed and described in existing documentation). Otherwise, no off-road vehicle travel shall be permitted.
 9. All open trenches and footing holes shall be covered each night or ramped in such a way as to allow wildlife that may enter to escape unharmed. Ramps will be no more than 1,000 feet apart and no more than 45 degrees.
 10. All known and potential San Joaquin kit foxes dens and burrowing owl burrows shall be protected by implementing the following procedures. Such protection will help prevent incidental take of dens and burrows. All avoidable dens and burrows within the immediate vicinity of work area shall be prominently staked and/or flagged as necessary to alert project personnel to their presence.
 - a. The applicant shall make every reasonable effort to prevent the collapse of dens and burrows by relocating temporary access roads and lay down areas to avoid dens and burrows or other means as determined to be appropriate.
 - b. If damage or destruction to a known or potential San Joaquin kit fox den cannot be avoided during project activities the den shall be monitored for three consecutive days and excavated according to agency approved guidelines. All den excavation shall be performed or supervised by a qualified biologist.

FINDINGS: After making an assessment of the possible impacts of the proposed Project and reviewing an Initial Study dated January 24, 2007, 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.

STATE CLEARING HOUSE NUMBER (if required):

INITIAL STUDY: A copy of the Initial Study and environmental checklist prepared by KCWA staff, dated January 24, 2007, is attached.

CONTACT PERSON, TELEPHONE NUMBER: Mr. James M. Beck, 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; email: ktotzke@kcwa.com.

James M. Beck, General Manager

Date: 01-24-07

History of Improvement District No. 4

General

The Improvement District was formed by a resolution adopted by the Board of Directors of the Kern County Water Agency on December 21, 1971, to provide a supplemental water supply for portions of the metropolitan Bakersfield area through the importation of water from the State Water Project. In order to have a means for transporting this supplemental water to the District from the California Aqueduct, the ID4 Project included the District's participation in the Cross Valley Canal. Upon reaching the District, the supplemental supply was to be delivered directly to recharge areas for direct replenishment of the underlying groundwater aquifer or to the District's water purification plant for eventual use by the water purveyors served by the plant.

Creation of Improvement District No. 4

The Agency was formed by Chapter 1003 of the Statutes of 1961. The primary purpose for creating the Agency was the establishment of a single entity in Kern County to negotiate and administer a water supply contract with the State of California for its SWP. In November 1963, to provide a firm water supply to supplement the estimated safe yield of the underground basin, the Agency contracted with the State of California, DWR for a water supply for member units within Kern County, which included 77,000 AF annually for ID4.

Subsequent amendments to the Agency Act added provisions for the formation of improvement districts as needed to expedite solutions to specific problems relating to flood control, drainage, or water supply. Activities leading to the creation of ID4, embracing the urban Bakersfield area, were initiated by the Agency Board by adoption of Resolution No. 25-70 on December 10, 1970, which outlined the need for such an improvement district. ID4 was formed by a resolution adopted by the Agency Board on December 21, 1971 for the purpose of financing the construction of the Henry C. Garnett Water Purification Plant, related water conveyance facilities, and a portion of the cost of the CVC. Resolutions Nos. 16-71 and 17-71 were adopted by the Agency Board on December 21, 1971. These resolutions finalized formation activity and established the boundaries of ID4 as they exist today.

On September 12, 1972, an election was held within ID4 authorizing \$17.5 million of general obligation bonds to construct the CVC and water purification facilities, making the contracted water supply available to the areas of need within ID4. Five water districts in the easterly portion of the San Joaquin Valley shared in the construction of the CVC portion of the project to convey their water to their respective districts.

2005 - Operations

Land Use

Since the inception of ID4, land use within ID4 has shifted from predominantly agricultural or undeveloped to urban areas. Land Use within ID4 and Purveyor Service Area are shown on See Plate 1 and Plate 2, respectively (attached).

Groundwater Replenishment

ID4's Water Supply Project is based on the concept of a treated surface water supply to permanently replace a portion of groundwater pumping combined with imported SWP, or exchanged Kern River water recharged into the underground aquifers to supply ongoing groundwater pumping. Recharge made possible by water exchanges with river interests commenced in 1971. Recharge using SWP water commenced in 1975 with the completion of

ATTACHMENT 1

the CVC. Absent environmental or drought-induced SWP Table A water allocation reductions, the average annual amount available for replenishment is about 27,000 AF. Actual amounts spread may vary from about 8,000 AF of unavoidable seepage losses to well in excess of 90,000 AF, depending on local and SWP water conditions and regulation afforded by exchanges.

Since 1971, ID4 has recharged 1,491,427 AF, whereas the SWP Table A water allocations available for recharge in the same period was only 721,077 AF. The difference, 770,350 AF, was obtained from Kern River, Friant-Kern Canal exchanges and banked water imports. Of this difference, 115,922 AF is owed to exchangers by ID4 and 53,095 AF are owed to ID4 by exchangers.

Commencing on January 1, 2000, ID4 and the City of Bakersfield implemented the Kern River Parkway Management Program which calls for the City of Bakersfield and ID4 to recharge water in the area of the Kern River between Rocky Point Weir (approximately 2.0 miles east of Manor Street) and the western boundary of ID4 (approximately 1.0 mile west of Stockdale Highway Bridge), which also includes the Truxtun Lakes and Carrier Canal. This agreement established that the recharge will occur during the recreational period from May 1 through September 30. ID4 was able to recharge 23,300 AF under this agreement during 2005. Approximately 94,792 AF of additional ID4 recharge water was also made available for a total 2005 recharge amount of 105,374 AF.

Groundwater replenishment for 2005 was 105,374 AF, representing the single largest recharge program in ID4's history. The final SWP Table A water allocation was 90 percent and the Kern River runoff was 169 percent, allowing ID4 the opportunity to replenish groundwater aquifers with SWP water, Friant Kern water and Kern River runoff. ID4 acquired significant quantities of Article 21 water as well as Friant Kern, Section 215 water for recharge. In wet years, such as 1998, Kern River runoff displaces SWP water allowing ID4 to bank SWP Table A water in its water banks. In 2005, ID4 was able to recharge in-district with SWP, Friant Kern and Kern River supplies. In addition, ID4 banked a portion of its SWP Table A water in the Pioneer Project for future use.

