

RECEIVED WITH FEE

RECEIPT # 15137682

NOTICE OF DETERMINATION

To: Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.
Sacramento, CA 95812-3044

From: (Responsible Agency) Kern Water Bank Authority
Address: 1620 Mill Rock Way, Suite 500,
Bakersfield, CA 93311
Contact: Jonathan Parker, General Manager
Phone: (661) 398-4900

To: Kern County Clerk
1115 Truxtun Avenue
Bakersfield, CA 93301

FILED
KERN COUNTY

JUL 10 2018

MARY B. BEDARD
AUDITOR CONTROLLER COUNTY CLERK
BY [Signature] DEPUTY

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code, as applicable.

State Clearinghouse Number (if submitted to State Clearinghouse): 2003011118

Project Title: Monterey Amendment to the State Water Project Contracts (Including Kern Water Bank Transfer) and Associated Actions as Part of a Settlement Agreement (Monterey Plus); **Minor Amendment to Kern Water Bank (KWB) Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) (Minor Amendment)**

Project Location (include county): Kern Water Bank Lands; APNs 160-020-07 [Nikkel parcel], 160-030-03, 160-030-09, 160-020-05 [Cheng parcels]. See also attached Exhibit A, for general location. Kern County.

Project Description: See attached project description.

This is to advise that on July 9, 2018, the KWBA considered the 2016 Monterey Plus Revised Environmental Impact Report (REIR) and Addendum No. 1 to the REIR, and determined no additional environmental review other than Addendum No. 1 is required by CEQA for the Minor Amendment pursuant to Section 21166 of the Public Resources Code and Section 15162 of the CEQA Guidelines with regard to the Minor Amendment; KWBA took action to adopt KWBA Addendum No. 1 to the REIR for the Minor Amendment; and KWBA approved the Minor Amendment which is described in the attached project description and in Addendum No. 1. The mitigation measures previously adopted by KWBA regarding Monterey Plus for the KWB as described in the mitigation, monitoring and reporting program (MMRP), are applicable to the activities permitted by the Minor Amendment as provided in Addendum No. 1. The Minor Amendment will not cause any of the conditions necessitating preparation of a Supplemental or Subsequent EIR under Public Resources Code section 21166 to occur because, among other reasons, the Minor Amendment does not require major revisions to the REIR due to any new significant environmental effects or any substantial increase in the severity of previously identified significant environmental effects, or new information of substantial importance as defined in CEQA Guidelines section 15162.

This is to also certify that the Addendum No. 1 and record of project approval is available to the General Public at: 1620 Mill Rock Way, Suite 500.

Signature (Public Agency) [Signature] Title: General Manager

Date July 9, 2018

Date received for filing at OPR:

Notice of Environmental Document
Posted by County Clerk on 7-10-18
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

11029

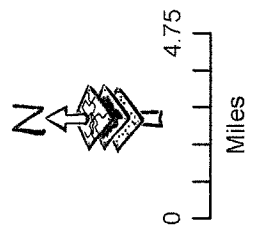
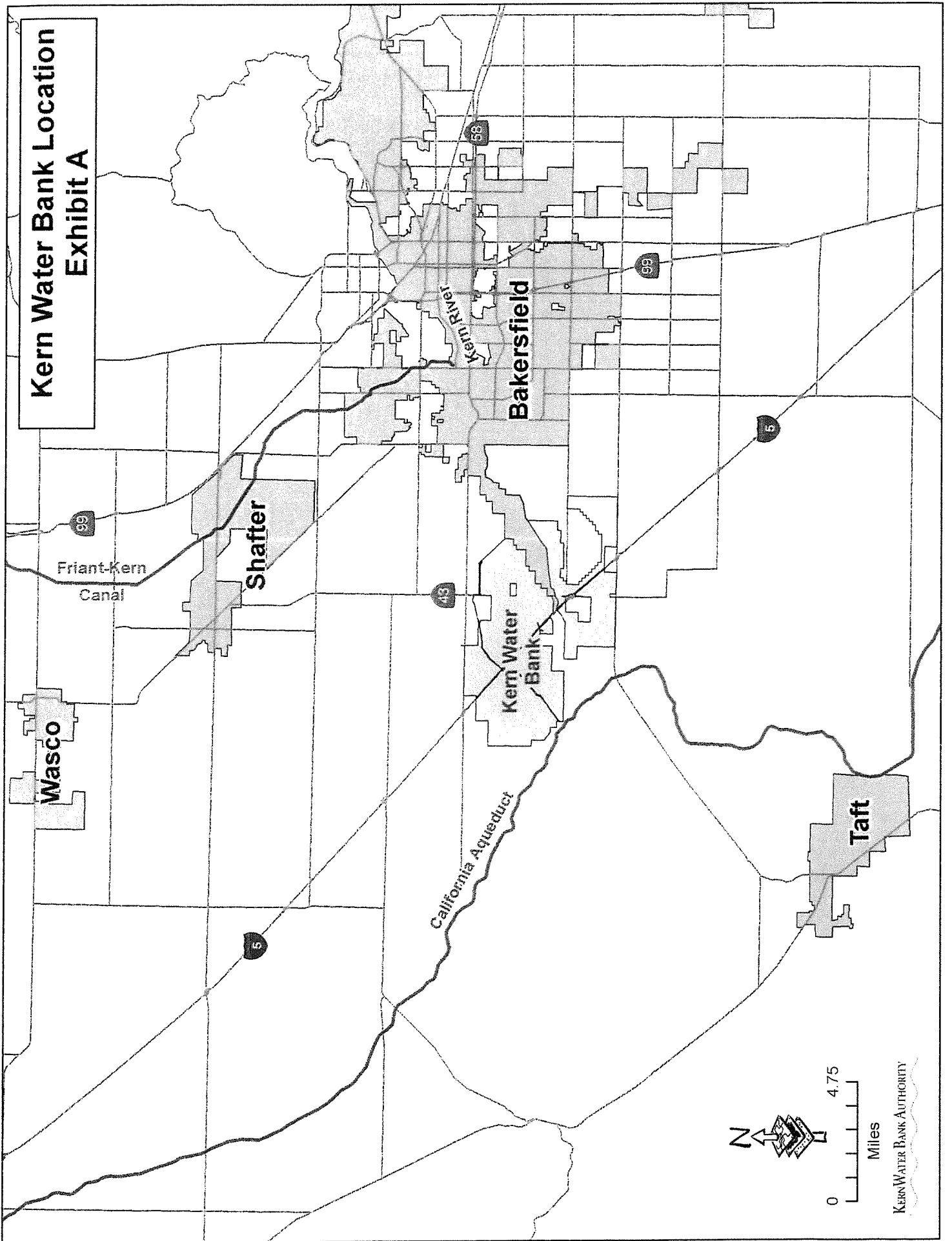
Notice of Determination

Project Description: Approval of a Minor Amendment to the Kern Water Bank Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) (Minor Amendment), which provides for the following additions and revisions to the Kern Water Bank (KWB) project including the HCP/NCCP:

- (a) Extension of bike path onto a small portion of the KWB Lands, as part of the Kern River Parkway Bike Trail Western Extension Project;
- (b) Inclusion of the 495-acre Cheng parcels into the HCP/NCCP pursuant to the terms of the California Wildlife Conservation Board Grant Agreement for Acquisition of Fee Interest that facilitated transfer of that property to the KWBA, with 385 acres designated as compatible habitat and 110 acres of ruderal non-native grassland south of the Pioneer Canal being designated as recharge basins, including the ability to install and maintain up to five wells and associated facilities on the property without exceeding the total existing and future operational recovery wells described and evaluated in the 2016 Monterey Plus REIR;
- (c) Inclusion of the 160-acre Nikkel parcel into the HCP/NCCP, with 140 acres designated as recharge basins and 20 acres designated as compatible habitat;
- (d) Designation of 885 acres of the existing compatible habitat sector of the HCP/NCCP as recharge basins. The total increase in the recharge basin sector will be 1,135 acres (110 acres plus 140 acres plus 885 acres);
- (e) Authorization of incidental take of covered species as a result of uses permitted by the Minor Amendment in accordance with the HCP/NCCP; and
- (f) Other minor revisions to the HCP/NCCP text.

CEQA responsible agencies regarding the Minor Amendment include the California Department of Fish and Wildlife.

Kern Water Bank Location Exhibit A



Kern Water Bank Authority



State of California - Department of Fish and Wildlife
2018 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/02/18) Previously DFG 753.5a

RECEIPT NUMBER: 15 — 07102018 — 15137682
STATE CLEARINGHOUSE NUMBER (if applicable) 2003011118

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY KERN WATER BANK AUTHORITY	LEAD AGENCY EMAIL	DATE 7/10/2018
COUNTY/STATE AGENCY OF FILING Kern	DOCUMENT NUMBER 11029	

PROJECT TITLE
 MONTEREY AMENDMENT TO THE STATE WATER PROJECT CONTRACTS (INCLUDING KERN WATER BANK TRANSFER) ANI

PROJECT APPLICANT NAME KERN WATER BANK AUTHORITY	PROJECT APPLICANT EMAIL	PHONE NUMBER (661) 398-4900
PROJECT APPLICANT ADDRESS 1620 MILL ROCK WAY, STE. #500	CITY BAKERSFIELD	STATE CA
		ZIP CODE 93311

PROJECT APPLICANT (check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	3,168.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input checked="" type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE A. ZUBELDIA, Kern County Clerk OST
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ORDER NO: 272762
 WALK-IN
 7/10/2018 9:26:03 AM
 BAKERSFIELD
 AMY ZUBELDIA

CEQA
 County Clerk
 Fee #11029 1 @ \$50.000
\$50.00
 Total **\$50.00**
 Check #001776 \$50.00
 Change \$0.00

Kern County
 Clerks Office
 1115 Truxtun Ave
 Bakersfield CA 93301
 661-868-3588



State of California - Department of Fish and Wildlife
2016 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

Print **StartOver** **Finalize&Email**

RECEIPT NUMBER:
 59 — 09/22/16 — 109
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2003011118

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Water Resources, Department of	LEAD AGENCY EMAIL	DATE 09/22/16
COUNTY/STATE AGENCY OF FILING OPR/SCH	DOCUMENT NUMBER	

PROJECT TITLE
 Monterey Amendment to the State Water Project Contracts (Including Kern Water Bank Transfer) and Associated Actions as Part of a Settlement Agreement (Monterey Plus).

PROJECT APPLICANT NAME Nancy Quan	PROJECT APPLICANT EMAIL	PHONE NUMBER (916) 653-0190
PROJECT APPLICANT ADDRESS 1416 9th Street	CITY Sacramento	STATE CA
		ZIP CODE 95814

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,070.00 \$ 3,070.00
- Mitigated/Negative Declaration (MND)(ND) \$2,210.25 \$ 0.00
- Certified Regulatory Program document (CRP) \$1,043.75 \$ 0.00

- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ 0.00
- County documentary handling fee \$ 0.00
- Other \$ _____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other
TOTAL RECEIVED \$ 3,070.00

SIGNATURE: X Charissa Martinez	Digitally signed by Charissa Martinez Date: 2016.09.22 13:42:57 -07'00'	AGENCY OF FILING PRINTED NAME AND TITLE Charissa Martinez, CEQA Tech
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To: ■ Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St. Sacramento,
CA 95812-3044

From: (Public Agency) California Dept. of Water Resources
Address: California Department of Water Resources
State Water Project Analysis Office

Sacramento, CA
Contact: Nancy Quan
Phone: 916-653-0190

County Clerk
County of: _____
Address: _____

Lead Agency (if different from above):

Address: _____

Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21052 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2003011118

Project Title: Monterey Amendment to the State Water Project Contracts (Including Kern Water Bank Transfer) and Associated Actions as Part of a Settlement Agreement (Monterey Plus).

Project Location (include county): See attached project description.

Project Description: See attached project description.

This is to advise that the California Department of Water Resources decided to carry out the above described project on September 20, 2016

Lead Agency or Responsible Agency

 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.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] incorporated as part of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final Revised EIR with comments and responses and record of project approval is available to the General Public at: See attached list of locations.

Signature (Public Agency) Craig J. Trumbly Governor's Office of Planning & Research Title: Acting Chief, SWPAO
Date 9/22/2016

SEP 22 2016

STATE CLEARINGHOUSE

Notice of Determination

Date received for filing at OPR:

Project Description: As identified in the Department's May 5, 2010 Notice of Determination, the Monterey Plus proposed project is to continue operation under the existing Monterey Amendment to the State Water Project long-term water supply contracts (including the Kern Water Bank transfer) and the existing Settlement Agreement entered in PCL v. DWR (including the Attachment A amendments to the State Water Project long-term water supply contracts) in accordance with the terms of those documents as previously executed by the Department and other parties to those documents.

