September 7, 2000

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

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

Dear Ms. Fowler:

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

Sincerely,

Tom Clark
General Manager

cc: Office of the County Clerk (Kern)
BEFORE THE BOARD OF DIRECTORS
OF THE
KERN COUNTY WATER AGENCY

In the Matter of:
DETERMINATIONS AND FINDINGS *
WITH RESPECT TO THE *
KERN RIVER RESTORATION AND *
AND WATER SUPPLY PROGRAM *

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

Ayes: Garnett, Radon, Rogers, Mathews & Starrh

Noes: None

Absent: Frick & Lundquist

RESOLUTION NO. 59-00

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

WHEREAS, the Agency has received comments from several responsible agencies and interested parties and incorporated those comments, together with the Agency's response to those comments, in the appendix of the Negative Declaration; and
WHEREAS, the Agency has incorporated into and made part of the Negative Declaration, a Mitigation, Monitoring and Reporting Program that satisfactorily addresses the Federal and State Endangered Species Act, Injury to Rights of Legal Users of Water and Water Quality issues; and

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

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

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

1. Section 1, Review of Evidence

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

2. Section 2, Approval of Negative Declaration

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

a) that there is no substantial evidence that the Kern River Restoration and Water Supply Program with the mitigation measures provided therein will have a significant effect on the environment;

b) that the mitigation measures therein are incorporated within the scope of the project, and the project as defined will not have a significant effect on the environment. Therefore, in accordance with such findings, the Board approves the Negative Declaration submitted in conjunction with the Initial Study and hereby
directs staff to prepare and file a Notice of Determination (in the form attached hereto as Exhibit "B") in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.); and

3. **Section 3. Finding of No Impact on Wildlife**

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

4. **Section 4. Mitigation, Monitoring and Reporting Program**

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

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

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

KERN COUNTY WATER AGENCY
PROPOSED NEGATIVE DECLARATION

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

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

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

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

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

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

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

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

1. Throughout the term of the proposed Project, Project water quality, groundwater monitoring, and groundwater recharge losses will be consistent with the Memorandum of Understanding Regarding Operation and Monitoring of the Kern Water Bank Groundwater Banking Program, dated October 26, 1995, and consistent with the Operation and Monitoring Procedure for the Pioneer Project, dated May 28, 1998.

2. Project recharge and recovery well areas will be designed and located to avoid areas suspected to have hydrocarbon contamination, and to the extent practical, not to interfere with oil (crude or refined) or natural gas pipelines or other sensitive oilfield areas.

3. Project recharge and recovery well areas will be designed and located to minimize potential impacts to the Agency's Cross Valley Canal.

4. A mitigation, Monitoring and Reporting Program (attached as Exhibit B)

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

Thomas N. Clark, General Manager

Date

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

2. Title 14, Division 6, California Administrative Code, as amended.
EXHIBIT B
CEQA Notice of Determination

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

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

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

Project Title: Kern River Restoration and Water Supply Program

State Clearinghouse Number: SCH #2000081017

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

Project Location: See attached Negative Declaration.

Project Description: See attached Negative Declaration.

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

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

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

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

Date 9-7-2000

Date received for filing at OPR:

Notice of Environmental Document
Posted by County Clerk on 9-11-00
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code
EXHIBIT C

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title: Kern River Restoration and Water Supply Program

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

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

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

Findings of Exemption:

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

Certification:

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

Date: September 7, 2000

Local Lead Agency: Kern County Water Agency

Title: General Manager Manager
EXHIBIT D
MITIGATION, MONITORING AND REPORTING PROGRAM

OVERVIEW

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

MONITORING & REPORTING FOR DESIGNED MITIGATION ELEMENTS

1. ADOPTED MITIGATION ELEMENT: Federal and State Endangered Species Act
   (a) Program Design:
       The program has been designed to avoid any impact on known endangered or threatened species, federal or state, or other species of concern. In the first instance, the program has been designed to have an extremely small footprint of disrupted land in the construction of facilities. Additionally, the facility construction will occur primarily on existing highly cultivated farmland or highly maintained rights of way in which it is unlikely that such species or their habitat will be encountered. Further, care will be utilized to have such locations examined by personnel knowledgeable in the identification of endangered and threatened
species and their habitat to ensure the avoidance of any impact. In the unlikely event that unavoidable impacts are encountered, the Agency will comply fully with Federal and State Endangered Species Acts to ensure that such impacts are mitigated to insignificance.

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

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

(1) During the construction phase of the program, the General Manager shall report to the Board on a quarterly basis regarding the following:
   (i) The identification, if any, of any potentially impacted federal or state threatened or endangered species.
   (ii) Specification of all measures taken to avoid any impact on such species or on the habitat of such species.
   (iii) Where impact proves to be unavoidable, whether a project component was abandoned or whether sufficient mitigation measures were utilized to reduce the level of impact to insignificance.

(2) After construction, the General Manager shall include in annual reports to the Board the following:
   (i) Whether any potential significant impacts on federal or state endangered or threatened species have been identified, and
   (ii) What measures have been taken to reduce such potential impacts to
2. ADOPTED MITIGATION ELEMENT: Injury to Rights of Legal Users of Water and Facilities

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

(b) Monitoring and Reporting:
The General Manager shall include in an annual report to the Board a report on the following items of concern:

(1) The alleged occurrence of any impact on the rights of legal users of water or facilities, including any alleged impacts on groundwater;

(2) The measures utilized to investigate such alleged impacts;

(3) The results of such investigation;

(4) The measures utilized to avoid impacts to such rights of legal users, or the measures utilized to reduce such impacts to insignificance.