Kern County Water Agency**Cross River Pipeline Project**

Description – The project crosses the Kern River channel approximately 0.4 miles upstream of Highway 204 (Golden State Avenue). Please refer to the attached Boyle Engineering drawings for project detail. The project facilities consist of:

- Construction of a reinforced concrete turnout structure on the north side of the existing earthen-lined Carrier Canal (located on the southerly side of the Kern River). The turnout will include a 72-inch diameter RCP outlet, 72-inch slide gate with motorized operator, trash rack, and safety handrails.
- Installation of approximately 930 feet of 72-inch RCP pipeline from the proposed Carrier Canal turnout structure to the existing earthen-lined Calloway Canal (located on the northerly side of the Kern River). The pipeline will cross the Kern River channel just upstream of the existing Calloway river weir and Calloway Canal headgate structure. Upon reaching the north bank of the Kern River the pipeline alignment angles to the left (two 45° bends) passing between the north end of the existing Calloway Canal headgate structure and an existing storm drain pipeline before it angles left again (about 45°) and outlets into the Calloway Canal.
- The 72-inch RCP outlet will be located on the northerly side of the existing Calloway Canal just downstream of its headgate structure. Riprap will be placed in the Calloway Canal prism to a height of one foot above normal high water from the canal headgate to approximately 35 feet downstream of the RCP outlet.

Operations – Kern River water flowing in the Carrier Canal will be delivered through the proposed Cross River Pipeline to the Calloway Canal. The water will be transported down the Calloway Canal to a point where it can be diverted into the ID4 equilization pond through existing facilities. These facilities will allow the delivery of Kern River water to the ID4 water treatment plant without having to flow the water down the river channel. An existing weir on the Carrier Canal is located about 100 feet downstream of the proposed turnout structure and can be used to maintain sufficient head at the turnout to deliver up to 200 cfs. The turnout slide gate will be used to control the rate of flow.

Construction of Turnout – The construction of the turnout structure will require the Carrier Canal to be drained for a period of two to four weeks. Turnout construction will include excavation, subgrade preparation, placement of reinforcing steel and forms, concrete pours, concrete curing, backfill, and installation of appurtenances.

Construction of Pipeline – The construction of the pipeline will require the Kern River channel to be dry. The pipeline will be placed in an excavated trench across the bottom of the river channel. The trench will be backfilled after the pipeline has been laid. Trench dewatering may be required. The top of the completed pipeline will be about 14 feet below the channel bottom. Placement of the pipeline on the north side of the river will likely involve trench excavation, shoring and backfill, excavation of a jacking pit, jacking and riprap placement and concrete grouting.

Construction Equipment - Construction equipment may include excavators, backhoes, front-end loaders, cranes, bulldozers, carryalls, concrete trucks, concrete placement equipment, self-propelled and hand-held vibratory compactors, flatbed trucks, pickups, generator, and dewatering equipment.

ATTACHMENT 1

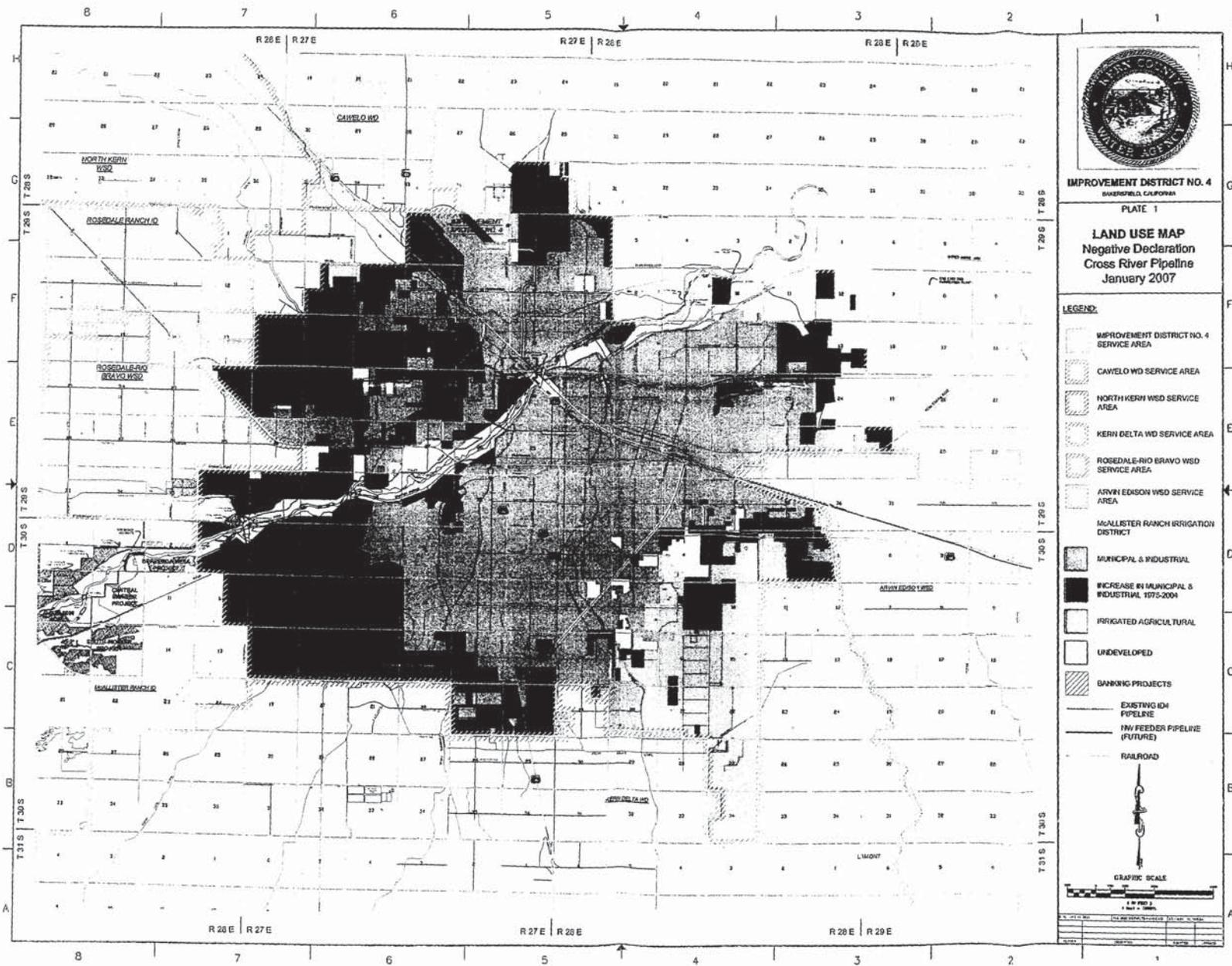
Project benefits:

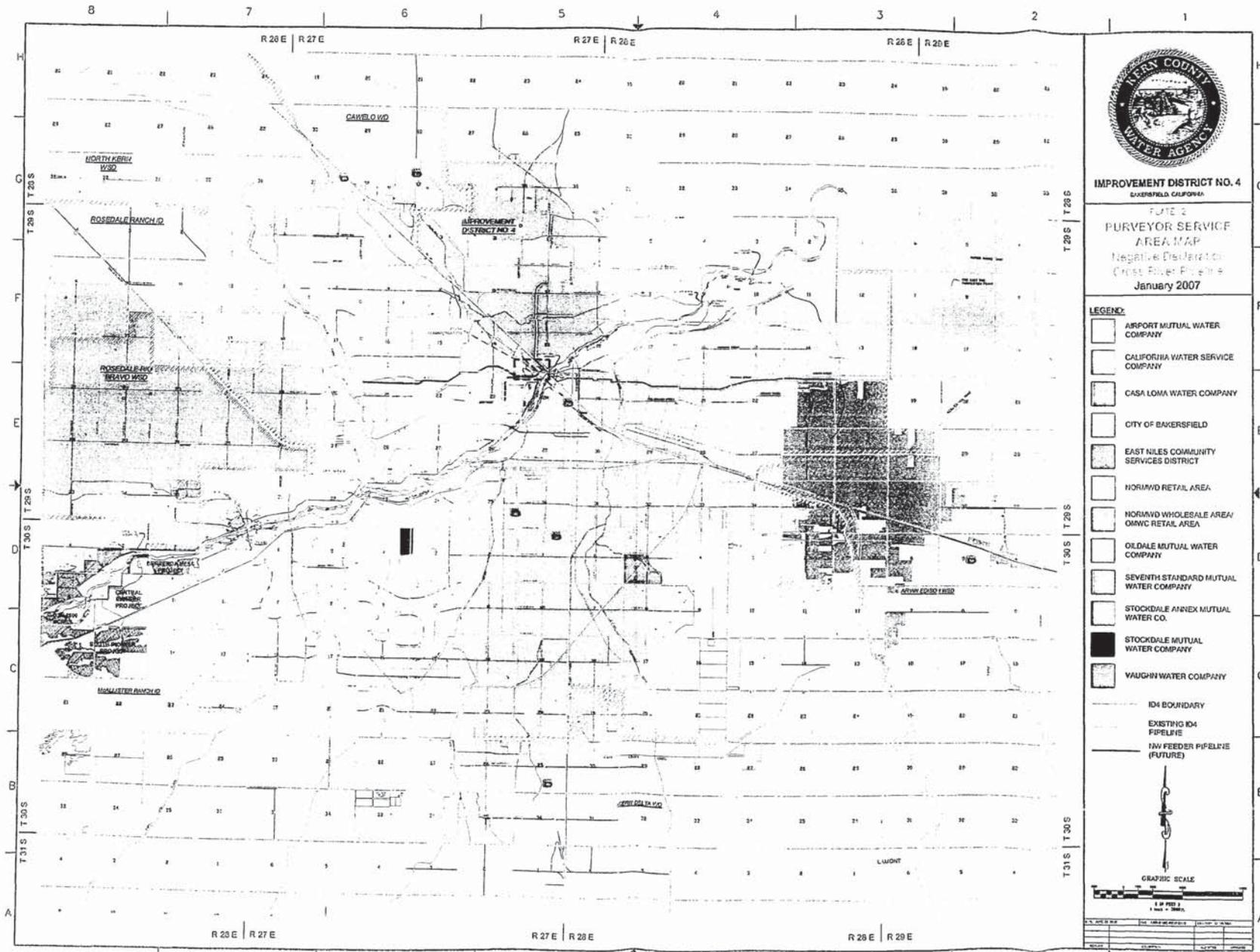
Improvement District No. 4 (ID4) of the Kern County Water Agency (Agency) has a State Water Project (SWP) water supply which it has historically exchanged a portion of with local water districts for Kern River supplies. These exchanges have realized water quality as well as power savings benefits to ID4. Construction of a cross river pipeline will provide numerous improvements to raw water quality as it is conveyed from the Kern River Canyon, through metropolitan Bakersfield, to the Henry C. Garnett Water Purification Plant.