The Department revised the project description and revised the 2010 Monterey Plus EIR in response to an order from the Sacramento County Superior Court. Within the recently certified Monterey Plus Revised EIR, DWR changed the project description of the Kern Fan Element property transfer to be: "Transfer of property known as the "Kern Fan Element property" in Kern County *and its development and continued use and operation as a locally owned and operated groundwater banking and recovery project.*"

The Department made no revisions to the other elements of the Monterey amendment or to the Settlement Agreement, and no changes have been made relating to them in the Monterey Plus Revised EIR.

The primary elements of the Monterey Amendment are:

- Altered water allocation procedures. Shortages and surpluses are shared among contractors in proportion to their Table A amounts. During shortages, agricultural contractors would no longer be subject to cuts in supply before municipal contractors;
- Permanent transfers of Table A amount. Agricultural contractors agree to transfer 130,000 acre-feet (AF) of Table A amount to municipal contractors and 45,000 AF of Table A amount would be permanently retired;
- Transfer of ownership of approximately 20,000 acres of land in Kern County known as the Kern Fan Element (KFE) from the Department to Kern County Water Agency (KCWA) and its development and continued use and operation as a locally owned and operated groundwater banking and recovery project;
- Facilitation of several water supply management practices including storage of State Water Project (SWP) water outside contractors' service areas, borrowing of water by contractors from Castaic Lake and Lake Perris, and establishment of a turnback pool to promote transfers of SWP water from contractors with excess allocated Table A amounts to contractors with a need for water; and
- Restructuring of rates for financing the SWP and using its facilities, including the establishment of a trust fund to help agricultural contractors meet their SWP financial obligations during water shortages.

The primary elements of the Settlement Agreement are:

- Better information on SWP reliability by substituting "Table A amount" for "entitlement" in the SWP contracts and by implementing new procedures for disclosure of SWP delivery reliability;
- More public review of major SWP actions by issuing guidelines for review of permanent transfers of Table A amounts, and issuing principles for public participation in negotiations for project-wide long-term water supply contract amendments and Table A transfers;
- Table A transfers completed prior to the Settlement Agreement would remain in place;

Notice of Determination

- Assurance regarding the KFE transfer including confirmation of title to KFE Lands; placement of restrictions on the use of KFE Lands; and an independent study of some Kern Water Bank (KWB) operations;
- Establishment of a watershed forum and funding for Plumas County Flood Control and Water Conservation District (Plumas County) to pursue watershed restoration, and amendment of Plumas County's SWP contract with respect to allocation to SWP water;
- Providing specified amounts of funding to the plaintiffs for multiple purposes.

Project Location: The proposed project is primarily an administrative action and does not have a specific physical location. However, the effects of the administrative action could be felt over large areas of the state. For the purposes of the assessment of impacts, the project area consists of SWP facilities, the Sacramento-San Joaquin Delta, rivers tributary to the Delta, the SWP service area, the SWP contractor service areas and any other areas that could be influenced by the proposed project. Site-specific portions of the project include watershed areas of Plumas County, the Lake Davis area of Plumas County, Castaic Lake and Lake Perris, and the Kern Fan area of Kern County.

Copies of the final Revised EIR with comments and responses and record of project approval are available to the general public and are available for review by request from the Department or on the Department's website at http://www.water.ca.gov/environmentalservices/monterey_plus.cfm.

RECEIVED WITH FEE
RECEIPT # 15132847

To: Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.
Sacramento, CA 95812-3044

From: (Responsible Agency) Kern Water Bank Authority
Address: 1620 Mill Rock Way, Suite 500
Bakersfield, CA 93311
Contact: Jonathan Parker, General Manager
Phone: (661) 398-4900

To: Kern County Clerk
1115 Truxtun Avenue
Bakersfield, CA 93301

FILED
KERN COUNTY

SEP 22 2016

MARY B. BEDARD
AUDITOR CONTROLLER-COUNTY CLERK
BY MB DEPUTY

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21052 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2003011118

Project Title: Monterey Amendment to the State Water Project Contracts (Including Kern Water Bank Transfer) and Associated Actions as Part of a Settlement Agreement (Monterey Plus).

Project Location (include county): See attached project description and Exhibit A.

Project Description: See attached project description.

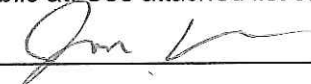
This is to advise that on September 22, 2016, the Kern Water Bank Authority (KWBA) as responsible agency decided to carry out the above described project by continuing the use and operation of the Kern Water Bank by the KWBA,

Lead Agency or Responsible Agency

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.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] incorporated as part of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final Revised EIR with comments and responses and record of project approval is available to the General Public at: See attached list of locations.

Signature (Public Agency)  Title: General Manager

Date September 22, 2016

Date received for filing at OPR:

Notice of Environmental Document
Posted by County Clerk on 9/22/16
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

Notice of Determination

Project Description: As identified in the Department's May 5, 2010 Notice of Determination, the Monterey Plus proposed project is to continue operation under the existing Monterey Amendment to the State Water Project long-term water supply contracts (including the Kern Water Bank transfer) and the existing Settlement Agreement entered in PCL v. DWR (including the Attachment A amendments to the State Water Project long-term water supply contracts) in accordance with the terms of those documents as previously executed by the Department and other parties to those documents.

The Department revised the project description and revised the 2010 Monterey Plus EIR in response to an order from the Sacramento County Superior Court. Within the recently certified Monterey Plus Revised EIR, DWR changed the project description of the Kern Fan Element property transfer to be: "Transfer of property known as the "Kern Fan Element property" in Kern County *and its development and continued use and operation as a locally owned and operated groundwater banking and recovery project.*"

The Department made no revisions to the other elements of the Monterey amendment or to the Settlement Agreement, and no changes have been made relating to them in the Monterey Plus Revised EIR.

The primary elements of the Monterey Amendment are:

- Altered water allocation procedures. Shortages and surpluses are shared among contractors in proportion to their Table A amounts. During shortages, agricultural contractors would no longer be subject to cuts in supply before municipal contractors;
- Permanent transfers of Table A amount. Agricultural contractors agree to transfer 130,000 acre-feet (AF) of Table A amount to municipal contractors and 45,000 AF of Table A amount would be permanently retired;
- Transfer of ownership of approximately 20,000 acres of land in Kern County known as the Kern Fan Element (KFE) from the Department to Kern County Water Agency (KCWA) and its development and continued use and operation as a locally owned and operated groundwater banking and recovery project;
- Facilitation of several water supply management practices including storage of State Water Project (SWP) water outside contractors' service areas, borrowing of water by contractors from Castaic Lake and Lake Perris, and establishment of a turnback pool to promote transfers of SWP water from contractors with excess allocated Table A amounts to contractors with a need for water; and
- Restructuring of rates for financing the SWP and using its facilities, including the establishment of a trust fund to help agricultural contractors meet their SWP financial obligations during water shortages.

The primary elements of the Settlement Agreement are:

- Better information on SWP reliability by substituting "Table A amount" for "entitlement" in the SWP contracts and by implementing new procedures for disclosure of SWP delivery reliability;
- More public review of major SWP actions by issuing guidelines for review of permanent transfers of Table A amounts, and issuing principles for public participation in negotiations for project-wide long-term water supply contract amendments and Table A transfers;
- Table A transfers completed prior to the Settlement Agreement would remain in place;

Notice of Determination

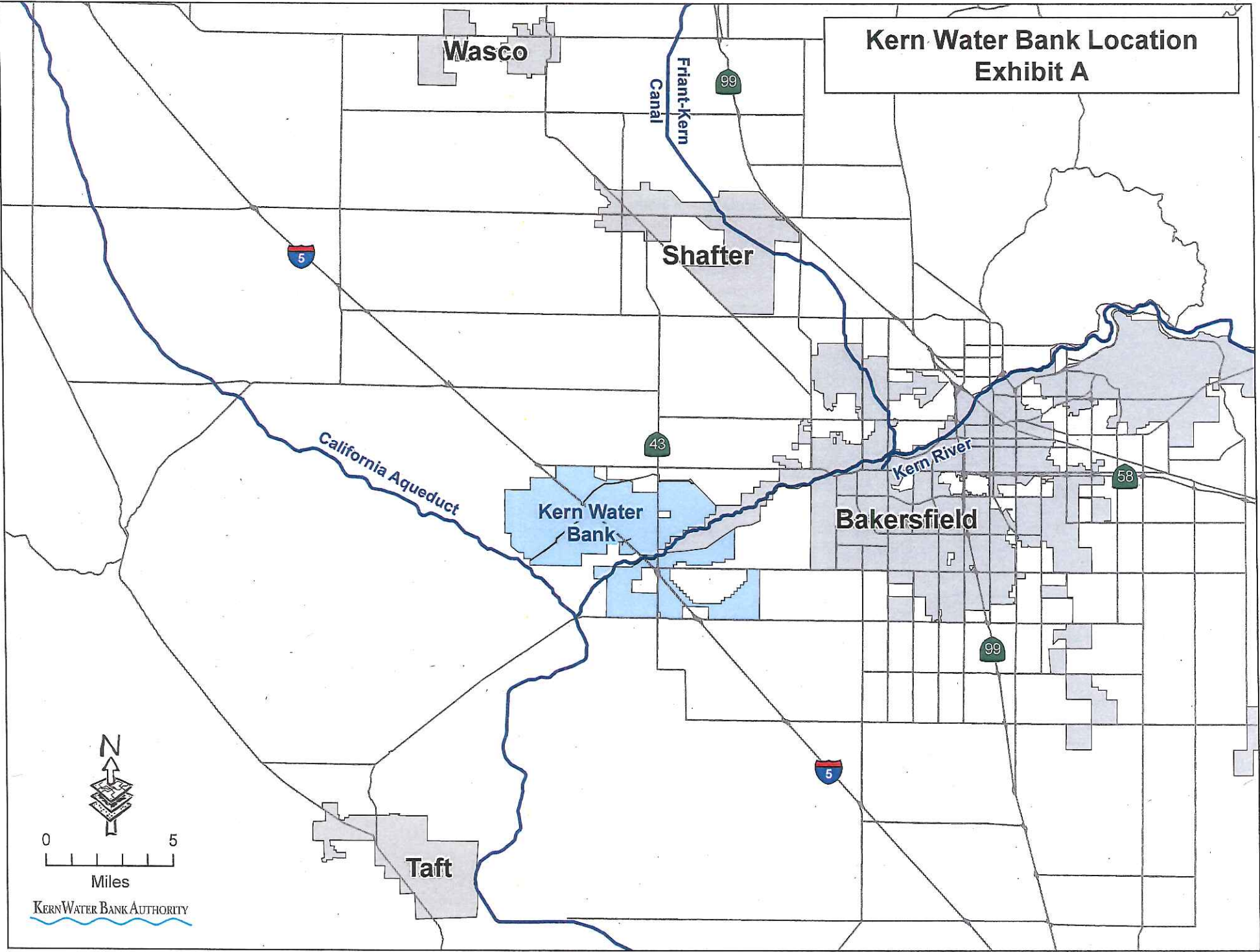
- Assurance regarding the KFE transfer including confirmation of title to KFE Lands; placement of restrictions on the use of KFE Lands; and an independent study of some Kern Water Bank (KWB) operations;
- Establishment of a watershed forum and funding for Plumas County Flood Control and Water Conservation District (Plumas County) to pursue watershed restoration, and amendment of Plumas County's SWP contract with respect to allocation to SWP water;
- Providing specified amounts of funding to the plaintiffs for multiple purposes.

KWBA acquired title to the KFE Lands from KCWA in 1996, and KWBA developed, constructed and is the owner and operator of the Kern Water Bank, which is located within the Kern Fan area of Kern County as generally shown in Exhibit A attached hereto and made a part hereof by this reference.

Project Location: The proposed project is primarily an administrative action and does not have a specific physical location. However, the effects of the administrative action could be felt over large areas of the state. For the purposes of the assessment of impacts, the project area consists of SWP facilities, the Sacramento-San Joaquin Delta, rivers tributary to the Delta, the SWP service area, the SWP contractor service areas and any other areas that could be influenced by the proposed project. Site-specific portions of the project include watershed areas of Plumas County, the Lake Davis area of Plumas County, Castaic Lake and Lake Perris, and the Kern Fan area of Kern County.