3. ADOPTED MITIGATION ELEMENT: Water Quality

(a) Program Design:
The program is designed to avoid any potential adverse impacts on water quality. Utilization of the water rights acquired under the program will not significantly differ in water quality impacts from the existing uses of such water. The intent of
the program is to secure the benefits of Kern River water quality for drinking water quality and Kern County. The program will be operated to avoid significant adverse impact on the water quality available to any legal user of water.

(b) **Monitoring and Reporting:**
The General Manager shall include in an annual report to the Board of Directors the following items:

(1) A statement regarding the water quality status of the program during the prior year;

(2) An identification of all problem areas encountered, if any, and the measures taken to avoid any significant adverse impact on the water quality of any legal user of water.

**GENERAL REPORTING REQUIREMENTS**

The annual report referred to herein shall be prepared under the direction of the General Manager and a registered engineer of the State of California, in consultation with individual(s) knowledgeable in the identification of endangered or threatened species and their habitats. The report may include additional operational, and economic data of interest to the community, but at a minimum shall contain the information specified above as required elements of the report.
August 29, 2000

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

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

Dear Mr. Quiring:

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

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

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

Sincerely,

Tom Clark
General Manager
August 3, 2000

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

RE: Kern River Restoration & Water Supply Project

Tom:

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

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

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

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

Sincerely,

Rob Quiring
District Manager
August 29, 2000

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

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

Dear Ms. Jones:

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

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

Other Program facilities, as described in the Initial Study and proposed Negative Declaration may occur on active farmland owned by the Agency, on well maintained right-of-ways owned by the Agency or other local water districts. These proposed facilities will have a very small footprint of permanently disturbed land, e.g., less than 1/10th of an acre disturbance per well site, in areas devoid of species subject to the Federal Endangered Species Act. Furthermore, since no take of threatened or endangered species will occur due to construction of facilities on farmland, fallow land, grazing land or natural land, the Agency believes no incidental take permit or compensation is required for the Program. The Agency will, of course, comply with the regulations if avoidance of impacts is not feasible.
The Agency hopes this letter resolves any concerns you may have with the Program. Again, we believe the overall Program will secure significant water quality, water supply, environmental and community benefits to the citizens of the greater Bakersfield area. The Program will also complement and supplement the existing Kern River Parkway Plan adopted by the City of Bakersfield in 1988 through cooperative water exchanges and groundwater recovery to keep the Kern River wet through the center of Bakersfield during the peak recreational months of May through September. Please contact Kane Totzke at (661) 634-1468 with any questions regarding this matter.

Sincerely,

Tom Clark
General Manager
August 14, 2000

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

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

Dear Mr. Clark:

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

We expect that some parts of the project will occur within the boundaries of the Metropolitan Bakersfield HCP, and that fees will be paid into the habitat compensation fund. We think this should be mentioned in the Negative Declaration, as it is a mitigation under CEQA for effects on protected species. We are concerned about the effects of portions of the project outside the Metropolitan Bakersfield HCP on San Joaquin kit foxes (*Vulpes macrotis mutica*), Tipton kangaroo rats (*Dipodomys nitratoides nitratoides*), and blunt-nosed leopard lizards (*Gambelia silus*), which are protected under the Federal Endangered Species Act of 1973, as amended (Act). The map of the project mentions potential agricultural and urban area well sites, and installation of recharge ponds on an 80-acre parcel now belonging to Castle and Cooke. Kit fox are known to forage on, and disperse across natural land, fallow land, farmland in row crops, and grazing land. Any construction of structures on farmland, fallow land, grazing land, or natural land likely will require compensation under the Act. No indication is given of the present land uses and...
project footprints for portions of the project outside the MB HCP, so we cannot provide an adequate evaluation at this time.

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

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

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

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

Sincerely,

Karen J. Miller
Chief, Endangered Species Division
Mr. Thomas N. Clark

cc: Andy Gordus, CDFG, Fresno, California
    Steve Strait, Kern County Planning Department
    Cheryl Harding, Kern Water Bank Authority
SCH # 2000081017, KERN RIVER RESTORATION AND WATER SUPPLY PROJECT, KERN COUNTY

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

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

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

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

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

LONNIE M. WASS
Senior Engineer
RCE No. 38917

Enclosure
September 5, 2000

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

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

Dear Mr. Clark:

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

Very truly yours,

TED JAMES, AICP, Director
Kern County Planning Department

[Signature]

by Steve Strait, Associate Planner
State of California

MEMORANDUM

To: Project Coordinator
   Resources Agency

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

From: Department of Conservation
   Office of Governmental and Environmental Relations

Date: August 31, 2000

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

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

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

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

Finally, the Division district office in Bakersfield must be notified if excavation uncovers a previously plugged and abandoned well. If the well can be identified, its
abandonment will be reviewed at that time. If the well cannot be identified, remedial operations may be required.