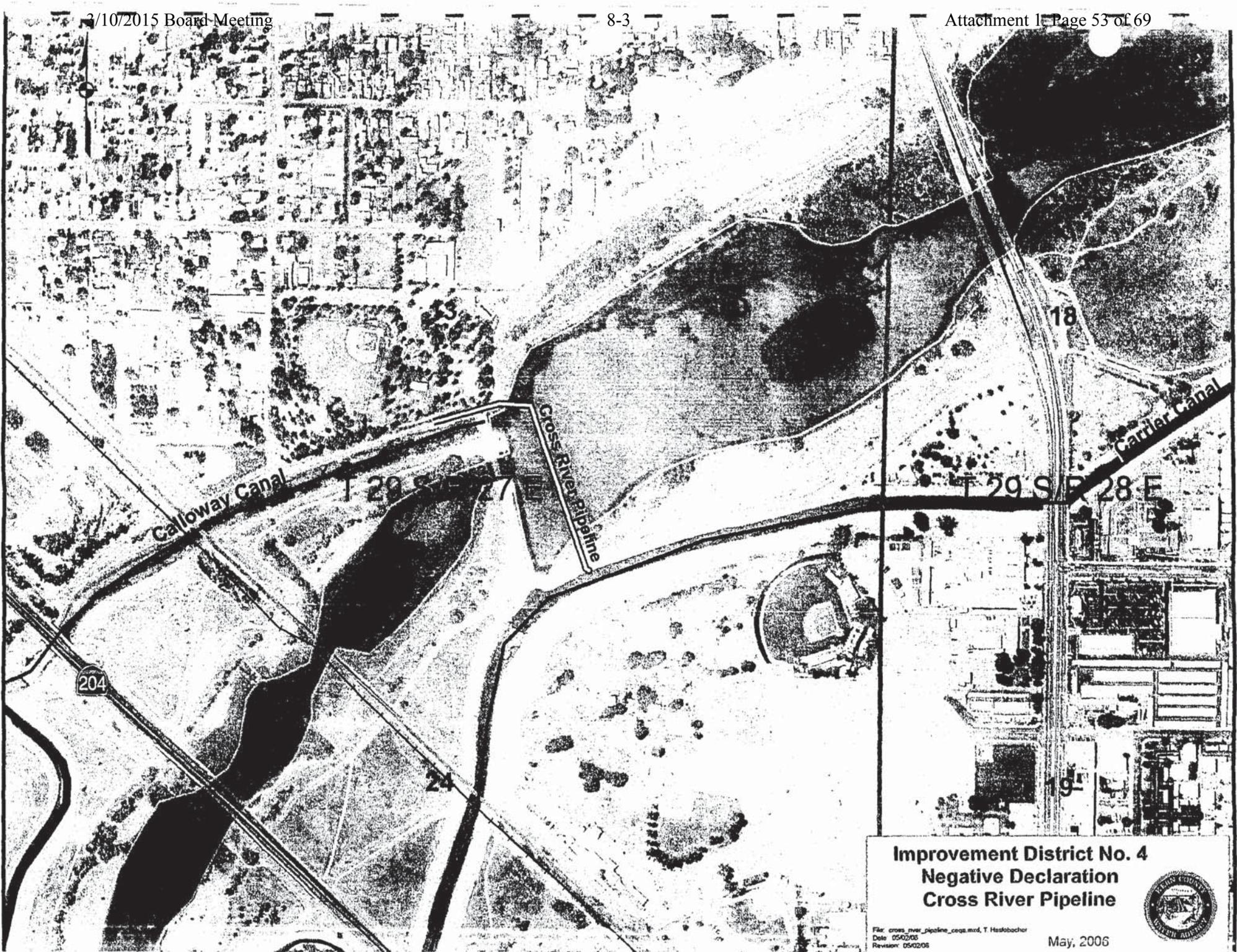
Currently, ID4 takes its raw Kern River water from the Kern River channel after it has passed into and through the Calloway Pool. The Calloway Pool is a regulating pool which is operated by the City of Bakersfield to control, measure and regulate flows into the Kern River Channel downstream of the Calloway Measuring Weir, located at the western edge of the pool. Typical operation of the pool provides for a shallow operating level of approximately 1-2' of water depth. Water quality concerns associated with the diversion of water through this pool prior to the diversion to the Henry C. Garnett Water Purification Plant are as follows:

1. The Calloway Pool is a large earthen pool which is sized to accommodate significant Kern River flows, which can be in excess of 800 cubic feet per second (cfs). Typical flows through the Calloway Pool are less than 75 cfs which creates a very shallow, slow moving body of water with a long residence time. Eutrophic conditions are present within the pool due to excessive aquatic growth. Shallow operating levels, long residence times and nutrients in the water promote significant organic loading of the water within the pool. From a water treatment perspective, the organic loading associated with this eutrophic condition causes taste and odor problems. In addition to taste and odor problems, organics in raw water combine with chlorine, used as a primary disinfectant, to form disinfection byproducts, which are regulated by the Environmental Protection Agency (EPA).
2. In addition to organic loading issues associated with the Calloway Pool, ID4 has noted a significant transient population which uses the Calloway Pool for recreational as well as laboratory purposes. Coliform bacteria and other pathogens are noted to be elevated within the Calloway Pool, relative to the water upstream as a result of the public's access and use of this facility. Additionally, the Calloway Pool is more accessible to the public, as opposed to one of the conveyance canal's, and is more susceptible to unintentional as well as intentional contamination. Because the Calloway Pool represents the raw water supply for the Henry C Garnett Water Purification Plant, actions taken to protect the quality of the source result in reduced treatment costs and improved water quality to the consumer.

By constructing the Cross River pipeline from the Carrier Canal to the Calloway Canal, ID4 will be able to improve the water quality and security of the raw water supply by conveying the water through a facility which is in continuous operation, maintained to minimize vegetation and organic loading, and is secured to prevent public access and potential contamination resulting from recreation or other activities.







**Improvement District No. 4
 Negative Declaration
 Cross River Pipeline**

File: cross_river_pipeline_caga.mxd, T. Hestobacher
 Date: 05/02/06
 Revision: 05/02/06

May, 2006



CALLOWAY-CARRIER
Cross River Pipeline Project
Biological Assessment

Prepared for:

Mr. Kane Totzke
Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058

Prepared by:

William J. Vanherweg
Biological Consultant
332 North Stine Rd.
Bakersfield, CA 93309
(805) 839-0375

April 2006

APPLICABLE LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

The laws, ordinances, regulations, and standards related to biological resources that potentially apply to the project are discussed below.

Federal Endangered Species Act: Compliance with the Endangered Species Act (ESA) of 1973 (as amended) applies to the project because it is located within habitat areas determined to be currently, historically, or potentially occupied by endangered San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia sila*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), San Joaquin Woollythreads (*Monolopia [Lembertia] congdonii*).