Copies of the final Revised EIR with comments and responses and record of project approval are available to the general public and are available for review by request from the Department or on the Department's website at http://www.water.ca.gov/environmentalservices/monterey_plus.cfm.

Kern Water Bank Location Exhibit A





State of California - Department of Fish and Wildlife
2016 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

RECEIPT NUMBER: 15 — 09222016 — 15132847
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY KERN WATER BANK AUTHORITY	LEAD AGENCY EMAIL	DATE 9/22/2016
COUNTY/STATE AGENCY OF FILING Kern	DOCUMENT NUMBER 5945	

PROJECT TITLE
 FILLING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21052 OF PUBLIC RESOURCES CODE **+**

PROJECT APPLICANT NAME KERN WATER BANK AUTHORITY	PROJECT APPLICANT EMAIL	PHONE NUMBER (661) 398-4900
PROJECT APPLICANT ADDRESS 1620 MILL ROCK WAY, SUITE 500	CITY BAKERSFIELD	STATE CA
		ZIP CODE 93311

PROJECT APPLICANT (check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

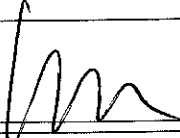
CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,070.00	\$	_____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,210.25	\$	_____ 0.00
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,043.75	\$	_____ 0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	_____
<input checked="" type="checkbox"/> County documentary handling fee		\$	_____ 50.00
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ _____ 50.00

SIGNATURE X 	AGENCY OF FILING PRINTED NAME AND TITLE KERN COUNTY CLERK, J. GARCIA, OST
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Kern County
Clerks Office
1115 Truxtun Ave
Bakersfield CA 93301
661-868-3588

CEQA
**County Clerk
Fee**
#5945 1 @ \$50.000
 \$50.00

Total **\$50.00**

Check #6019 \$50.00

Change \$0.00

ORDER NO: 157385
WALK-IN
9/22/2016 3:53:39 PM
BAKERSFIELD
JESSICA GARCIA

**BEFORE THE BOARD OF DIRECTORS
OF THE
KERN WATER BANK AUTHORITY**

Resolution No. 2018-02

In the Matter of:

**RESOLUTION ADOPTING KERN WATER BANK AUTHORITY (KWBA) ADDENDUM
NO. 1 TO 2016 MONTEREY PLUS REVISED EIR FOR MINOR AMENDMENT TO THE
KERN WATER BANK HCP/NCCP, AND APPROVAL OF MINOR AMENDMENT**

SECTION A. WHEREAS, this Board of Directors declares and determines as follows:

1. On or about September 20, 2016, a final Monterey Plus Revised EIR (REIR) was prepared and certified by the California Department of Water Resources (DWR), as lead agency, which included evaluation of the environmental effects of the continued use and operation of the Kern Water Bank (KWB) and a Mitigation Monitoring and Reporting Program (MMRP) containing mitigation measures relating to the KWB to be implemented by the Kern Water Bank Authority (KWBA) where appropriate; and
2. After considering the REIR, the KWBA took action within its jurisdiction and authority as a responsible agency to, among other things, adopt the MMRP and continue use and operation of the KWB subject to the mitigation measures in the MMRP applicable to the KWB, all as provided in Resolution No. 2016-03; and
3. KWBA operates the KWB subject to the Kern Water Bank Habitat Conservation Plan/Natural Community Conservation Plan as amended (HCP/NCCP); and
4. A Minor Amendment to the HCP/NCCP (Minor Amendment) has been proposed subject to the approval of the U.S. Fish and Wildlife Service (USFW), California Department of Fish and Wildlife (CDFW), and KWBA, as provided in letter agreements to adopt the Minor Amendment all of which have been reviewed with the Board; and
5. In accordance with the California Environmental Quality Act, Public Resources Code § 21000 et seq. (CEQA) including §§ 15162 and 15164 of the CEQA Guidelines, Cal. Code of Regs. Title 14, Chapter 3, KWBA staff has prepared the KWBA Addendum No. 1 to the REIR for said Minor Amendment, dated July 2018 (Addendum), which is attached as Exhibit A hereto and incorporated herein by this reference, to evaluate changes to KWB project, including the HCP/NCCP, permitted by the Minor Amendment which are summarized as follows:
 - (a) Extension of bike path onto a small portion of the KWB Lands, as part of the Kern River Parkway Bike Trail Western Extension Project;

- (b) Inclusion of the 495-acre Cheng parcels into the HCP/NCCP pursuant to the terms of the California Wildlife Conservation Board Grant Agreement for Acquisition of Fee Interest that facilitated transfer of that property to the KWBA, with 385 acres designated as compatible habitat and 110 acres of ruderal non-native grassland south of the Pioneer Canal being designated as recharge basins, including the ability to install and maintain up to five wells and associated facilities on the property without exceeding the total existing and future operational recovery wells described and evaluated in the 2016 Monterey Plus REIR;
 - (c) Inclusion of the 160-acre Nikkel parcel into the HCP/NCCP, with 140 acres designated as recharge basins and 20 acres designated as compatible habitat;
 - (d) Designation of 885 acres of the existing compatible habitat sector of the HCP/NCCP as recharge basins. The total increase in the recharge basin sector will be 1,135 acres (110 acres plus 140 acres plus 885 acres);
 - (e) Authorization of incidental take of covered species as a result of uses permitted by the Minor Amendment in accordance with the HCP/NCCP; and
 - (f) Other minor revisions to the HCP/NCCP text.
6. As provided in the Addendum, the mitigation measures applicable to the KWB as described in the MMRP would be applicable to the changes permitted by the Minor Amendment where appropriate.

SECTION B. NOW, THEREFORE, BE IT RESOLVED by this Board of Directors as follows:

- 1. The foregoing findings are true and correct.
- 2. That this Board finds and certifies that:
 - (a) The Addendum has been prepared in compliance with the California Environmental Quality Act, and the Minor Amendment does not cause the occurrence of any of the events or conditions described in Public Resources Code section 21166 or Section 15162(a) of the CEQA Guidelines, therefore it is appropriate to prepare an addendum to the REIR for the Minor Amendment; and
 - (b) The Addendum was presented to this Board, as the decision-making body of the KWBA, which has reviewed and considered the information contained in the Addendum, along with the REIR, prior to approving the Minor Amendment to the HCP/NCCP (Minor Amendment); and

- (c) As provided in the Addendum, the activities associated with the changes permitted by Minor Amendment would be subject to the mitigation measures in the MMRP where applicable.
3. The Board adopts the Addendum, approves the Minor Amendment, and authorizes and ratifies, as applicable, execution of agreements with USFW and CDFW to adopt the Minor Amendment to the HCP/NCCP substantially in the form of the letter agreements presented to the Board.
4. KWBA staff, legal counsel and consultants are authorized and directed to do all things necessary to carry out this Resolution and Minor Amendment, including, but not be limited to, the filing of a Notice of Determination pursuant to CEQA.

All the foregoing, being the motion of Director Taube and seconded by

Director Atkinson was authorized by the following vote:

AYES: Director Atkinson, Director Boschman, Director Brown, Director Phillimore, Director Taube.

NOES: None

ABSENT: Director Beard, Director Jackson

ABSTAIN: None

I HEREBY CERTIFY that the foregoing is a true and correct copy of the resolution of the Board of Directors of Kern Water Bank Authority as duly passed and adopted by said Board of Directors on the 9th day of July, 2018.

WITNESS WHEREOF my hand and the seal of said Board of Directors this 9th day of July, 2018.



Secretary of the Board of Directors

EXHIBIT A

[KWBA ADDENDUM NO. 1 TO 2016 MONTEREY PLUS REVISED EIR
FOR MINIOR AMENDMENT TO KWB HCP/NCCP]

**KWBA ADDENDUM NO. 1 TO
THE 2016 MONTEREY PLUS REVISED EIR – KERN WATER BANK DEVELOPMENT AND
CONTINUED USE AND OPERATION (REIR),**

FOR MINOR AMENDMENT TO KERN WATER BANK HCP/NCCP

July 2018

1. Background

The Kern Water Bank Authority (KWBA or Authority) owns and operates Kern Water Bank (KWB) groundwater banking and recovery project on appropriately 20,000 acres (KWB Lands) in Kern County, California. The KWB project includes and is operated pursuant to a number of environmental permits including the Kern Water Bank Habitat Conservation Plan/Natural Communities Conservation Plan as amended (HCP/NCCP). As explained in Sections 3 and 4 of this addendum, the potential environmental impacts of the KWB project, including development, use and operation of the KWB pursuant to the HCP/NCCP, and other permits and approvals, were comprehensively reviewed pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. (CEQA), in the certified 2016 Monterey Plus Revised EIR – Kern Water Bank Development and Continued Use and Operation (REIR). KWBA adopted a Mitigation Monitoring and Reporting Program (MMRP or Mitigation Measures) (attached hereto) that describes mitigation measures applicable to the KWB.

Section 2 of this addendum describes the proposed Minor Amendment to the KWBA HCP/NCCP. Section 3 of this addendum evaluates whether the Minor Amendment requires major revisions to the REIR or otherwise requires the preparation of a supplemental or subsequent environmental impact report, and concludes an addendum is required and appropriate pursuant to CEQA. Section 4 of this addendum describes existing Mitigation Measures applicable to the KWB and activities permitted by the Minor Amendment.

2. The Minor Amendment to the KWB HCP/NCCP

KWBA is proposing a Minor Amendment to the HCP/NCCP. The Minor Amendment includes provision for the following additions and revisions to the KWB project including the HCP/NCCP:

- (b) Extension of bike path onto a small portion of the KWB Lands, as part of the Kern River Parkway Bike Trail Western Extension Project (shown on Exhibit 1);
- (c) Inclusion of the 495-acre Cheng parcels (shown on Exhibit 2) into the HCP/NCCP pursuant to the terms of the California Wildlife Conservation Board Grant

Agreement for Acquisition of Fee Interest that facilitated transfer of that property to the KWBA, with 385 acres designated as compatible habitat and 110 acres of ruderal non-native grassland south of the Pioneer Canal being designated as recharge basins, including the ability to install and maintain up to five wells and associated facilities on the property without exceeding the total existing and future operational recovery wells described and evaluated in the 2016 Monterey Plus REIR;

- (d) Inclusion of the 160-acre Nikkel parcel (also shown on Exhibit 2) into the HCP/NCCP, with 140 acres designated as recharge basins and 20 acres designated as compatible habitat;
- (e) Designation of 885 acres of the existing compatible habitat sector of the HCP/NCCP as recharge basins. The total increase in the recharge basin sector will be 1,135 acres (110 acres plus 140 acres plus 885 acres);
- (f) Authorization of incidental take of covered species as a result of uses permitted by the Minor Amendment in accordance with the HCP/NCCP; and
- (g) Other minor revisions to the HCP/NCCP text.

CEQA responsible agencies regarding the Minor Amendment include the California Department of Fish and Wildlife.

As explained below, an addendum to the REIR is appropriate for the Minor Amendment's changes to the KWB project if none of the conditions described in Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, Cal. Code of Regulations, Title 14, Chapter 3, (Guidelines) have occurred.

3. Role of the Addendum; Evaluation of Minor Amendment.

On September 20, 2016, DWR certified the 2016 Monterey Plus Revised EIR, which included evaluation of the environmental effects of Kern Water Bank Development and Continued Use and Operation (REIR). As a responsible agency under CEQA with respect to the KWB over which KWBA has jurisdiction and authority, on September 22, 2016, KWBA adopted Resolution No. 2016-03, which included KWBA's adoption of findings, a statement of overriding considerations and a mitigation monitoring and reporting program (Mitigation Measures), and KWBA's decision to carry out the Monterey Plus Project by continuing use and operation of the KWB subject to the Mitigation Measures applicable to the KWB. In addition to existing KWB recharge ponds, the REIR evaluated, among other things, the effects of construction and operation of an additional approximately 1,052 acres of additional recharge ponds, and effects

of construction and operation of approximately 88 recovery wells. With the KWB being within the jurisdiction and authority of the KWBA, the REIR required Mitigation Measures applicable to the KWB be implemented by KWBA.