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

Jason Marshall
Assistant Director

cc: Jack Truschel
    Division of Oil, Gas, and Geothermal Resources, Bakersfield
Linda Campion
    Division of Oil, Gas, and Geothermal Resources, Sacramento
September 6, 2000

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

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

Dear Sirs and Madam:

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

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

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

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

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

Sincerely,

William D. Phillimore  
President  
WDP/et
FROM OPR (THU) 9-7-00 7:49/ST. 7:49/NO. 4862620007 P 1

GOVERNOR'S OFFICE OF Planning and Research
1400 Tenth Street • Sacramento, California 95814 • 916-445-0613

FACSIMILE TRANSMITTAL

Date: 9-7-00
Facsimile phone number: 916/344-1428
To: Kane Totzke
At: Kern County
From: Sheila - State Clearinghouse
Special instructions: Closing Letter with comments for SCH #2000087017

State Clearinghouse Fax: 916-323-3018
Number of pages
(including cover page)

5

If you do not receive all the pages of this facsimile, please contact:
September 6, 2000

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

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

Dear Kane Totzke:

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

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

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

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

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

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures

cc: Resources Agency
<table>
<thead>
<tr>
<th>SCH#</th>
<th>2000081017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Title</td>
<td>Kern River Restoration and Water Supply Program</td>
</tr>
<tr>
<td>Lead Agency</td>
<td>Kern County Water Agency</td>
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<tr>
<td>Type</td>
<td>Neg Negative Declaration</td>
</tr>
<tr>
<td>Description</td>
<td>Acquisition of Kern River lower right, modification and construction of water conveyance, recharge and recovery facilities.</td>
</tr>
</tbody>
</table>

**Lead Agency Contact**

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

**Project Location**

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

**Proximity to:**

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

**Project Issues**

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

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

Note: Blanks in data fields result from insufficient Information provided by lead agency.
MEMORANDUM

To: Project Coordinator
Resources Agency

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

From: Department of Conservation
Office of Governmental and Environmental Relations

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

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

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

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

Finally, the Division district office in Bakersfield must be notified if excavation uncovers a previously plugged and abandoned well. If the well can be identified, its
Mr. Thomas N. Clark  
August 31, 2000  
Page 2  

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

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

Jason Marshall  
Assistant Director  

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

Fred L. Starr
President
Division 1

Terry Rogers
Division 2

Peter Frick
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
Division 5

Henry C. Garnett
Vice President
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

September 7, 2000

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

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

Dear Mr. Truschel:

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

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

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

Sincerely,

Tom Clark
General Manager
TO: All Responsible Agencies and Interested Parties

FROM: Thomas N. Clark

DATE: July 27, 2000

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

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

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

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

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

Sincerely,

Thomas N. Clark
General Manager

Enclosures
KERN COUNTY WATER AGENCY

INITIAL STUDY AND

PROPOSED NEGATIVE DECLARATION

FOR THE

KERN RIVER RESTORATION

AND

WATER SUPPLY PROGRAM

Prepared by the Kern County Water Agency, July 27, 2000
KERN COUNTY WATER AGENCY
Environmental Initial Study Form
[for CEQA Guideline section 15063]

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

2. Lead agency name and address:
   Kern County Water Agency
   P.O. Box 58
   3200 Rio Mirada Drive
   Bakersfield CA 93302-0058

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

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

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

6. Description of project:

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

   Expanded Description. See attached Initial Study Project Description.

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

8. Surrounding land uses and environmental setting: The Kern River Parkway Plan and EIR were adopted in 1988 by the City of Bakersfield. The natural site presently includes 1,400 acres along the majestic Kern River corridor extending from Manor Street on the northeast side of the City of Bakersfield to a point one mile below the Stockdale Highway bridge on the city's western edge. A bike path meanders alongside the course of the Kern River, providing for 12 miles of uninterrupted scenic activity. The primary benefits of the Parkway include flood control, water recharge and conservation, preservation and restoration of native riparian habitats and open space for greenbelt and recreational uses. The Kern River Parkway is a community project involving active, on-going public participation and has resulted in improved community image and attractiveness of the natural environment; a unique family oriented recreational area for all to enjoy. Major features of the Kern River Parkway include: 1) 320 acres of primary river channel, 2) 275 acres of natural and riparian land, 3) 460 acres of natural habitat for educational studies, 4) 25 acre Truxtun Lake Recharge Area; 5) 12 miles of uninterrupted bike path with 9 rest areas; 6) 8 miles of equestrian trails; 7) Multi-station exercise par course; 8) 3 professional quality sand volleyball courts; 9) 4 public parks with group picnic areas.
In November of 1999, a landmark water agreement was approved between the City of Bakersfield and the Kern County Water Agency designed to keep water flowing in the Kern River during the May through September recreation period in years when ID4's SWP entitlement allocation is 50% or greater. The proposed Project helps the historic pact to ensure that in most years water will flow in the river throughout the summer months, even during years of less than 50% SWP supplies, providing for expanded recreational activities, especially at the popular Beach Park and Yokuts Park.