Section 404 of the Clean Water Act (CWA): The U.S. Army Corps of Engineers (USACE), under Section 404 of the Clean Water Act, regulates discharges of dredged or fill material in “waters of the United States.” The term “waters” includes wetlands and non-wetland bodies of water that meet specific criteria as defined in the Code of Federal Regulations (CFR). The definition of “waters of the United States” includes “...intrastate lakes, rivers, streams (including intermittent streams)...the use, degradation or destruction of which could affect interstate or foreign commerce...” and tributaries of water defined as waters of the United States.

The Kern River qualifies as a water of the United States. Areas that meet the definition of waters of the United States or the definition of wetlands would be under USACE jurisdiction. Any impacts in these areas could require a permit, depending on the type and size of the activity within USACE jurisdiction.

California Endangered Species Act (CESA): Compliance with the CESA is required because the project area is within habitats currently or historically occupied by the threatened San Joaquin kit fox and San Joaquin antelope squirrel (*Amмосpermophilus nelsoni*), and the endangered Tipton kangaroo rat and blunt-nosed leopard lizard. If project field assessments indicate that there is a likelihood of “take” of these species, consultation with the California Department of Fish and Game (CDFG) under Fish and Game Code Section 2050 and 2091 will be required.

California Environmental Quality Act (CEQA): The effects of the project on environmental resources must be analyzed and assessed as to their significance using criteria provided in various sections and appendices of CEQA.

Section 1603 Streambed Alteration Agreement: Any activity that will divert or obstruct the natural flow or change the bed, bank, or channel of any river, stream, or lake must provide a Streambed Alteration Notification to CDFG. Additionally, Streambed Alteration Notification is required if streambed material is proposed for removal. Streambed Alteration Notification may result in a Streambed Alteration Agreement between the project applicant and CDFG. The CDFG should be notified of any project construction in the Kern River so that the agency can determine whether or not a Streambed Alteration Agreement is necessary.

Fish and Game Code Section 3503.5: protects California's birds of prey and their eggs by making it unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird.

Fish and Game Code Section 3513: protects California's migratory birds by making it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird.

Fish and Game Code Sections 3511, 4700, 5050, and 5515: prohibit take of animals that are classified as Fully Protected in California.

Fish and Game Code Section 1900 et seq.: designates state rare, threatened, and endangered plants.

California Code of Regulations Title 14, Sections 670.2 and 670.5 list animals of California designated as threatened or endangered.

AFFECTED ENVIRONMENT

Regional Setting

The Calloway-Carrier Cross River Pipeline Project is located on the east side of the San Joaquin Valley, a broad treeless plain in the rain shadow of the Coast Ranges. The region's climate can be characterized as Mediterranean, with hot, dry summers and cool, moist winters. Summer high temperatures typically exceed 100° Fahrenheit (F), with an average of 110 days per year over 90°F. Winter temperatures in the San Joaquin Valley are mild, with an average of 16 days per year with frost (Twisselmann, 1967).

Rainfall increases from west to east, with the west side of the valley receiving an average of around 4 inches per year and the east side averaging about 6 inches per year. Winter fog, called "tule fog", sometimes forms during the months of November, December, and January, supplementing the annual precipitation. On average, approximately 90 percent of the rainfall occurs between November 1 and April 1. The region periodically experiences drought cycles, the most recent of which occurred during the mid and late 1980s (Twisselmann, 1967).

These conditions have contributed to the formation of vegetation adapted to dry conditions, and made the area distinguishable from the Mojave Desert to the east due to tule fog, higher humidity, and isolation from continental climatic influences by mountain ranges (Twisselmann, 1967).

Vegetation

For the purposes of this assessment, the vegetation of the project area is adequately described in Holland 1986. Where an equivalent series has been identified by Sawyer and Keeler-Wolf (1995), the series is shown in parentheses.

Nonnative Grassland (California Annual Grassland Series). This natural community is adjacent to the CVC along some portions of the project corridor, other segments are bordered by intense agriculture and urban development. Nonnative grasses dominate (bromes, foxtail, fescues, and oats), with showy annual forbs present to a varying degree depending on rainfall. Forbs that are typically present include red-stemmed filaree (*Erodium cicutarium*), owl's clover (*Castilleja exserta* and *C. attenuata*), lupines (*Lupinus* spp.), goldfields

(*Lasthenia californica*), fiddleneck, gilia, and several mustards. Cover may be sparse to dense, with annuals typically germinating in late fall and most species flowering in early to late spring. This community is widely distributed through California, generally below 3,000 feet in elevation.

Wildlife

General Wildlife. The nonnative grassland habitats in the project area support a wide variety of birds, mammals, and reptiles. Bird species include, but are not limited to red-tailed hawks (*Buteo jamaicensis*), northern harrier, (*Circus cyaneus*), burrowing owl (*Speotyto cunicularia*), western meadowlark (*Sturnella neglecta*), and loggerhead shrike (*Lanius ludovicianus*). Mammals occupying these habitat types are black-tailed hare (*Lepus californicus*), desert cottontail (*Sylvilagus audubonii*), kangaroo rats (*Dipodomys* spp.), deer mouse (*Peromyscus maniculatus*), kit fox (*Vulpes macrotis*), coyote (*Canis latrans*), bobcat (*Felis rufus*), and American badger (*Taxidea taxus*). Amphibians and reptiles include western toad (*Bufo boreus*), side-blotched lizard (*Uta stansburiana*), western whiptail (*Cnemidophorus tigris*), western rattlesnake (*Crotalus viridis*), and gopher snake (*Pituophis melanoleucus*).

Economically Important Species. There are two gamebird species, mourning dove (*Zenaidura macroura*) and California quail (*Callipepla californica*) that occur in the proposed project area. These species have some recreational value to hunters but have no important economic value. There are no species of economic importance in the project area.

SPECIAL STATUS SPECIES

Lists of special status wildlife and plant species known to occur or potentially occurring in the vicinity of the project are shown in Tables 1 and 2, respectively. These species were identified by reviewing a search of the California Natural Diversity Database and my experience and knowledge of sensitive flora and fauna of the southern San Joaquin Valley.