Subsequently, the County of Kern prepared a Mitigated Negative Declaration (MND) (SCH # 2017091059) for the Kern River Parkway Bike Trail Western Extension Project approved by the County of Kern in November 2017, along with associated findings and mitigation measures. The County's MND notes that the HCP/NCCP specifically identifies recreational activities, including bicycling, as a permitted activity subject to approval by the resource agencies following a minor amendment to the HCP/NCCP, and that the bike path extension project proposed in the MND would include a minor amendment to the KWB HCP/NCCP to include the bike path alignment and change in the land use of approximately 1.15 acres of "Conservation Bank" land use to "Compatible Use" in the Kern Water Bank Land Use Plan Map. The MND further provides that portions of such bike path extension project located with the KWB Lands would comply with applicable avoidance and minimization measures listed in the HCP/NCCP and corresponding incidental take permit. The MND concludes, among other things, that the project would not be in conflict with any habitat conservation or mitigation bank and that cumulative impacts to biological resources would be reduced to less-than-significant with implementation of Mitigation Measures BIO-1 through BIO-18. Based on the MND, the County found that the bike path extension project, as mitigated, will not have any significant effect on that environment. A copy of the County's MND and Notice of Determination are part of Exhibit 3 attached hereto and incorporated herein by this reference. The proposed Minor Amendment would not require any changes to the MND.

This Addendum evaluates whether implementation of the proposed changes to the Project as provided in said Minor Amendment to the HCP/NCCP would require major revisions to the REIR as a result of new significant impacts or an increase in the severity of previously identified significant environmental effects, or would otherwise require the preparation of a supplemental or subsequent Environmental Impact Report (EIR). Public Resources Code Section 21166 states that once an EIR has been prepared for a project, no subsequent or supplemental EIR is to be prepared unless one of the following circumstances occurs:

- a) Substantial changes are proposed in the project that will require major revisions to the environmental impact report.
- b) Substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which will require major revisions to the environmental impact report.
- c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, has become available.

CEQA Guidelines Sections 15162 and 15163 further clarify the requirements for evaluating proposed changes to a project. Generally, the Guidelines state that, once an EIR has been certified, no further EIRs will be prepared unless there are substantial changes in the project, substantial changes in circumstances, or new information of substantial importance, all of which indicate either a new, significant adverse environmental impact or a substantially more severe adverse environmental impact than previously identified would occur.

CEQA Guidelines Section 15164 also indicates that an addendum may be prepared by a responsible agency and need not be circulated for public review, but “can be included in, or attached to the final EIR” and that “the decision making body shall consider the addendum with the final EIR prior to making a decision on the project.” This Addendum is an informational document presenting an evaluation of potential environmental impacts of the proposed project changes to be used by decision makers. The Authority will consider the information provided in this Addendum prior to making a decision whether or not to approve the proposed Minor Amendment.

As explained below, the changes that are being proposed by the Minor Amendment will not result in substantial changes in the project, substantial changes in circumstances, or new information of substantial importance, which indicate either a new, significant adverse environmental impact or a substantially more severe adverse environmental impact than previously identified in the REIR.

In order to satisfy the requirements of CEQA Guidelines Section 15162, the following questions are addressed and answered by KWBA:

1) Are there proposed substantial changes to the project that will require major revisions to the prior EIR due to the involvement of new significant environmental effects or is there a substantial increase in the severity of previously identified significant effects?

No. The approximate location of the additional recharge basins provided for by the Minor Amendment is shown on Figure 1 attached hereto. Similar to existing and future recharge basins evaluated in the REIR, construction of the additional basins will consist of excavating and placing on-site soil to build low berms to a height of about six feet. Water control structures will be placed as needed to deliver water to the basins. The depth of the basins when filled will average about 2 feet. The additional recharge basins will not involve new significant environmental effects or any substantial increase in the severity of previously identified significant effects. Rather, the environmental effects of additional basins of up to 1,135 acres, will be substantially similar to those of the 1,052 acres of future recharge basins evaluated in detail in the REIR. As explained in Section 4 of this Addendum, the Mitigation Measures applicable to the existing and future recharge basins evaluated in the REIR will be applicable to the additional recharge basins.

Finally, while KWBA has no current plans to construct the five wells or associated facilities authorized by the Grant Agreement, if ever constructed those wells would be substantially similar to the wells and associated facilities evaluated in the REIR; would be operated subject to all mitigation measures applicable to such wells including Mitigation Measure No. 7.1-2 (2010 KWB Long-Term Operations Plan); and would not cause an exceedance in the total of approximately 88 existing and future operational recovery wells described and evaluated in the REIR.

Surface Water and Groundwater Hydrology.

The REIR evaluated the potential impact of the KWB on surface water and groundwater hydrology. The increase in the acreage of the HCP/NCCP area that on which groundwater recharge activities are permitted will allow an increase in groundwater storage in very wet years when surplus or flood waters are available. The REIR contains a comprehensive evaluation of the potential impacts of groundwater storage, and the use of stored groundwater for agricultural and municipal purposes by the KWBA members. The REIR concluded that the future impacts of the operation of the KWB on groundwater was potentially significant before mitigation, but was less than significant after considering the mitigation measures adopted by KWBA including the KWB Long-Term Operations Plan (Appendix 7-5c to the REIR) and the other mitigation measures described in the REIR. (See summary of mitigation measures in REIR at ES-10-19; ES51-53.) Because the volume and rate of stored water than may be recovered is effectively limited by the restrictions on the number of extraction wells in the REIR (and by the KWB hydrogeology), and by Mitigation Measures, the increase in the area of recharge basins will not result in new or more severe significant impacts on groundwater. Similarly, while the Minor Amendment may result in a small increase in stored water in very wet years (and thus the potential for an increase in groundwater levels), the Long-Term Operations Plan and the other relevant mitigation measures operate to prevent any new or more significant impacts from increases in groundwater levels.

The County of Kern's MND found the bike path extension would have less-than-significant impacts on surface water and groundwater hydrology. (MND Initial Study (IS), pp. 49-50.)

Impacts on Agricultural Resources.

The REIR evaluated the potential impact of the KWB on agricultural resources, including with respect to construction of additional recharge ponds, and concluded that the impacts of KWB activities on conversion of agricultural lands, including Important Farmland, to nonagricultural uses would be less than significant. (REIR, § 7.6, p. 7.6-14.) Like the recharge basin lands evaluated in the REIR, the lands where additional recharge basins would be constructed are not being farmed; recharge basins are a compatible use under the Kern County Ag. Preserve Rules (if applicable); and, without the project, the lands are unlikely to be used for crop production because they are located in non-water district/"white" areas of the County lacking entitlement to sufficient surface or native groundwater supplies particularly in light of the Sustainable Groundwater Management Act.

The County's MND found the bike path extension would have no impacts on agricultural resources. (IS, pp. 8-9.)

Impacts on Biological Resources.

The REIR evaluated the potential impact of the KWB on biological resources. The REIR concluded that the potential impacts were less than significant with the implementation of the HCP/NCCP and the other mitigation measures adopted by KWBA. (REIR, ES 24-33; § 7.4.) The increase in the number of acres of recharge ponds will allow a small amount of disturbance of compatible habitat designated in the HCP/NCCP, and in very wet years an increase in the amount of seasonal wetlands. However, the HCP/NCCP contemplated that some amount of compatible habitat would be converted to recharge ponds (and thus seasonal wetland habitat). The KWB HCP/NCCP provides for an increase of 15% of the total acreage of the recharge basins so long as the additional land designated as Recharge Basin is taken from areas designated compatible habitat. Because the Minor Amendment is adding the Cheng Parcel and the Nikkel Parcel to the HCP/NCCP permit area, the Minor Amendment will result in a net increase in the acreage within the HCP/NCCP permit area that is available to be used by the Covered Species in the HCP/NCCP, and will apply the substantial conservation measures in the HCP/NCCP to this additional acreage. In very wet years, the increase in the acreage of recharge ponds will result in an increase in the seasonable wetland habitat available to the Covered Species using such habitat. The Minor Amendment will also result in a net increase in habitat for those Covered Species that do not use seasonal wetlands. The REIR documented the important local and regional wildlife conservation benefits of the HCP/NCCP. By increasing the acreage of the HCP/NCCP, the Minor Amendment will extend those benefits over a larger area.

The County's MND concluded that the bike path extension would be consistent with the HCP/NCCP and would have less-than-significant impacts on biological resources. (IS, p. 16.)

Impacts on Air Quality.

The REIR evaluated potential impacts of the KWB on air quality and concluded that the impacts are less than significant. (REIR, ES 33-37; § 7.7.) For the reasons described above, the Minor Amendment will not result in changes to the REIR's evaluation of impacts of the KWB on air quality.

The County of Kern's MND found the bike path extension would have less-than-significant impacts on air quality. (IS, pp. 10-11.)

Geology, Soils and Mineral Resources.

The REIR evaluated potential impacts of the KWB on geology, soils and mineral resources. (REIR, ES-35-37; § 7.8.) The REIR concluded that the impacts were less than significant with the implementation of the relevant mitigation measures. For the reasons described above, the

Minor Amendment will not result in changes to the REIR's evaluation of impacts of the KWB on geology, soils and mineral resources.

The County of Kern's MND found the bike path extension would have less-than-significant impacts on geology, soils and mineral resources. (IS, p. 35.)

Hazards and Hazardous Materials.

The REIR evaluated the potential impact of the KWB regarding hazards and hazardous materials including with respect to the construction of recharge basins and wells, and concluded the impacts were less than significant with mitigation. (REIR, ES 37-41; § 7.11.)

The County of Kern's MND found the bike path extension would have less-than-significant impacts in regard to hazards and hazardous materials. (IS, pp. 43-44.)

Cultural and Paleontological Resources.

The REIR evaluated the potential impact of the KWB on cultural and paleontological resources and concluded that the impacts were less than significant with the mitigation measures adopted by KWBA. (REIR, § ES 42-45; §7.14.) The relevant mitigation measures impose obligations on KWB to take steps to identify and minimize potential impacts on such resources prior to ground disturbance for new pond construction or well construction. These measures apply to the construction of new ponds and wells as permitted by the Minor Amendment and insure that there will be no new or more severe impacts on cultural and paleontological resources.

The County of Kern's MND found the bike path extension would have less-than-significant impacts on cultural and paleontological resources. (IS, pp. 33, 63.)

Climate Change.

The REIR evaluated the potential impact of the KWB on climate change and concluded that the impacts were less than significant with the mitigation measures adopted by KWBA. (REIR, ES 47-51; § 12.) Any new extraction wells constructed to implement the Minor Amendment will be subject to the applicable mitigation measure and will insure that the Minor Amendment will not result in a new or more severe impact on climate change.

The County of Kern's MND found the bike path extension would have less-than-significant GHG emission impacts. (IS, p. 38.)

Cumulative and Growth-Inducing Impacts.

The REIR evaluated the potential cumulative impacts of the KWB and concluded that the cumulative and growth-inducing effects of the KWB are less than significant with the mitigation measures adopted by KWB. As discussed above, the Minor Amendment will not result in any new or more severe direct or indirect significant impacts. For the same reason, the Minor

Amendment will not result in any new or more significant cumulative or growth-inducing impacts.

The County of Kern's MND found the bike path extension would have no growth-inducing impacts and less-than-significant cumulative. (IS, pp. 58, 67.)

Cumulative Impacts on Conversion of Annual Crops to Permanent Crops.

The REIR evaluated the potential cumulative impacts of whether the KWB, in combination with regional and local water banking projects could result in conversion of annual crops to permanent crops. (REIR, § 10.1-44.) The REIR disclosed that KWB activities have increased water supply reliability which may have contributed to the established trend throughout the Central Valley (and pre-dating the Monterey Amendments) of conversion of annual crops to permanent crops. The REIR documented that this trend was occurring independent of the KWB and was also occurring in areas that did not have groundwater banking programs. The REIR concluded that this impact was less than significant. The relatively small increase in the area of recharge ponds permitted under the HCP/NCCP will allow for additional flexibility as to where water is recharged and may result in some increase in the potential amount of water that KWB will be able to store in very wet years. However, with the KWB Long-Term Operations Plan and the relevant mitigation measures previously adopted by KWBA in place and no overall increase in recovery wells, the volume of water that can be recovered to support permanent crops during drought conditions will be substantially the same if not the same as without the Minor Amendment.

2) Are there substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

No. The project's objectives and circumstances are no different, and certainly have not substantially changed, from those described in the REIR.

3) Is there new information of substantial importance, that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete that shows:

a) That the project will have one or more significant effects not discussed in the previous EIR?