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

9. Other public agencies whose approval is required: None.
**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**
The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- [ ] Aesthetics
- [ ] Agricultural Resources
- [ ] Resources Air Quality
- [ ] Biological Resources
- [ ] Cultural Resources
- [ ] Geology /Soils
- [ ] Hazards & Hazardous Materials
- [ ] Hydrology / Water Quality
- [ ] Land Use/ Planning
- [ ] Mineral Resources
- [ ] Noise
- [ ] Population / Housing
- [ ] Public Services
- [ ] Recreation
- [ ] Transportation/Traffic
- [ ] Utilities / Service Systems
- [ ] Mandatory Findings of Significance
- [ ] None.

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- [ ] find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- [ ] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

- [ ] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- [ ] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects of the (a) have been analyzed adequately in the Previous CEQA Documents pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the Previous CEQA Documents, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

[Signature]
Thomas N. Clark
General Manager
Kern County Water Agency

July 27, 2000
California Environmental Quality Act
INITIAL STUDY

Project Description of the Kern River Restoration and Water Supply Program

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

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

Water quality and water supply benefits from the Project will be realized through the acquisition of the high flow Lower Kern River water right (Lower Right), i.e., La Hacienda and Garces pre-1914 water right to the Kern River. This high flow water is estimated to be available when the Kern River is at or above 120% of normal run-off or in about one out of every five years. Table 1 below shows a 105 year summary of historical annual Kern River entitlements for La Hacienda.
<table>
<thead>
<tr>
<th>Year</th>
<th>First Point flows in (AF)</th>
<th>April-July flows (AF)</th>
<th>% of Normal</th>
<th>La Hacienda Entitlement (AF)</th>
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<tr>
<td></td>
<td></td>
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<td>Jan-Mar</td>
<td>Apr-Jul</td>
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<td>1,023,051</td>
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<td>1897</td>
<td>893,433</td>
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<td>1,900,540</td>
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<td>1,838,644</td>
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<td>658</td>
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<tr>
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<td>26,180,006</td>
<td>668,639</td>
<td>4,493,282</td>
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</table>
As can be seen from the Table 1, deliveries of the Lower Right are highly variable from year to year. For example, over the 105 year period of record, 1969 was the maximum total delivery year with a quantity of 679,866 acre-feet.

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

Environmental and community benefits are an important part of the Project. The Project plans to assure through acquisition of the Lower Right and by annual water exchanges with local water district having other Kern River water rights, that the heart of the City of Bakersfield (from Manor Street downstream to Allen Road) will enjoy a 12 mile stretch of re-watered Kern River, at least from May through September. This stretch of the Kern River has been usually dry since the mid-1950's, except in wet years, and will complement the existing Kern River Parkway Plan and EIR adopted in 1988 by the City of Bakersfield.
An integral component of the program is the proposed construction of urban area wells along the right-of-way of the Kern Island and Cross Valley Canals, east of Highway 99 (see attached maps). In dry years, estimated to be when the Kern River is at or below 50% of normal, these wells will be pumped as part of the exchange to keep the Kern River channel wet between Manor Street on the east end, and the Stockdale bridge at the west end of the City. Water that has previously been released down the Kern River channel and percolated will be recaptured and recirculated by these wells. The ability to recirculate water is accomplished by an exchange among ID4 and Kern Delta WD (KD)/North Kern WSD (NK). These wells will only be pumped during the driest of years to pay water back when NK and KD for release of their Kern River water into the Channel. This component of the Project will serve to keep the river flowing during the peak recreational use months of May through September, without decreasing the supplies that are needed during the critical water short years. The Table below shows an example of an operation during a year when the wells will be maximized and water is available for reregulation in Isabella by NK and KD.

### TABLE 2

<table>
<thead>
<tr>
<th>Month</th>
<th>Water delivery to KD and NK from urban area wells via Kern Island and Beardsley Canals (AF)</th>
<th>Change in Isabella Storage do to reregulation (AF)</th>
<th>KD and NK entitlement Kern River deliveries (AF)</th>
<th>KD/NK deliveries to wet the Kern River Channel (AF)</th>
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</tr>
<tr>
<td>Apr</td>
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<td>2,918</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>May</td>
<td>2,916 (4,084)</td>
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<td>4,084</td>
<td>4,084</td>
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<td>Jun</td>
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<td>Jul</td>
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<td>2,916</td>
<td>4,084</td>
<td>4,084</td>
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<tr>
<td>Aug</td>
<td>2,916 (4,084)</td>
<td>2,916</td>
<td>4,084</td>
<td>4,084</td>
</tr>
<tr>
<td>Sep</td>
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<tr>
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<tr>
<td>Nov</td>
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<tr>
<td>Total</td>
<td>35,000</td>
<td>0</td>
<td>14,580</td>
<td>20,420</td>
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D:WPDOC\KRRandWSP\project description.wpd
When required, the KCWA/ID4 will annually provide up to 35,000 acre-feet of water directly or by exchange for delivery into the Kern River Channel beginning at Manor Street in order to help maintain the flow for recreational, community and environmental benefits to the citizens of Metropolitan Bakersfield. The target period to wet the Kern River Channel is the months of May through September or a 150 day continuous period. It is estimated with a high degree of confidence, that a total flow of 35,000 acre-feet is required to wet the targeted River Channel area for the 5-month period. To allocate a continuous flow of the 35,000 acre-feet over this period requires an approximate instantaneous capacity of 117 cfs. The exchange to keep the Kern River Channel wet for the 5-month period would be accomplished under the following programs:

- **No use of wells, normal Kern River hydrology:** KD and NK release a combined flow capacity of 117 cfs of their respective Kern River entitlement in the Kern River Channel during the months of May through September, that would otherwise have been delivered to the districts, via the Beardsley and Kern Island Canals. In exchange (either simultaneously or by payback), ID4 conveys an equal amount of SWP water entitlement or other water in the CVC for delivery to KD/NK via the CVC extension, the Arvin-Edison turnout, or the proposed cross river pipeline.