Table 1. Special Status Wildlife Species with Potential to Occur Within the Project Area.

Species	Status* Federal/State	Habitat
Reptiles		
<i>Gambelia sila</i> blunt-nosed leopard lizard	E/E	Open saltbush scrub and grassland habitats, roads, and open washes
Birds		
<i>Athene cunicularia</i> burrowing owl	- / CSC	Valley grasslands and open saltbush scrub
Mammals		
<i>Ammospermophilus nelsoni</i> San Joaquin antelope squirrel	- / T	Shrublands, especially along washes
<i>Dipodomys nitratooides nitratooides</i> Tipton kangaroo rat	E/E	Central portion of the San Joaquin Valley, alkaline sink/salt bush scrub habitats on valley floor.
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	E/T	Grassland and scrub habitats of the San Joaquin Valley and surrounding foothills
E = Endangered T = Threatened FSC = Federal Species of Concern CSC = California Species of Concern		

Table 2. Special Status Plant Species with Potential to Occur Within the Project Area.

Species	Status*	
	Federal/State/CNPS	Habitat
<i>Caulanthus californicus</i> California jewelflower	E/E/1B	Saltbush scrub
<i>Delphinium recurvatum</i> Recurved larkspur	FSC/CSC/1B	Alkali sink, frequently with spiny saltbush
<i>Eriogonum gossypinum</i> cottony buckwheat	FSC/CSC/1B	Open slopes, especially south-facing
<i>Hollisteria lanata</i> hollisteria	FSC/CSC/1B	Grassland and saltbush scrub
<i>Monolopia (Lembertia) congdonii</i> San Joaquin woollythreads	E/ - /1B	Grassland, primarily sandy soils
<i>Stylocline citroleum</i> oil neststraw	FSC/ - /1B	Open, sparsely vegetated areas in valley grassland and saltbush scrub

CNPS = California Native Plant Society
 E = Endangered
 T = Threatened
 FSC = Federal Species of Concern
 CSC = California Species of Concern
 1B = Rare or endangered in California and elsewhere
 4 = Plants of limited distribution

SPECIES-SPECIFIC SURVEY METHODS

San Joaquin Kit Fox

We conducted daytime ground surveys for San Joaquin kit foxes, their dens, and sign in the proposed project area and a 200 foot buffer area. The ground surveys were completed by walking and driving transects 50 ft. wide in April 2006. The transect surveys followed California Department of Fish and Game Approved Survey Methodologies for Sensitive Species (CDFG 1990). We classified underground burrows according to the following USFWS kit fox den definitions (USFWS 1989):

Known Den: Any existing natural den or man-made structure for which conclusive evidence or strong circumstantial evidence can be shown that the den is used or has been used at any time in the past by San Joaquin kit fox.

Potential Den: Any natural den or burrow within the species' range that has entrances of appropriate dimensions (4 to 12 inches in diameter) to accommodate San Joaquin kit foxes for which, however, there is little to no evidence of kit fox use.

Pupping Den: Any known San Joaquin kit fox den (as defined) used by kit foxes to whelp and/or rear their pups.

Atypical Den: Any known San Joaquin kit fox den that has been established in, or in association with, a man-made structure.

Evidence of the presence of kit fox consists of scat and tracks. Scat measuring 15–20 mm in diameter of appropriate canid shape was attributed to kit fox or red fox. No other vulpid is known to inhabit the project area, and scats larger than 20 mm diameter probably belong to coyote (*Canis latrans*) or domestic dog (*Canis* spp). Canid tracks up to 45 × 38 mm in size were attributed to kit fox. Tracks larger than this are probably attributable to coyote or domestic dog (Murie 1974).

Tipton kangaroo rat

We surveyed for potential Tipton kangaroo rat burrows during the course of conducting surveys for other species, i.e., San Joaquin kit foxes. Five night Trapping surveys for Tipton kangaroo rats are recommended if potential burrows in suitable habitat are present CDFG (1990).

Blunt-nosed Leopard Lizard

Habitat was evaluated to determine if the parcel was suitable to support blunt-nosed leopard lizards.

San Joaquin Antelope Squirrel

We surveyed for San Joaquin antelope squirrels during the course of conducting surveys for other species, i.e., San Joaquin kit foxes. (CDFG 1990).

Burrowing Owl and Other Sensitive Species

We surveyed for burrowing owls and other sensitive plants and animals during the course of conducting surveys for other species, i.e., San Joaquin kit foxes. (CDFG 1990).

RESULTS and SPECIES SPECIFIC IMPACT ANALYSIS**San Joaquin Kit Fox**

There were no dens or other sign observed. Kit Foxes may use the Kern River Bed as a movement corridor.

Impact- None if recommended mitigation measures are implemented.

Tipton Kangaroo Rat

There were no burrows or other sign observed

Impact- None.

Blunt-nosed Leopard Lizard

The pipeline corridor and adjacent lands are too heavily disturbed making the habitat unsuitable for blunt-nosed leopard lizards at this time.

Impact- None.

San Joaquin Antelope Squirrel

No San Joaquin Antelope Squirrels or potential burrows were observed in the survey corridor.

Impact- None.

Burrowing Owl and Other Sensitive Species

The survey corridor contains some suitable habitat for burrowing owls. No owls or burrows were observed. No other sensitive plant or animal resources were observed in the corridor.

Impact- None.

Wetland or Riparian Vegetation

There is no sensitive wetland or riparian vegetation in the proposed pipeline corridor

Impact- None.

Environmental Consequences**Direct Take of Individuals**

The construction of the cross river pipeline could result in killing or injuring sensitive wildlife species. The types of hazards that could occur are as follows:

- entrapment of individuals in open trench.

Habitat Loss/Disturbance

Construction of the pipeline would not result in any permanent loss or significant temporary loss of sensitive species habitat.

MITIGATION RECOMMENDATIONS

Implementation of the following measures should reduce potential project-related impacts on biological resources at the facility site to less than significant levels.