No. The REIR evaluated potential effects on existing and future recharge basins and well construction and operation on Surface Water and Groundwater Hydrology, Surface and Groundwater Quality, Fisheries Resources, Terrestrial Biological Resources, Visual Resources, Agricultural Resources, Air Quality, Geology, Soils and Mineral Resources, Recreation, Land Use and Planning, Hazards and Hazardous Materials, Noise, Cultural and Paleontological Resources, Public Services and Utilities, Traffic and Transportation, Energy, Growth Inducing Impacts,

Reliability of Water Supplies and Growth, and Climate Change. The proposed additional recharge basin acreage and wells permitted by the Minor Amendment are substantially the same as the future recharge basin acreage and the wells evaluated in the REIR. The REIR included the HCP/NCCP in the description of the KWB operations, and the HCP/NCCP authorized the increase in the acreage of recharge ponds (up to the limit in the HCP/NCCP) with a minor amendment. REIR Mitigation Measures prescribed for existing and future recharge basins and wells where applicable, will likewise apply to the additional recharge basins and wells. (See also discussion under Question 1 above.)

b) That significant effects previously examined be substantially more severe than shown in the previous EIR?

No. See discussion above under Question 1; the effects of the additional recharge basins or wells will be not be substantially different than those previously examined in the REIR.

c) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or;

d) That mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR that substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the measure or alternative?

No. All Mitigation Measures with respect to the recharge basins and wells have been implemented where appropriate and will be applicable to the same extent to the additional recharge basins and wells. KWBA is not aware of any mitigation measures or alternatives found not feasible that now would be feasible, or which are different from those described in the REIR, which would substantially reduce any significant impacts of the project.

In light of the foregoing, it is concluded that this Addendum is required and appropriate pursuant to CEQA.

4. Mitigation Measures

The bike path extension will be constructed in accordance with mitigation measures set forth in the attached MND. All Mitigation Measures in the REIR applicable to KWB recharge basins and wells will apply to the additional recharge basins and wells provided for in the Minor Amendment, including but not limited to the Mitigation Measure Nos. 7.2-3, 7.4-3, 7.8-1, 7.11-1, 7.11-4 and 7.1-6 which reduce the potential environmental effects of recharge basin construction to less-than significant, and Mitigation Measure No. 7.1-2 applicable to KWB recovery well operations (2016 KWB Long-Term Operations Plan). Attached (as Exhibit 4) is a copy of the REIR's Mitigation Monitoring and Reporting Program (MMRP) containing the

Mitigation Measures related to the development and continued use and operation of the KWB. It is also noted that, in addition to the Mitigation Measures, KWB well recovery operations are currently subject to the terms and conditions of the (multiple) Project Recovery Operations Plan Regarding Pioneer Project, Rosedale-Rio Bravo Water Storage District, and Kern Water Bank Authority Projects.

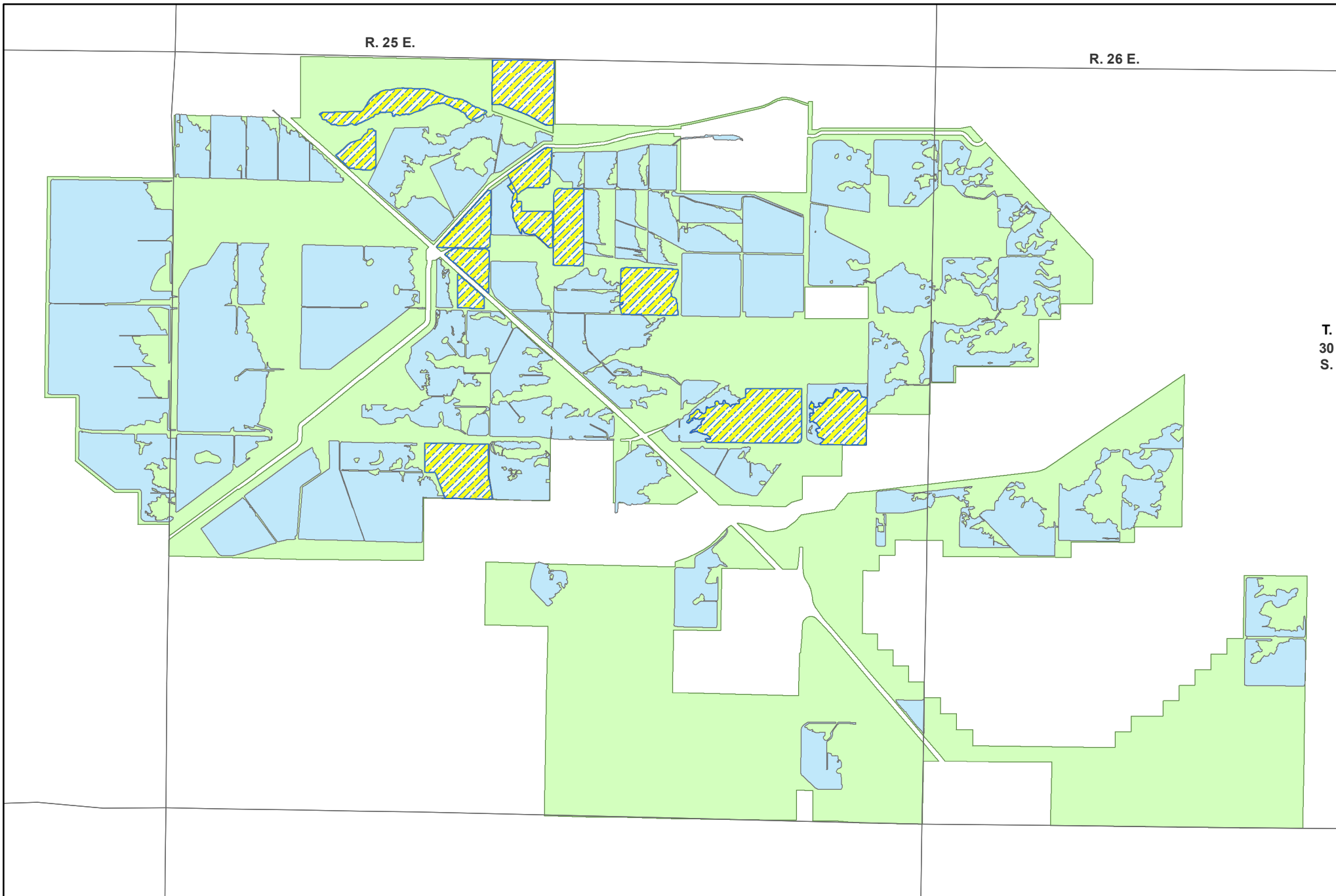


Figure 1

 KWB Boundary  Existing Basins  Proposed Basins

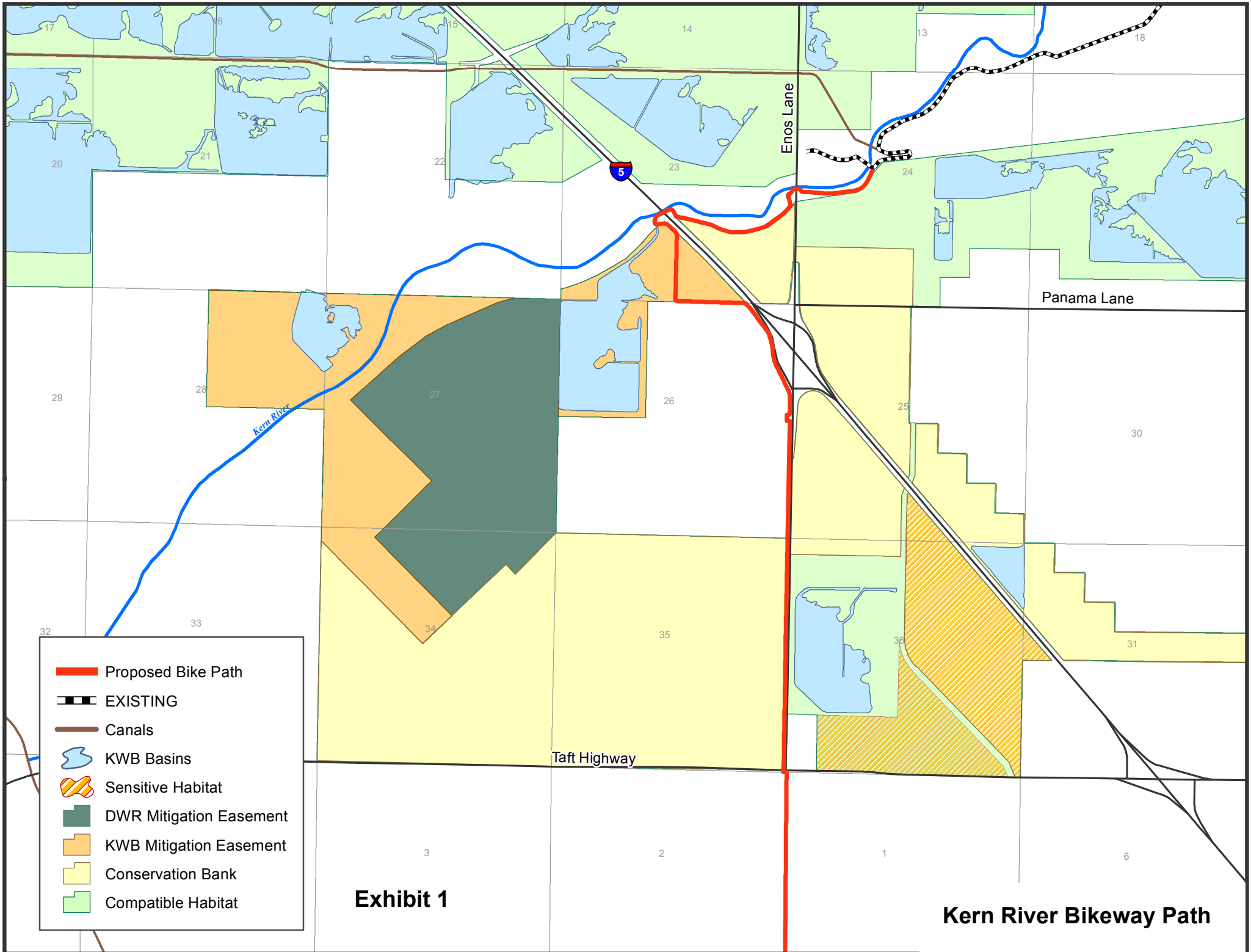


Exhibit 1

Kern River Bikeway Path

Stockdale Highway

Cheng Parcel

Nikkel Parcel

Pioneer Canal

Cross Valley Canal

Exhibit 2

-  Nikkel Parcel
-  Cheng Parcel
-  Basins
-  KWB Property

Exhibit 3



November 14, 2017

Ref: 7-0.1 Environmental Files

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

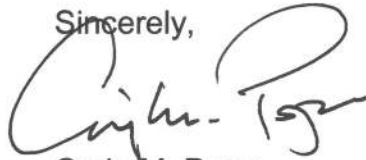
**PROPOSED PROJECT DESIGN AND CONSTRUCTION OF THE KERN RIVER
PARKWAY BIKE TRAIL WESTERN EXTENSION AND ADOPTION OF MITIGATED
NEGATIVE DECLARATION (S.D. #4)**
(Fiscal Impact: None)

The Kern County Public Works Department has been awarded federal funds from the Active Transportation Program and construct a 7 mile extension of the Kern River Parkway Bike Path from the western terminus of the existing path to Buena Vista Recreation Area. The location of the proposed project is shown on the attached map for your Board's review.

This request is for approval of the attached Revised Mitigated Negative Declaration, Mitigation Measure Monitoring Program, and Notice of Determination. Appropriate environmental documents have been completed pursuant to the California Environmental Quality Act (CEQA). Publication of the Notice of Intent to adopt a Negative Declaration has been made in accordance with CEQA regulations. Concerns received during the 30-day public comment period regarding potential impacts to the environment from the Central Valley Flood Protection Board, California Department of Transportation – District 6, San Joaquin Valley Air Pollution Control District, and the California Department of Conservation Division of Oil Gas and Geothermal Resources have been addressed through clarification and or the addition of Mitigation Measure (HYD-02) to make the Mitigated Negative Declaration more effective. Per Section 15073.5(c)(1) of the CEQA Guidelines, recirculation of the Negative Declaration is not required if mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1 and are added in response to written or verbal comments identified in the original declaration which are not new avoidable significant effects. The environmental documents are ready for your Board's approval.

Therefore, IT IS RECOMMENDED that your Board approve the proposed project design; make a finding that the project will not have a significant impact on the environment; adopt the Revised Mitigated Negative Declaration and Mitigation Measure Monitoring Program; authorize the Public Works Department to file the Notice of Determination with the applicable CDFW filing fee for the project; and direct the Public Works Department to proceed with the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig M. Pope". The signature is fluid and cursive, with a large initial "C" and "P".