- **Use of wells, dry SWP and/or Kern River hydrology:** KCWA pumps the Urban area wells. The east wells pump water into the CVC and/or Kern Island Canal for delivery to KD and for delivery to NK via the Beardsley Canal. In addition, wells pump recovered water into the CVC for delivery to KDWD via the Arvin-Edison turnout and connection to the Kern Island Canal. The wells supply approximately 35,000 acre-feet over a 10 to 12 month period. KD and NK reregulate their Kern River supply during the first and last months of the year as shown in the example in Table 2 above and deliver water out of storage down the Kern River channel during the May through September period.

- **In the wettest years:** During wet years on the Kern River, there will be plenty of high flow water available to wet the Channel and no water will be required from ID4 and KD/NK.
1. To facilitate the water exchanges described above, a number of new facilities would be constructed described below:

   a. Facilities would be modified as needed on the Arvin-Edison Canal used to divert water to the various canal owned by KD. These diversion facilities would have a targeted capacity of 150 cfs. See attached map for facility locations.

   b. A pipeline would be constructed in order to divert well water, SWP and/or Friant-Kern water from the CVC to the Kern Island Canal to a point just east of Manor Street. This pipeline facility would have a targeted capacity of 150 cfs.

   c. As an alternative to item “b” above, the existing eastside pipeline owned and operated by ID4 would be modified to deliver water from the CVC to the same location in the Kern Island Canal. This pipeline facility has a targeted capacity of 60 cfs.

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

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

Lower Right water available for use above what is needed by the Purification Plant would be recharged in the facilities listed below:
- In the new land acquired from Castle and Cooke California, Inc., (CCC) located near the Stockdale bridge on both sides of the Kern River. These lands will consist of one 10-acre recharge pond north of the River and one 5-acre recharge pond south of the Kern River. A potential annual recharge of 5,500 acre-feet can be achieved in these ponds, based on a recharge rate of 1.0 ac-ft/ac/day.

- In the 40 new acres of land acquired from CCC located on the north side of the Kern River near the Stockdale bridge. This land is proposed to be used as a multi-purpose recreation facility and during wet years will be used to recharge the high flow months that Lower Right water is available. A potential monthly recharge of 120 acre-feet can be achieved in this area, based on a recharge rate of 1.0 ac-ft/ac/day. The existing banking projects will also have access to this water.

- The Berrenda Mesa Project recharge facility. This Project has a potential annual recharge capacity of 58,000 acre-feet. The Pioneer Project recharge facility has a potential annual recharge capacity of 146,000 acre-feet. The Kern Water Bank Project has a potential annual recharge capacity of 450,000 acre-feet.

- This water may also be used to meet other Ag, urban or groundwater management purposes.

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

The Project proposes to construct 12 new agricultural groundwater recovery wells. The 12 wells will be located on either the Agency’s Pioneer property, Kern Water Bank, and/or private land in the vicinity of existing projects. The wells are estimated to have an annual
recovery capacity of 36,000 acre-feet. In dry years the banked Lower Right water will be recovered using the 12 new agricultural wells constructed as described above. The recovered banked water will be delivered to the CVC, Kern River Canal or the Kern Water Bank Canal and directly or by exchange delivered to the Participants of the Banking Projects to supplement shortages in surface water deliveries. The operation of the urban and agricultural wells will be governed by the principles substantially similar to those found in the Memorandum of Understanding (MOU) regarding the Operation and Monitoring of the Kern Water Bank Groundwater Banking Program. The MOU outlines the terms, methods and procedures for the monitoring program appropriate for groundwater recharge and recovery projects. Each year, a report will be published by the Monitoring Committee which presents the following information:

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

<table>
<thead>
<tr>
<th>Impact Level</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?
   - ☐ ☐ ☐ ☒

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
   - ☐ ☐ ☐ ☒

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
   - ☐ ☐ ☐ ☒

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
   - ☐ ☐ ☐ ☒

II. AGRICULTURE RESOURCES -- Would the project:

a) Convert/reduce Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?
   - ☐ ☐ ☐ ☒

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
   - ☐ ☐ ☐ ☒

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?
   - ☐ ☐ ☐ ☒

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?
   - ☐ ☐ ☐ ☒

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
   - ☐ ☐ ☐ ☒

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
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<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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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?  

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?  

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?  

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?  

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  

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?  

**V. CULTURAL RESOURCES -- Would the project:**

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

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
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:
  
  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.
  
  ii) Strong seismic ground shaking?

  iii) Seismic-related ground failure, including liquefaction?

  iv) Landslides?

- b) Result in substantial soil erosion or the loss of topsoil?

- 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?

- 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?

- 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?

VII. HAZARDS AND HAZARDOUS MATERIALS --

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
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?

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<th>Potentially Significant Impact</th>
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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<th>Potentially Significant Impact</th>
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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?