1. Prior to the onset of ground-disturbing project activities, project personnel shall be briefed on the occurrence and distribution of listed species in the project area, measures being implemented to protect these species during project actions, and reporting requirements should incidental take occur. New workers to the project will receive training within 15 days of their start date. Within 14-30 days prior to commencement of construction activities, a qualified biologist(s) shall conduct preactivity surveys of proposed work zones and a 200-

foot buffer around each area. During pre-activity surveys, the status of previous surveys shall be reviewed; Any San Joaquin kit fox dens, kangaroo rat or burrowing owl burrows shall be flagged for avoidance, as necessary; and additional habitat features, if any, shall be identified and flagged as necessary.

2. Pets shall not be permitted on the project site during construction activities.
3. All food-related trash such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers only and regularly removed from the project site.
4. All spills of hazardous materials within endangered species habitats shall be cleaned up immediately.
5. No firearms will be allowed in the project area.
6. All construction activities conducted during the project shall be confined to daylight hours unless circumstances warrant night work and approval is obtained from the CDFG and USFWS.
7. All project-related vehicles shall observe a speed limit of 20 miles per hour (mph) or less on all routes that traverse endangered species habitat, except on state and county highways and road.
8. Project-related vehicles shall be confined to existing primary or secondary roads or to specifically delineated project areas (i.e., areas that have been surveyed and described in existing documentation). Otherwise, no off-road vehicle travel shall be permitted.
9. All open trenches and footing holes shall be covered each night or ramped in such a way as to allow wildlife that may enter to escape unharmed. Ramps will be no more than 1,000 feet apart and no more than 45 degrees.
10. All known and potential San Joaquin kit foxes dens and burrowing owl burrows shall be protected by implementing the following procedures. Such protection will help prevent incidental take of dens and burrows. All avoidable dens and burrows within the immediate vicinity of work areas shall be prominently staked and/or flagged as necessary to alert project personnel to their presence.
 - (a) The applicant shall make every reasonable effort to prevent the collapse of dens and burrows by relocating temporary access roads and lay down areas to avoid dens and burrows or other means as determined to be appropriate.
 - (b) If damage or destruction to a known or potential San Joaquin kit fox den cannot be avoided during project activities the den shall be monitored for three consecutive days

and excavated according to agency approved guidelines. All den excavations shall be performed or supervised by a qualified biologist.

References

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- Twisselman, E. C. 1967. "A Flora of Kern County, California" *Wasmann J. Biol.* 24:1-395.
- Uptain, C.E. 1995. Habitat recovery on the North Kern Prison site: a summary of six seasons of monitoring. Unpublished report to the Calif. Dept. of Corrections, Sacramento, CA. 49pp.
- USFWS, 1989. *Endangered and Threatened Wildlife and Plants*. U.S. Government Printing Office: U.S. Fish and Wildlife Service, 1989-0-225-765:QL3.
- Williams, D. F., D. J. Germano, and W. Tordoff III. 1993. Population studies of endangered kangaroo rats and blunt-nosed leopard lizards in the Carrizo Plain Natural Area, California. 115 pp.

CONSTRUCTION PLANS FOR:

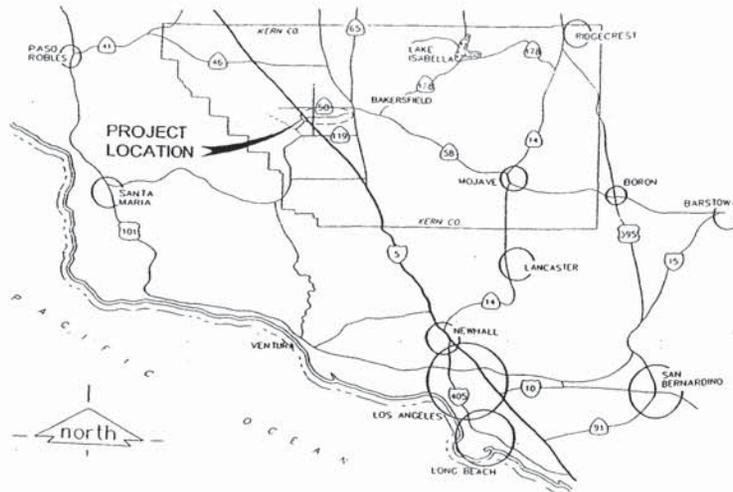
KERN COUNTY WATER AGENCY

KERN COUNTY, CALIFORNIA

CROSS VALLEY CANAL EXPANSION PROJECT CARRIER CANAL TO CALLOWAY CANAL CROSS RIVER PIPELINE

CONTRACT NO. KCWA 2005-13

NOVEMBER 2005



VICINITY MAP

KERN COUNTY WATER AGENCY APPROVALS:

ERIC AVERETT, ID-4 MANAGER

MARTIN VARGA, ICE 54692, ID-4 ASSISTANT MANAGER



PROJECT
CROSS VALLEY CANAL EXPANSION
PROJECT CARRIER CANAL TO
CALLOWAY CANAL CROSS RIVER
PIPELINE PROJECT

AGENCY
KERN COUNTY WATER AGENCY

PROJECT NUMBER ES 016

PROJECT DESIGN CH 016

ACCOUNT NUMBER FILE NUMBER

BK-K16-400-17 S-2334

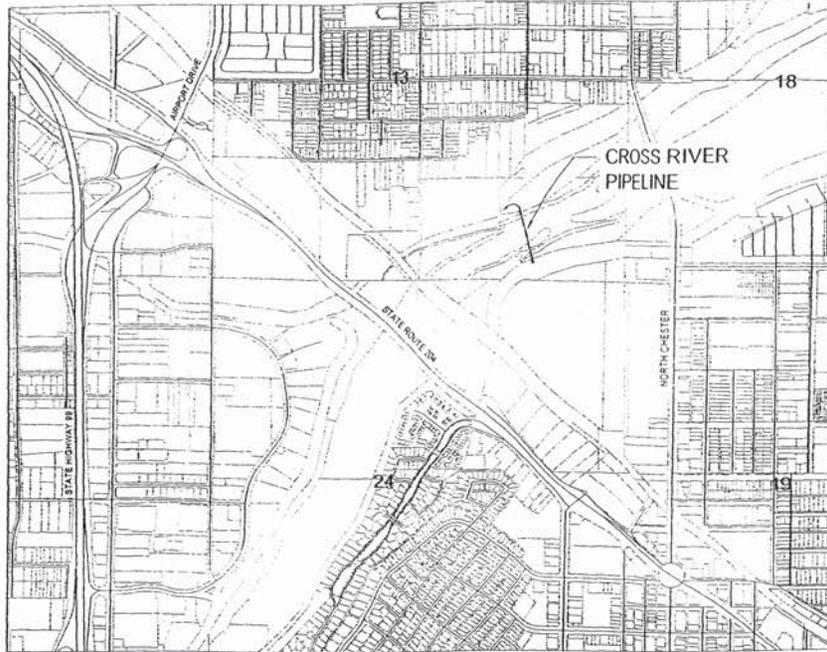
SHEET NUMBER OF SHEETS

1 OF 10

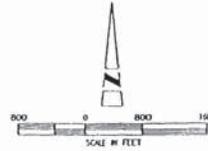
**BOYLE
ENGINEERING
CORPORATION**

5001 E. COMMERCE CENTER DRIVE, SUITE 100
P.O. BOX 12030 - BAKERSFIELD, CA 93309
(805) 325-7253 - FAX (805) 395-0209

70% Design - Not for Construction



LOCATION MAP



CONSTRUCTION NOTES

1. THE AGENCY SHALL BE NOTIFIED AT LEAST THREE WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
2. CONTRACTOR SHALL PROVIDE FIVE (5) WORKING DAYS NOTICE PRIOR TO THE NEED FOR CONSTRUCTION STAKING.
3. ALL NATURAL AND EXISTING GROUND OR PAVEMENT ELEVATIONS ARE APPROXIMATE ONLY.
4. LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT THESE UTILITIES FROM DAMAGE.
5. COMPLY WITH REQUIREMENTS OF THE PERMITS ISSUED BY KERN COUNTY, THE CITY OF BAKERSFIELD, KERN DELTA WATER STORAGE DISTRICT, AND OTHER DESIGNATED AGENCIES.
6. AUTHORIZED WORKING AREA FOR THE CONTRACTOR'S OPERATIONS IS SHOWN ON THE PLANS. THE CONTRACTOR SHALL MAKE HIS OWN ARRANGEMENTS FOR WORKING AREA OUTSIDE THESE LIMITS. RELEASES FROM THE LAND OWNERS OF SUCH ADDITIONAL WORK AREA WILL BE REQUIRED PRIOR TO FINAL ACCEPTANCE OF THE WORK.
7. PRIOR TO CONSTRUCTION OPERATIONS IN THE PRIVATE ROW AREA, MARK THE BOUNDARIES OF THE "CONTRACTOR WORK AREA" AS INDICATED IN THESE PLANS WITH WOODEN LATH SPACED APART A MAXIMUM OF 100 FEET.
8. THE INDICATED LOCATIONS OF EXISTING UNDERGROUND FACILITIES ARE FROM THE BEST AVAILABLE SOURCES, BUT MAY NOT NECESSARILY EXIST AS SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL EXPOSE ALL POTENTIAL INTERFERENCES AHEAD OF HIS TRENCHING OPERATION AND SHALL IMMEDIATELY INFORM THE AGENCY'S REPRESENTATIVE IF THERE IS A CONFLICT. VERIFY LOCATION PRIOR TO PIPELINE INSTALLATION. SEE SPECIFICATION SECTION 020120.
9. CONTACT UTILITY COMPANIES WITH SERVICES IN THE AREA FOR LOCATING UNDERGROUND LINES AND CABLES, AND SHALL COORDINATE WITH THE UTILITY FACILITIES AFFECTED BY THE PIPELINE CONSTRUCTION PRIOR TO ANY EXCAVATION NEAR EXISTING FACILITIES. CONTACT UNDERGROUND SERVICE ALERT.
10. FENCING THAT IS REMOVED DURING CONSTRUCTION SHALL BE REPLACED TO ITS ORIGINAL LOCATION.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES TO PIPE OR OTHER UTILITIES INCURRED WHILE BACKFILLING AND COMPACTING. REQUIRED REPAIRS AND OR REPLACEMENT SHALL BE AT THE CONTRACTORS EXPENSE.

SHEET INDEX

1. TITLE SHEET
2. LOCATION MAP, CONSTRUCTION NOTES, AND SHEET INDEX
3. CROSS RIVER PIPELINE PLAN AND PROFILE
4. CARRIER CANAL TURNOUT STRUCTURE
5. CARRIER CANAL TURNOUT, STRUCTURAL PLAN AND SECTIONS
6. CARRIER CANAL TURNOUT, STRUCTURAL SECTION AND DETAILS
7. STOP PLANKS AND TRASH RACKS DETAILS
8. TYPICAL STRUCTURAL DETAILS
9. TYPICAL STRUCTURAL DETAILS AND NOTES
10. MISCELLANEOUS PIPE DETAILS

70% Design Not for Construction

<p>VERIFY SCALES HAS PL ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE ACCORDINGLY</p>	<p>DESIGNED BY: JLM DRAWN BY: DTG CHECKED BY: MDS DATE: NOV. 2005</p>	<p>PROJECT ENGINEER: JASON LAYNE MEADOWS REC NUMBER: C-63000 PROJECT NUMBER: BK-K16-400-17 CADD STANDARDS: BOYLE</p>				<p>CROSS VALLEY CANAL EXPANSION PROJECT CARRIER CANAL TO CALLOWAY CANAL CROSS RIVER PIPELINE LOCATION MAP, CONSTRUCTION NOTES, AND SHEET INDEX</p>	<p>DATE: NOV. 2005</p> <p>DATE: NOV. 2005</p> <p>SHEET: 2 OF 10 SHEETS S-2334</p>
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