Craig M. Pope
Director

CMP:YA:MD:np

K:\Administration\Board\2017\11-November\2017-11-14\A&E_Neg Dec_Kern River Parkway Bike Trail.docx

Attachment

cc: CAO, County Counsel

**MITIGATED
NEGATIVE DECLARATION**

TO WHOM IT MAY CONCERN:

Pursuant to the California Environmental Quality Act of 1970 (CEQA),* the State CEQA Guidelines,** and the Kern County Guidelines for Implementation of CEQA and State CEQA Guidelines,*** the Kern Public Works Department has made an Initial Study of possible environmental impacts of the following-described project.

PROPOSED PROJECT: Kern River Parkway Bike Trail Western Extension Project.

LOCATION: The Kern River Parkway Bike Trail Western Extension (Project) would be developed within Kern County and California Department of Transportation (Caltrans) right-of-way (ROW) and easements within the western edge of the city of Bakersfield and in the unincorporated area of Kern County (Tupman, Mouth of the Kern). The proposed path starts at the western terminus of the Kern River Parkway Bike Trail, travels along the Kern River, south along State Route (SR) 43 and Enos Lane, and ends at the Buena Vista Aquatic Recreational Area (BVARA). The proposed Project is located within the Tupman and Mouth of the Kern U.S. Geological Survey (USGS) 7.5-minute topographical quadrangles, or more specifically, Sections 23 through 26, 35, and 36 of Township 30 South, Range 25 East, and Sections 1, 2, and 11 through 14 of Township 31 South, Range 25 East Mount Diablo Base and Meridian, Kern County, California. The Project area is partially located within the city of Bakersfield.

PROJECT DESCRIPTION: The Kern County Public Works Department (County) proposes to construct approximately 7 miles of a bike path from the existing Kern River Parkway Trail to the BVARA in Kern County, California. Construction would generally include up to 10 feet of asphalt concrete (AC) bike path and up to 4 feet of shoulder and backing on each side. Additional project components may include culverts, headwalls, fencing, AC dikes, signage, and striping. Construction is anticipated to begin in 2019 and take approximately 180 days (36 weeks) to complete, excluding weekends. Construction may require temporary lane closures. However, the proposed Project would not increase traffic congestion in the rural Project area. In addition, construction activities would be limited to short segments of public roads at one time to minimize long-term traffic disruption. The proposed Project would also include a minor amendment to the Kern Water Bank Habitat Conservation Plan (KWBHCP) to include the proposed bike path alignment and change the land use for 1.5 acres of "Conservation Bank" land use to "Compatible Use," in the Kern Water Bank Land Use Plan Map and encroachment permits from both the City of Bakersfield and Caltrans.

MITIGATION MEASURES: Included in the Proposed Project to Avoid Potentially Significant Effects for the following environmental factors (if required):

- BIO-1** If the Project construction is not initiated prior to April 2019, the Kern County Public Works Department should conduct an additional floristic survey of the study area during the blooming period of those species that are considered to have the potential to occur. Should sensitive plant species be identified prior to the initiation of construction activities, then the Kern County Public Works Department should avoid the individual or population to the extent feasible. If avoidance is not feasible, then the Kern County Public Works Department would mitigate for the loss of those species by restoring them at a minimum ratio of 1:1.
- BIO-2** Prior to construction, a qualified biologist will provide an environmental awareness training session to all personnel. At a minimum, the training will include: 1) an overview of the regulatory requirements for the Project; 2) descriptions of the special-status species in the Project area and the importance of these species and their habitats; 3) the general measures that are being implemented to minimize environmental impacts; and 4) the boundaries within which equipment and personnel would be allowed to work during construction.
- BIO-3** Prior to construction, a qualified biologist should conduct a pre-construction survey for the presence of sensitive species no earlier than 30 days before the start of construction.
- BIO-4** If sensitive species are observed within the Project Impact Area during construction or the pre-activity survey, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.
- BIO-5** During construction along the Kern River, a qualified biologist shall monitor any earth-moving activities. If western spadefoot are detected within the area of disturbance, the qualified biologist should relocate the individual to an appropriate location outside of the area of disturbance. The candidate relocation sites should be selected by the qualified biologist prior to the relocation.
- BIO-6** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a special-status species, or who finds any such animal either dead, injured, or entrapped, will be required to report the incident immediately to the Kern County Public Works Department. The Kern County Public Works Department will then immediately notify the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.
- BIO-7** The proposed Project, as currently designed and reviewed within this report, would not be constructed until the Kern County Public Works Department completed the entire protocol for projects that result in "Disturbances Leading to Habitat Removal" as specified within the Approved Survey Methodology for the Blunt-nosed Leopard Lizard (May 2004) and results of that survey effort have demonstrated that the Project area is not occupied by blunt-nosed leopard lizard.
- BIO-8** To prevent inadvertent entrapment of San Joaquin kit fox or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep will be inspected and covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any

time a trapped or injured special-status species is discovered, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.

- BIO-9** During the site-disturbance and/or construction phase, all construction pipes, culverts, or similar structures or materials that contain a hole with a diameter of 3 inches or greater and that are stored at a construction site for one or more overnight periods will be thoroughly inspected for kit foxes and other special-status species before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered during this inspection, the pipe or culvert shall not be disturbed (other than to move it to a safe location if necessary) until after the kit fox has escaped.
- BIO-10** Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides will be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which special-status species depend.
- BIO-11** Any fencing installed during the project construction should meet the following specifications:
- a. If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches.
 - b. If a more solid wire mesh fence is used, 8 × 12–inch openings near the ground should be provided every 100 yards.
- BIO-12** During construction, food related trash will be placed in enclosed containers and removed at the end of each work week. At the end of construction, all construction related trash and debris will be removed from the work site and properly disposed of.
- BIO-13** During construction, because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of a Project site by artificial lighting during nighttime hours is prohibited.
- BIO-14** Following construction, erosion control measures will not include any tightly woven materials that may entangle or inadvertently injure small mammals. Acceptable substitutes would include coconut coir matting or tackified hydroseeding. This limitation will be communicated to the contractor through the use of special provisions in the bid solicitation package.
- BIO-15** If during the pre-construction survey any active nests are discovered within 0.25 mile of the Project Impact Area, the Kern County Public Works Department will coordinate with the appropriate agency(ies) to determine the appropriate construction setback distances. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.
- BIO-16** Prior to initiation of any construction activities, including any vegetation clearing or grubbing, sturdy, high-visibility fencing will be installed to protect the jurisdictional areas adjacent to the designated work areas. This fencing will be placed so that unnecessary adverse impacts to the adjacent habitats are avoided. No construction work (including

storage of materials) will occur outside of the specified Project limits. The fencing will remain in place during the entire construction period, be monitored periodically by the Kern County Public Works Department Residential Engineer or qualified biologist, and be maintained as needed by the contractor.

BIO-17

During construction, erosion control measures (e.g., silt fencing, fiber rolls, and barriers) will remain available on-site and will be utilized as necessary to prevent erosion and sedimentation in jurisdictional areas. No synthetic plastic mesh products will be used for erosion control and use of these materials on-site is prohibited. Erosion control measures will be checked to ensure that they are intact and functioning effectively, and will be maintained on a daily basis throughout the duration of construction. The contractor will also apply adequate dust control techniques, such as site watering, during construction to protect water quality.

BIO-18

During construction, the cleaning and refueling of equipment and vehicles will occur only within a designated staging area and at least 100 feet (30 meters) from riparian habitat or other aquatic areas. At a minimum, equipment and vehicles will be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

CUL-1

In the event that a subsurface cultural and/or paleontological resource is uncovered during the course of Project construction, ground-disturbing activities in the vicinity of the find shall be redirected until the nature and extent of the find can be evaluated by a qualified archaeologist or paleontologist (as determined by the Kern County Public Works Department). Any such resource discovered during the course of the Project related to grading or construction shall be recorded and/or removed per applicable Kern County and/or state regulations.

HAZ-1

Prior to construction, the County shall prepare a Hazardous Material Spill Prevention, Control, and Countermeasure Plan to minimize the potential for, and effects of, spills of hazardous or toxic substances during construction of the project. The plan shall be submitted for review and approval by the Kern County Public Works Director, and shall include, at minimum, the following:

- a. A description of storage procedures and construction site maintenance and upkeep practices;
- b. Identification of a person or persons responsible for monitoring implementation of the plan and spill response;
- c. Identification of Best Management Practices to be implemented to ensure minimal impacts to the environment occur, including but not limited to the use of containment devices for hazardous materials, training of construction staff regarding safety practices to reduce the chance for spills or accidents, and use of non-toxic substances where feasible;
- d. A description of proper procedures for containing, diverting, isolating, and cleaning up spills, hazardous substances, and/or soils, in a manner that minimizes impacts on surface and groundwater quality and sensitive biological resources;
- e. A description of the actions required if a spill occurs, including which authorities to contact and proper clean-up procedures; and,

- f. A requirement that all construction personnel participate in an awareness training program conducted by qualified personnel approved by the Kern County Public Works Director. The training must include a description of the Hazardous Materials Spill Prevention, Control, and Countermeasure Plan, the plan's requirements for spill prevention, information regarding the importance of preventing spills, the appropriate measures to take should a spill occur, and identification of the location of all clean-up materials and equipment.

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

HAZ-3 All project-related spills of hazardous materials within or adjacent to the project corridor shall be cleaned-up immediately. Spill prevention and clean-up materials shall be on-site at all times during construction.

HAZ-4 If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the California Department of Conservation/Division of Oil, Gas and Geothermal Resources /Bakersfield Office contacted by the project proponent(s) to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

HYD-1 Prior to the commencement of grading or construction activities, the construction contractor shall file a Notice of Intent with the Central Valley Regional Water Quality Control Board for the project to be covered under the State National Pollutant Discharge Elimination System General Construction Permit for discharge of stormwater associated with construction activities.

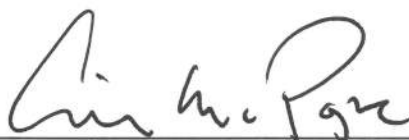
HYD-2 Prior to the commencement of grading or construction activities, the Department will obtain all necessary permits required by the Central Valley Flood Protection Board.

FINDINGS: It has been found that this project, as described and proposed to be mitigated herein, will not have a significant effect on the environment and that an environmental impact report (EIR) is, therefore, not required. A brief statement of reasons supporting such findings is as follows:

- (1) Proposed project does not appear to have a substantial demonstrable negative aesthetic effect.
- (2) Proposal would not appear to expose humans or structures to major geologic hazards.
- (3) There does not appear to be a substantial body of opinion that considers or will consider the various anticipated environmental effects resulting from the proposed action to be adverse.
- (4) Anticipated construction and operation of proposed project would not appear to cause a substantial increase in existing ambient noise levels for adjoining areas.
- (5) Proposed action would not appear to violate any ambient air quality standard, contribute substantially to an existing or potential air quality violation, or expose sensitive receptors to substantial pollutant concentration.

PUBLIC INQUIRY: Any person may object to dispensing with such EIR or respond to the findings herein. Information relating to the proposed project is on file in the office of the Public Works Department at the address shown below. Any person wishing to examine or obtain a copy of that information or this document, or seeking information as to the time and manner to so object or respond, may do so by inquiring at said office during regular business hours.
A copy of the Initial Study is attached hereto.

PROPOSED NEGATIVE DECLARATION DATE: November 14, 2017
NEGATIVE DECLARATION REVIEW PERIOD ENDS: October 21, 2017



CRAIG M. POPE, Director
Kern County Public Works Department

Kern County Public Works Department
2700 M Street, Suite 400
Bakersfield, CA 93301
(661)862-8850

AGENCY CONSULTATION REQUIRED: Yes No

AGENCIES CONSULTED: City of Bakersfield; US Fish & Wildlife; U.S. Bureau of Land Management; Nat. Resource Cons. Serv.; USA EPA; SJVAPCD; State Department of Conservation; Caltrans/Dist 6; State Clearinghouse; CRWQCB-Central Valley; ESPSD; KC Fire; KC Parks & Rec; KC Sheriff; Kern Regional Transit; California Fish and Wildlife; Kern High School Dist; DTSC; KC Environmental Health; KCSOS; KernCOG; KCWA; SJVRR; Richland-Lerdo School District; Shafter Parks and Recreation AT&T; PG&E; So Cal Gas; SSJV Arch Info Ctr; DOGGR; Fish & Game; NAHC & related Native American contacts; PUC; KCMAD;

STATE CLEARINGHOUSE NUMBER: #2017091059

INITIAL STUDY PREPARED BY: Michael Dillenbeck, WMS III, KC Public Works Dept.

DATE SENT TO COUNTY CLERK FOR POSTING: September 21, 2017

DATE OF NOTICE TO PUBLIC: September 21, 2017

*Public Resources Code, Section 21000, et seq.