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<th>Potentially Significant Impact</th>
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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 result in a safety hazard for people residing or working in the project area?

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<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
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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?

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<thead>
<tr>
<th>Potentially Significant Impact</th>
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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<th>Potentially Significant Impact</th>
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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?

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<th>Potentially Significant Impact</th>
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

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

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<th>Potentially Significant Impact</th>
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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)?

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<tr>
<th>Potentially Significant Impact</th>
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<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>□</td>
<td>□</td>
<td>□</td>
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</tbody>
</table>

**IX. LAND USE AND PLANNING** - Would the project:

a) Physically divide an established community? | □ | □ | □ | □ |

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? | □ | □ | □ | □ |

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | □ | □ | □ | □ |

**X. MINERAL RESOURCES** -- Would the project:
<table>
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<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
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<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
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**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? | ☐ | ☐ | ☐ | ☑ |

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☑ |

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☑ |

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☑ |

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? | ☐ | ☐ | ☐ | ☑ |

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? | ☐ | ☐ | ☐ | ☑ |

**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)? | ☐ | ☐ | ☐ | ☑ |

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |
<table>
<thead>
<tr>
<th>XIII. PUBLIC SERVICES</th>
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<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?</td>
</tr>
<tr>
<td>□</td>
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<tr>
<td>Police protection?</td>
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<td>□</td>
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<td>Schools?</td>
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<td>Parks?</td>
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<tr>
<td>Other public facilities?</td>
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<thead>
<tr>
<th>XIV. RECREATION --</th>
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<tbody>
<tr>
<td>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?</td>
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<td>□</td>
</tr>
<tr>
<td>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?</td>
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<tr>
<th>XV. TRANSPORTATION/TRAFFIC -- Would the project:</th>
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<tbody>
<tr>
<td>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)?</td>
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<tr>
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<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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e) Result in inadequate emergency access?

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f) Result in inadequate parking capacity?

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

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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?

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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?

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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?

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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?

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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?

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f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?

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g) Comply with federal, state, and local statutes and regulations related to solid waste?

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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?

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)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
EXPLANATION OF RESPONSES
INITIAL STUDY CHECKLIST

Project: Kern River Restoration and Water Supply Program
Agency: Kern County Water Agency

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

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

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

a. No threatened or endangered, or other sensitive plant or wildlife species, pursuant to State and Federal Endangered Species Act, are known to be present at or near the proposed project sites. The project is not expected to reduce or enhance the diversity of native plants at the project site. All construction will occur in existing maintained right-of-way, or on actively farmed land, or on an area with an existing Habitat Conservation Plan permitted for such activity.

b. The Project will not have any adverse impact on riparian habitat or other sensitive natural communities. The Project may have a positive benefit on riparian habitat identified in the Kern River Parkway, since one of the goals of this Project is to maintain a wetted 12-mile stretch of Kern River Channel through the center of Bakersfield.

c. No federally protected wetlands pursuant Section 404 of the Clean Water Act will be impacted by the Project.

d. Construction and operation on project sites will not impact migration of fish, movement of native residents or wildlife species because construction and operation will occur on actively farmed areas or in existing maintained project right-of-ways areas.

e. No. In fact, the Project as proposed will complement existing polices and ordinances pertaining to the City of Bakersfield Kern River Parkway Plan and Environmental Impact Report adopted in 1988. No large trees, such as the heritage oak, will be removed by the Project.

f. It is the intent of the proposed project to the extent practical, to cooperate and complement the existing Metropolitan Bakersfield Habitat Conservation Plan and the Kern Water Bank Habitat Conservation Plan.

V. Cultural Resources.

a. Preliminary field reconnaissance surveys indicate that historical and archeological sites are present in areas of higher elevation on portions of project lands. However, no construction will occur on or near any known sites.

b. Based on the best information available to the Agency no impacted are expected.

c. No known paleontological resource or unique geologic feature will be impacted.

d. Based on the best information available to the Agency no impacted are expected.

VI. Geology and Soils.

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

a. The project will not involve the use of any hazardous substances.

b. No.
c. No.
d. No.
e. No.

VIII. Hydrology and Water Quality

a. No.

b. This project is designed to enhance local groundwater supplies by maximizing recharge and use of Kern River flood flows that would otherwise be lost to the Kern County groundwater basin. During recharge periods, the project will change the absorption rate and pattern at the project where the recharge/regulation ponds are to be built, because water will be impounded in recharge ponds. Surface runoff patterns at the site will be slightly altered due to construction of the shallow ponds. Recovery of previously recharged groundwater will lower groundwater levels but not less than pre-project conditions. Over the term of the project, recovery of water will not be more than has been recharged by the project, after accounting for recharge losses. Therefore, nearby wells will not be impacted by the project, or will be mitigated to less than significant pursuant to the Kern Fan Monitoring Committee.

c. No.

d. Because the purpose of the proposed project is to maximize recharge of flood and other Kern River water, flooding of the recharge ponds and the multipurpose recreational facility may occur during flood flows on the Kern River. The flooding will have no impact because
facilities are designed for this operation and this is expected to occur about 20% of the years.

e. No.

f. No.

g. No.

h. As has been previously described elsewhere in this section, the purpose of the project is to maximize opportunities for beneficial use of Kern River water that would otherwise be loss to the Kern County groundwater basin. As such, the project proposes to construct facilities that will divert, impede and redirect flood flows. However, any impacts to the environment will be less than significant.

i. No.

j. No.

IX. Land Use and Planning.

a. No

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

c. No. See response number IX b, above.

X. Mineral Resources

a. No.

b. No.

XI. Noise
XII. Population and Housing.

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

XIII. Public Services.

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

XIV. Recreation.

a. The Kern River Parkway adjacent to and at the center of the project and would be completed by the project. See answer to IX b above.

b. No.

XV. Transportation and Traffic.

a. There will be additional vehicular and truck traffic on local roads and highways, and on dirt roads within the project sites, during construction. However, the volume of this short-term traffic is expected to be very low and readily accommodated by available capacity on local public roads and highways.

b. The project will not alter existing public road systems or circulation patterns because no public road will be closed or re-aligned as a result of the project. Construction of the project may increase the number and location of private access roads within the sites.
c. No.
d. No.
e. No.
f. No.
g. No.

XVI. Utilities and Services Systems.

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

XVII. Mandatory Findings of Significance.

a. The project will not have an adverse effect on environment, substantially reduce the habitat of fish or wildlife populations, threaten or eliminate a plant or animal community, or adversely impact sensitive plants and wildlife, reduce the number or restrict the range of a rare or endangered plant or animal species. This is because the project as proposed will construct, operate and maintain facilities in existing maintained right-of-ways, farm land, areas having an existing Habitat Conservation Plan permitting the activities and/or areas not considered as habitat or occupied by threatened or endangered species or any sensitive species.

b. The project is designated to achieve long-term enhancement of local water supplies by increasing reliability of local supplies in the future. As such, the long-term environmental benefits of the project are primary. Project is to be implemented concurrent with similar ongoing projects by City of Bakersfield, Berrenda Mesa WD, Rosedale Rio-Bravo WSD, Buena Vista WSD, West Kern WD and the Kern Water Bank Authority. The proposed project could have cumulative impacts on ground water due to concurrent and overlapping impacts of these similar projects. Participation in the Kern Fan Monitoring Committee under
the Memorandum of Understanding regarding operation and monitoring of the Kern Water Bank ground water banking programs will oversee these projects and recommend measures to mitigate these impacts to less than significant.

c. The project does not have the environmental effects to potentially cause substantive adverse effects on human beings either directly or indirectly.
This is prepared pursuant to the California Environmental Quality Act of 1970 (CEQA), and the State CEQA Guidelines.

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

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

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

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

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

INITIAL STUDY: A copy of the Initial Study and environmental checklist prepared by Agency staff, dated July 27, 2000, is attached.
MITIGATION MEASURES: Mitigation measures which have been incorporated into the proposed Project to avoid potentially significant environmental effects are as follows:

1. Throughout the term of the proposed Project, Project water quality, groundwater monitoring, and groundwater recharge losses will be consistent with the Memorandum of Understanding Regarding Operation and Monitoring of the Kern Water Bank Groundwater Banking Program, dated October 26, 1995, and consistent with the Operation and Monitoring Procedure for the Pioneer Project, dated May 28, 1998.

2. Project recharge and recovery well areas will be designed and located to avoid areas suspected to have hydrocarbon contamination, and to the extent practical, not to interfere with oil (crude or refined) or natural gas pipelines or other sensitive oilfield areas.

3. Project recharge and recovery well areas will be designed and located to minimize potential impacts to the Agency's Cross Valley Canal.

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

Thomas N. Clark, General Manager

Date

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

2. Title 14, Division 6, California Administrative Code, as amended.
Pursuant to the California Environmental Quality Act and CEQA Guidelines, the Kern County Water Agency hereby provides notice of its intent to adopt a Negative Declaration pursuant to CEQA Guidelines section 15072 for the following:

1. **Name of Project:** Kern River Restoration and Water Supply Program

2. **Project Lead Agency and Sponsor:** Kern County Water Agency, P.O. Box 58, 3200 Rio Mirada Drive, Bakersfield CA 93302-0058. Contact person: Thomas N. Clark, General Manager, 661-634-1400.

3. **Project Description:** Project proposes to provide significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users through the coordinated implementation of a number of program components including: (1) acquisition of the Lower Kern River water right (Lower Right), i.e., Hacienda/Garces pre-1914 water right, including associated Lake Isabella Storage; (2) Purchase of land from Castle and Cooke California, Inc., for additional recharge and recovery facilities; (3) construction of 12 new water Ag recovery wells and construction of enough urban area wells to achieve a flow capacity of about 50 cfs; and (4) Construction of water exchange facilities and modification of the Pool 1 portion of the Cross Valley Canal. For more information concerning the project, see the Kern County Water Agency Environmental Initial Study Form [for CEQA Guidelines section 15072 Determination] dated July 27, 2000 (the "Initial Study"), which is available for review and copying during regular business hours at the Agency office at the above address.

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

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

6. **Proposed Finding:** The Agency Board of Directors has reviewed the proposed project, Initial Study, comments received on the proposal to adopt this Negative Declaration, and other documents and information from Agency staff, and on the basis of this information and the whole record before the Agency, hereby finds and determines as follows: (a) The Initial Study and Negative Declaration reflect Agency's independent judgment and analysis; and (b) mitigated measures have been included to reduce to less than significant any potential environmental effects of the project and nothing further is required. This Negative Declaration confirms this conclusion.