**Title 14, Division 6, California Administrative Code, as amended

***Resolution No. 88-068, Adopted January 19, 1988

Attachments

**MITIGATION MEASURE MONITORING PROGRAM
FOR
SOUTH SHAFTER SEWER, TRUNK LINE SEWER, AND LIFT STATIONS PROJECT, COUNTY OF KERN, CALIFORNIA
FINAL MITIGATED NEGATIVE DECLARATION**

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
BIO-01	<u>FLORISTIC SURVEY</u> : If the Project construction is not initiated prior to April 2019, the Kern County Public Works Department should conduct an additional floristic survey of the study area during the blooming period of those species that are considered to have the potential to occur. Should sensitive plant species be identified prior to the initiation of construction activities, then the Kern County Public Works Department should avoid the individual or population to the extent feasible. If avoidance is not feasible, then the Kern County Public Works Department would mitigate for the loss of those species by restoring them at a minimum ratio of 1:1.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	Prior to Construction Of Project	Kern County Roads Department	To be carried out by the County appointed biologist and enforced by the Resident Engineer		
BIO-02	<u>EDUCATION SESSION</u> : Prior to construction, a qualified biologist will provide an environmental awareness training session to all personnel. At a minimum, the training will include: 1) an overview of the regulatory requirements for the Project; 2) descriptions of the special-status species in the Project area and the importance of these species and their habitats; 3) the general measures that are being implemented to minimize environmental impacts; and 4) the boundaries within which equipment and personnel would be allowed to work during construction.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	Prior to Construction and During Construction Of Project	Kern County Roads Department	To be carried out by the County appointed biologist and enforced by the Resident Engineer		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
BIO-03	PRECONSTRUCTION SURVEY: Prior to construction, a qualified biologist should conduct a pre-construction survey for the presence of sensitive species no earlier than 30 days before the start of construction.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	Prior to Construction and During Construction Of Project	Kern County Roads Department	To be carried out by the County appointed biologist and enforced by the Resident Engineer		
BIO-04	SPECIES DISCOVERY: If sensitive species are observed within the Project Impact Area during construction or the pre-activity survey, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	Prior to Construction and During Construction Of Project	Kern County Roads Department	To be carried out by the County appointed biologist and enforced by the Resident Engineer		
BIO-05	CONSTRUCTION MONITORING: During construction along the Kern River, a qualified biologist shall monitor any earth-moving activities. If western spadefoot are detected within the area of disturbance, the qualified biologist should relocate the individual to an appropriate location outside of the area of disturbance. The candidate relocation sites should be selected by the qualified biologist prior to the relocation.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	Prior to Construction and During Construction Of Project	Kern County Roads Department & California Department of Fish and Wildlife (CDFW)	To be carried out by the County appointed biologist and enforced by the Resident Engineer		
BIO-06	INJURED SPECIES: During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a special-status species, or who finds any such animal either dead, injured, or entrapped, will be required to report the incident immediately to the Kern County Public Works Department. The Kern County Public Works Department will then immediately notify the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	Prior to Construction Of Project	Kern County Roads Department & U.S. Fish and Wildlife (USFWS)	To be carried out by the County appointed biologist and enforced by the Resident Engineer.		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
BIO-07	<u>BLUNT NOSED LEAPORD LIZARD SURVEYS:</u> The proposed Project, as currently designed and reviewed within this report, would not be constructed until the Kern County Public Works Department completed the entire protocol for projects that result in "Disturbances Leading to Habitat Removal" as specified within the Approved Survey Methodology for the Blunt-nosed Leopard Lizard (May 2004) and results of that survey effort have demonstrated that the Project area is not occupied by blunt-nosed leopard lizard.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	Prior to Construction and During Construction Of Project	Kern County Roads Department & USFWS	To be carried out by the County appointed biologist and enforced by the Resident Engineer.		
BIO-08	<u>ENTRAPMENT/ENTANGLEMENT PREVENTION:</u> To prevent inadvertent entrapment of San Joaquin kit fox or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep will be inspected and covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured special-status species is discovered, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant.	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		
BIO-09	<u>MATERIAL INSPECTION:</u> During the site-disturbance and/or construction phase, all construction pipes, culverts, or similar structures or materials that contain a hole with a diameter of 3 inches or greater and that are stored at a construction site for one or more overnight periods will be thoroughly inspected for kit foxes and other special-status species before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered during this inspection, the pipe or culvert shall not be disturbed (other than to move it to a safe location if necessary) until after the kit fox has escaped.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
BIO-10	PESTICIDES: Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides will be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which special-status species depend.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		
BIO-11	FENCING: Any fencing installed during the project construction should meet the following specifications: a. If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches. b. If a more solid wire mesh fence is used, 8 × 12–inch openings near the ground should be provided every 100 yards.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		
BIO-12	TRASH: During construction, food related trash will be placed in enclosed containers and removed at the end of each work week. At the end of construction, all construction related trash and debris will be removed from the work site and properly disposed of.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
BIO-13	CONSTRUCTION TIMING: During construction, because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of a Project site by artificial lighting during nighttime hours is prohibited.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		
BIO-14	EROSION CONTROL: Following construction, erosion control measures will not include any tightly woven materials that may entangle or inadvertently injure small mammals. Acceptable substitutes would include coconut coir matting or tackified hydroseeding. This limitation will be communicated to the contractor through the use of special provisions in the bid solicitation package.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		
BIO-15	NESTS: If during the pre-construction survey any active nests are discovered within 0.25 mile of the Project Impact Area, the Kern County Public Works Department will coordinate with the appropriate agency(ies) to determine the appropriate construction setback distances. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
BIO-16	<u>FENCING:</u> Prior to initiation of any construction activities, including any vegetation clearing or grubbing, sturdy, high-visibility fencing will be installed to protect the jurisdictional areas adjacent to the designated work areas. This fencing will be placed so that unnecessary adverse impacts to the adjacent habitats are avoided. No construction work (including storage of materials) will occur outside of the specified Project limits. The fencing will remain in place during the entire construction period, be monitored periodically by the Kern County Public Works Department Residential Engineer or qualified biologist, and be maintained as needed by the contractor.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		
BIO-17	<u>EROSION CONTROL:</u> During construction, erosion control measures (e.g., silt fencing, fiber rolls, and barriers) will remain available on-site and will be utilized as necessary to prevent erosion and sedimentation in jurisdictional areas. No synthetic plastic mesh products will be used for erosion control and use of these materials on-site is prohibited. Erosion control measures will be checked to ensure that they are intact and functioning effectively, and will be maintained on a daily basis throughout the duration of construction. The contractor will also apply adequate dust control techniques, such as site watering, during construction to protect water quality.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		
BIO-18	<u>EQUIPMENT MAINTENANCE:</u> During construction, the cleaning and refueling of equipment and vehicles will occur only within a designated staging area and at least 100 feet (30 meters) from riparian habitat or other aquatic areas. At a minimum, equipment and vehicles will be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.	To reduce impacts to BIOLOGICAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor and enforced by the Resident Engineer		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
CUL-01	<p>RESOURCE DISCOVERY: In the event that a subsurface cultural and/or paleontological resource is uncovered during the course of Project construction, ground-disturbing activities in the vicinity of the find shall be redirected until the nature and extent of the find can be evaluated by a qualified archaeologist or paleontologist (as determined by the Kern County Public Works Department). Any such resource discovered during the course of the Project related to grading or construction shall be recorded and/or removed per applicable Kern County and/or state regulations.</p>	To reduce impacts of CULTURAL RESOURCES to less than significant	During Construction Of Project	Kern County Roads Department	To be carried out by the Contractor or County designee and enforced by the Resident Engineer		
HAZ-01	<p>HAZARDOUS MATERIALS: Prior to construction, the County shall prepare a Hazardous Material Spill Prevention, Control, and Countermeasure Plan to minimize the potential for, and effects of, spills of hazardous or toxic substances during construction of the project. The plan shall be submitted for review and approval by the Kern County Public Works Director, and shall include, at minimum, the following:</p> <p>a. A description of storage procedures and construction site maintenance and upkeep practices;</p> <p>b. Identification of a person or persons responsible for monitoring implementation of the plan and spill response;</p> <p>c. Identification of Best Management Practices to be implemented to ensure minimal impacts to the environment occur, including but not limited to the use of containment devices for hazardous materials, training of construction staff regarding safety practices to reduce the chance for spills or accidents, and use of non-toxic substances where feasible;</p> <p>d. A description of proper procedures for containing, diverting, isolating, and cleaning up spills, hazardous substances, and/or soils, in a manner that minimizes impacts on surface and groundwater quality and sensitive biological resources;</p> <p>e. A description of the actions required if a spill occurs, including which authorities to contact and proper clean-up procedures; and,</p>	To reduce impacts of HAZARDS and HAZARDOUS MATERIALS to less than significant	Prior to Construction	Kern County Roads Department	To be carried out by the Contractor or County designee and enforced by the Resident Engineer		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
	f. A requirement that all construction personnel participate in an awareness training program conducted by qualified personnel approved by the Kern County Public Works Director. The training must include a description of the Hazardous Materials Spill Prevention, Control, and Countermeasure Plan, the plan's requirements for spill prevention, information regarding the importance of preventing spills, the appropriate measures to take should a spill occur, and identification of the location of all clean-up materials and equipment.						
HAZ-02	<u>CLEANING AND REFUELING:</u> During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.	To reduce impacts of HAZARDS and HAZARDOUS MATERIALS to less than significant	Prior to Construction	Kern County Roads Department	To be carried out by the Contractor or County designee and enforced by the Resident Engineer		
HAZ-03	<u>SPILLS:</u> All project-related spills of hazardous materials within or adjacent to the project corridor shall be cleaned-up immediately. Spill prevention and clean-up materials shall be on-site at all times during construction.	To reduce impacts of HAZARDS and HAZARDOUS MATERIALS to less than significant	Prior to Construction	Kern County Roads Department	To be carried out by the Contractor or County designee and enforced by the Resident Engineer		
HAZ-04	<u>UNDISCOVERED WELLS:</u> If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the California Department of Conservation/Division of Oil, Gas and Geothermal Resources /Bakersfield Office contacted by the project proponent(s) to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.	To reduce impacts of HAZARDS and HAZARDOUS MATERIALS to less than significant	Prior to Construction	Kern County Roads Department	To be carried out by the Contractor or County designee and enforced by the Resident Engineer		

No.	Mitigation Measure	Justification	Time Frame	Responsible Monitoring Agency	Compliance		
					Enforced By	By (initials)	Verification Date
HYD-01	STORMWATER CONTROL: Prior to the commencement of grading or construction activities, the construction contractor shall file a Notice of Intent with the Central Valley Regional Water Quality Control Board for the project to be covered under the State National Pollutant Discharge Elimination System General Construction Permit for discharge of stormwater associated with construction activities.	Disturbance of more than one acre, requires RWQCB permit to reduce impacts to HYDROLOGY and WATER QUALITY to less than significant	Prior to commencement of grading or construction	Central Valley Regional Water Quality Control Board (CVRWQCB)	Roads project engineer to prepare application and SWPPP to CVRWQCB and Contractor to carry out approved plan		
HYD-02	FLOOD CONTROL: Prior to the commencement of grading or construction activities, the Department will obtain all necessary permits required by the Central Valley Flood Protection Board.	Disturbance of more than one acre, requires RWQCB permit to reduce impacts to HYDROLOGY and WATER QUALITY to less than significant	Prior to commencement of grading or construction	Central Valley Flood Protection Board (CVFPB)	To be carried out by the County designee and enforced by the Resident Engineer		

**KERN COUNTY
PUBLIC WORKS DEPARTMENT
CRAIG M. POPE, P.E., DIRECTOR**



**2700 "M" STREET
BAKERSFIELD, CA 93301-2370**

**ADMINISTRATION & ACCOUNTING
OPERATIONS & MAINTENANCE
BUILDING & DEVELOPMENT
ENGINEERING**

Phone: (661) 862-8850
FAX: (661) 862-8905
Toll Free: (800) 552-5376 Option 5
TTY Relay: (800) 735-2929

November 14, 2017

Commenting Agencies (see address list)

Re: **RESPONSE TO COMMENTS**
Mitigated Negative Declaration for Standard Street Secondary Access

Thank you for commenting on the above-referenced project. Enclosed is our response to all comments submitted to our office regarding this project. A revised Mitigated Negative Declaration will be considered by the Board of Supervisors for approval.