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

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

9. Public Review: Pursuant to CEQA Guideline section 15105, public comments on this proposal to adopt a Negative Declaration will be received by the Agency at the above address beginning July 28, 2000 and ending September 1, 2000. The Agency Board of Directors is expected to consider the adoption of the Subsequent Negative Declaration at a public meeting scheduled for Thursday, September 7, 2000 at 4:00 p.m., at the Agency's office at the above address.

Thomas N. Clark
General Manager
Kern County Water Agency

July 27, 2000
Date
LIST OF POTENTIAL PROJECTS:
1. CROSS HATCHED AREA - POTENTIAL AG AND URBAN AREA WELL SITES
2. POOL ONE PORTION OF THE CROSS VALLEY CANAL - RAISE LINING
3. INTERCONNECTION OF KERN WATER BANK CANAL AND KERN RIVER CANAL
4. MODIFICATION OF PIONEER CANAL CROSSING OF THE CVC
5. RECHARGE PONDS ON CASTLE AND COOKE PROPERTY
6. MODIFICATION OF ARVIN-EDISON / CVC INTERIE AND TURNOUT
7. CROSS RIVER PIPELINE - CVC TO CARRIER / KERN ISLAND CANAL
8. INTERCONNECTION OF ARVIN-EDISON / KERN DELTA CANAL SYSTEM

VICINITY MAP
NOTICE OF DETERMINATION

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: Addendum No. 1 to the Kern River Restoration and Water Supply Program - SCH# 2000081017

PROJECT LOCATION: Kern River between Allen Road and Calloway Drive, Bakersfield Metropolitan Area

PROJECT DESCRIPTION: The program includes use of five wells that are located along the Kern River between Allen Road and Calloway Drive. Total recovery capability for the five wells is about 60 cubic feet per second.

This is to advise that the Kern County Water Agency (Lead Agency) has approved the above described project on June 13, 2007, and has made the following determinations regarding the above described project:

1. The project ☒ will, ☐ 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. ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

4. Mitigation measures ☐ were, ☒ were not, made a condition of approval for this project.

5. A statement of Overriding Considerations ☐ was, ☒ was not, adopted for this project.

This is to certify that a copy of the Addendum No. 1 along with the 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: June 14, 2007

Signature
Title General Manager

1 Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code
ADDENDUM No. 1 to Negative Declaration (SCH# 2000081017)

(14 CCR 15164)

Kern County Water Agency

Project: Kern River Restoration and Water Supply Program

Lead Agency: Kern County Water Agency

Location: The five wells proposed for use are located along the Kern River between Allen Road and Calloway Drive, in the City of Bakersfield (see attached map).

Description: Use of existing wells for production from the Kern River Restoration and Water Supply Program:
The Kern River Restoration and Water Supply Program provides significant water quality, water supply, environmental and community benefits for the metropolitan Bakersfield area and a broad range of Kern County water users through the coordinated implementation of the: (1) acquisition of the Lower Kern River water right; (2) purchase of land from Castle and Cooke California, Inc., for additional recharge and recovery facilities; (3) construction of 12 new agricultural water recovery wells and 5 urban wells to achieve a maximum flow capacity of 60 cubic feet per second (cfs); and (4) construction of water exchange facilities and modification of the Pool 1 portion of the Cross Valley Canal. The five urban wells are located along the Kern River between Allen Road and Calloway Drive (see attached map). Total recovery capability for the five urban wells is about 60 cfs, and water recovered from the wells enters a pipeline which conveys water into the Cross Valley Canal. The urban wells would normally be operated during dry years to make water available for exchange and use within the Kern River channel between Manor Street and the Stockdale Highway Bridge. Through this Addendum the Agency proposes to use the five urban wells to pump previously banked groundwater to meet Improvement District No. 4 (ID4) demands by direct delivery or exchange with other water districts, in all years when the City of Bakersfield has not requested use of such wells. Such use of the urban wells could expand the total amount pumped in any 12-month period from 35,000 acre-feet to approximately 44,000 acre-feet.

The Kern County Water Agency Board of Directors, having conducted a careful and independent review of the proposed change to the Kern River Restoration and Water Supply Program, described above, does hereby find and declare that said changes do not call for the preparation of a subsequent negative declaration or environmental impact report pursuant to CEQA Guidelines § 15162. A brief statement of the reasons supporting the Board’s findings is as follows:

The proposed change to the final Negative Declaration involves the use of five existing wells located along the Kern River that does not expand the original environmental analysis or increase the environmental effects previously evaluated in the original project. The analysis of potential environmental effects in the Initial Study to the final Negative Declaration allows for a determination to be made that no significant impacts would occur from the proposed alternative use of the five wells. The amount of water pumped under the Addendum is not significantly higher than that proposed under the final Negative Declaration. As such, there will be no material difference in the project with the proposed alternative use, and the proposed revision does not entail any significant environmental impacts.

The Board of Directors hereby finds that this Addendum No. 1 to the KCWA Kern River Restoration and Water Supply Program reflects its independent judgment.

Dated 6/21/07

Kern County Water Agency General Manager