To further comment on this project, a public meeting has been scheduled before the Kern County Board of Supervisors on November 14, 2017, at 2:00 p.m. The Board of Supervisors Chambers is located on the 1st Floor of the Kern County Administrative Center at 1115 Truxtun Avenue, Bakersfield, California.

Thank you for your participation in the environmental process for this project. All environmental documents are available in the Public Works Department at the address above. Please contact Michael Dillenbeck for assistance at (661) 862-8913 or by email at dillenbeckm@co.kern.ca.us.

Sincerely,

Craig M. Pope
Director

By: 
Michael Dillenbeck
WM Specialist III

MD

COMMENTING AGENCIES: Dept. of Conservation Division of Oil, Gas, and Geothermal Resources, State Water Resources Control Board, San Joaquin Valley Air Pollution Control District, Central Valley Flood Protection Board, California Department of Transportation



COMMENTING AGENCIES

1. Central Valley Flood Protection Board
Andrea Buckley, Environmental Services and Land Management Branch Chief
3310 El Camino Ave., Ste 170
Sacramento, CA 95821

2. Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Michael Toland, Senior Oil and Gas Engineer
4800 Stockdale Hwy, Suite 100;
Bakersfield, CA 93309

3. California Department of Transportation (CalTrans)
David Deel, Chief: Transportation Planning - South
District 6
1352 West Olive Avenue
P.O. Box 12616; Fresno, CA 93778-2616

4. Central Valley Regional Water Quality Control Board
Debra Mahnke, Water Resource Control Engineer, CPESC, QSD/P
(Sent & Received Via Email)
1685 E Street, Suite 200
Fresno, CA 93706

5. San Joaquin Valley Air Pollution Control District
Arnaud Marjollet, Director of Permit Services
1990 E. Gettysburg Ave
Fresno, CA 93726



RESPONSE TO COMMENTS

COMMENT #1 – September 27, 2017

Central Valley Flood Protection Board, Andrea Buckley, Environmental Services and Land Management Branch Chief. The board reviewed the project and advised as to potential permits that may be required. The following comments were provided:

- The proposed project is within the Kern River, a regulated stream under the Board jurisdiction.
- The proposed project may require a Board permit prior to construction.
- A Board permit is required prior to working within the Board's jurisdiction for the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, full embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee.
- Permits may also be required to bring existing works that predate permitting into compliance with Title 23, or where it is necessary to establish the conditions normally imposed permitting.
- Other federal (including U.S. Army Corps of Engineers Section 10 and 404 regulatory permits), State and local agency permits may be required and are the applicant's responsibility to obtain.

RESPONSE: The project will obtain all necessary permits, including those required under Title 23, Section 6. To ensure this, mitigation measure HYD-02 will be implemented.

HYD-02: Flood Control: Prior to the commencement of grading or construction activities, the Department will obtain all necessary permits required by the Central Valley Flood Protection Board.

COMMENT #2 – September 17, 2013

DEPARTMENT OF CONSERVATION, DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES, Letter from Michael Toland, Senior Oil & Gas Engineer. The department reviewed the project and identified by map three plugged and abandoned wells within the project area. The following comments were provided:

- The project is situated within the administrative boundaries of the Ten Section Oil Field.
- There is one plugged and abandoned well located within 150 feet from the project location.
- No structures be built over or in proximity to an abandoned well location.
- The Division can require re-abandonment of a previously abandoned well when construction of any structure over or in proximity of a well could be a hazard, the cost of which, would be the responsibility of the county.

RESPONSE: The project area and well map has been reviewed, and although there is one well located within 150 feet from the project location, no portion of the project



boundary no sewer lines are proposed to be constructed within 50' to the wells identified on the provided maps.

COMMENT #3 – October 18, 2017

California Department of Transportation-District 6, Letter from David Deel, Chief Transportation Planning. The Department reviewed the project, its consistency with its transportation and infrastructure plan, and operations.

The following comments were provided:

- The construction of the Class I Bicycle Path on the west-side of SR 43 as another mode of travel is supported by Caltrans based on DD-64-R2;
- DD-64-R2 states “Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system. The Department develops integrated multimodal projects in balance with the community goals, plans, and values. Addressing the safety and mobility needs of bicyclists, pedestrians, and transit users in all projects, regardless of funding, is implicit in these objectives. Bicycle, pedestrian, and transit travel is facilitated by creating “complete streets” beginning early in system planning and continuing through project delivery and maintenance and operations.”
- The Caltrans Strategic Management Plan also set ambitious targets for the share of all travel in California, pushing to “double walking, triple bicycling, and double transit in the state between 2010 and 2020.”
- The California Transportation Plan 2040 plans for the expansion of bicycle facilities. “Expanding the use of safety of bike and pedestrian facilities by utilizing the Active Transportation Program (ATP) to support a broad range of investments that go beyond individual projects to encourage corridor-wide and city-wide strategies...”
- The Toward an Active California State Bicycle and Pedestrian Plan has implementation goals for regional bicycle networks. “Mobility Goal 1: Connected and Comfortable Networks: Develop local and regional networks of high-quality bicycle and pedestrian facilities for all ages and abilities.”
- Caltrans recommends following the guidance from Chapter 1000 of the Highway Design Manual for the design of the bike path.
- There is a roundabout project proposed at the intersection of SR 119/SR 43. Caltrans recommends that the proposed bike path be connected to the multiuse path of the roundabout project.
- Include the typical cross section of the bike path in relation to the SR 43 and Interstate 5 off-ramp within the proposed bike trail design documents.
- An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The



Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5 "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. Please call the Caltrans Encroachment Permit Office – District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058.

- Portions of the proposed project encroaches into the access control right-of-way. Access from the State right-of-way is prohibited, and the right-of-way fence shall remain unmodified and undisturbed. An encroachment permit is required to repair the fence if damaged or modified, or another type of barrier of separation is used.
- As point of information, the District 6 Transportation Concept Report (TCR) states that SR 119 will be widened from a two-lane highway to a four-lane expressway in the future.
- To accommodate the bike trail crossing of SR 119, a grade separation (tunnel or bridge) may be required by Caltrans.
- No water from the proposed project shall flow into the State right-of-way without approval from the District Hydraulic Engineer.
- Dust control measures shall also be implemented on the site in a manner to prevent dust from entering the State right-of-way.
- Access ramps proposed by the bike trail will need to meet current ADA standards or other applicable State or Federal accessibility and safety requirements.

RESPONSE: The proposed Project is consistent with Caltrans Policy and plans and is located within Caltrans right-of-way. Encroachment permits are included within the project. Caltrans as a Responsible Agency will place any requirements on the permit at the time of issuance.

COMMENT #4 – October 30, 2017

Central Valley Regional Water Quality Control Board, an email from Debra Mahnke, Water Resource Control Engineer, CPESC, QSD/P. The board reviewed the project and provided the following comment:

- The proposed Mitigated Negative Dec for the Kern River Parkway Bike Path addresses all of our concerns. We have no comments at this time.

RESPONSE: Thank you for taking the time to review to document.



COMMENT #5 – October 5, 2017

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, a letter from Georgia Stewart, for Brian Clements, for Arnaud Marjollet, Director of Permit Services. The district reviewed the project and provided the following comments:

- The District confirmed the finding of no significant adverse impacts on air quality;
- The District agrees that the project is no an expansion to an existing road, however as a recreational space, Rule 9510 will still apply to the project. If approval of this project is the last discretionary approval by the Board of Supervisors, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees be made a condition of project approval.
- The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions).
- The District recommends that a copy of the District's comments be provided to the project proponent.

RESPONSE: The Department acknowledges that page 12 of the Air Quality and Greenhouse Gas Study states that Rule 9510 would not apply to the project. However, the San Joaquin Valley Air Pollution Control District maintains the ultimate determination as to what district rules apply to this project. Additionally, mitigation measure AIR-03 will ensure that the project meets these requirements.

INITIAL STUDY

KERN RIVER PARKWAY BIKE TRAIL WESTERN EXTENSION COUNTY OF KERN, CALIFORNIA

SCH# 2017091059

LEAD AGENCY:



**Kern County Public Works Department
2700 M Street, Suite 400
Bakersfield, CA 93301-2370**

Contact:

**Michael Dillenbeck, Waste Management Specialist III
(661) 862-8913**

September 2017



PROJECT DESCRIPTION AND SETTING

PROJECT: Kern River Parkway Bike Trail Western Extension

LOCATION: The Kern River Parkway Bike Trail Western Extension (Project) would be developed within Kern County and California Department of Transportation (Caltrans) right-of-way (ROW) and easements within the western edge of the city of Bakersfield and in the unincorporated area of Kern County (Tupman, Mouth of the Kern). The proposed path starts at the western terminus of the Kern River Parkway Bike Trail, travels along the Kern River, south along State Route (SR) 43 and Enos Lane, and ends at the Buena Vista Aquatic Recreational Area (BVARA). The proposed Project is located within the Tupman and Mouth of the Kern U.S. Geological Survey (USGS) 7.5-minute topographical quadrangles, or more specifically, Sections 23 through 26, 35, and 36 of Township 30 South, Range 25 East, and Sections 1, 2, and 11 through 14 of Township 31 South, Range 25 East Mount Diablo Base and Meridian, Kern County, California. The Project area is partially located within the city of Bakersfield.

PROJECT DESCRIPTION: The Kern County Public Works Department (County) proposes to construct approximately 7 miles of a bike path from the existing Kern River Parkway Trail to the BVARA in Kern County, California. Construction would generally include up to 10 feet of asphalt concrete (AC) bike path and up to 4 feet of shoulder and backing on each side. Additional project components may include culverts, headwalls, fencing, AC dikes, signage, and striping. Construction is anticipated to begin in 2019 and take approximately 180 days (36 weeks) to complete, excluding weekends. Construction may require temporary lane closures. However, the proposed Project would not increase traffic congestion in the rural Project area. In addition, construction activities would be limited to short segments of public roads at one time to minimize long-term traffic disruption. The proposed Project would also include a minor amendment to the Kern Water Bank Habitat Conservation Plan (KWBHCP) to include the proposed bike path alignment and change the land use for 1.5 acres of "Conservation Bank" land use to "Compatible Use," in the Kern Water Bank Land Use Plan Map and encroachment permits from both the City of Bakersfield and Caltrans.

ENVIRONMENTAL SETTING: The proposed Project includes approximately 8.5 acres of AC pavement and 3.5 acres of shoulders and other improvements. The Project area includes 2.1 acres within the City of Bakersfield/Metropolitan Bakersfield Habitat Conservation Plan (MBHCP); 2.6 acres within the Kern Water Bank; 2.4 acres within the Kern County Raceway Park; and the remainder of the Project (4.9 acres) is located within the Kern County road ROW.

The surrounding property is primarily owned by the Kern Water Bank, Kern County Raceway Park, City of Los Angeles, State of California, and County of Kern. With the exception of the race track property and gas station, the surrounding land use is primarily agriculture and undeveloped water banking property. The northern portion of the Project travels along and within the Kern River channel and transects one unnamed drainage identified on the USGS quadrangle map. Per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) maps 06029C2275E, 06029C2250E, and 06029C2675E, effective September 26, 2008, the segment of the Project located north of the southern bank of the Kern River is located within Flood Zone A (1% annual chance of flooding). The remainder of the project is located within Flood Zone X (area of minimal flood hazard). Soil types present within the Project area include Franoso loamy sand, Excelsior sandy loam, Kimberlina fine sandy loam, garces loam, calfax loam, millox, and river wash.



The dominant vegetation communities within the Project site include ruderal (disturbed) and valley saltbrush scrub. The Project area is located within the geographic range of several federal and state listed endangered species. Portions of the Project area are located within the administrative boundaries of the Kern Water Bank, MBHCP, and the Kern Water Bank Natural Community Conservation Plan.

SR 43 and Enos Lane are not designated as a State Scenic Highway and there are no designated State Scenic Highways within the Project vicinity¹. No scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, are located within the Project area.

The Project area includes or is adjacent to land classified as: Semi-Agricultural and Rural Commercial; Unique Farmland; Non-Agricultural and Natural Vegetation; Vacant and Disturbed; and Farmland of Statewide Importance². Portions of the Project area located on lands identified as farmland will be located on existing maintenance and access roads or within road ROWs. The road ROWs have been excluded from the administrative boundaries of Agricultural Preserve No. 3, and neither the roadway nor any adjacent property is subject to Williamson Act contracts or Farmland Security contracts.

The Project is located within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The objective of this Project is to improve air quality and traffic by providing alternative transportation options from the BVARA to the city of Bakersfield.

The Project area and adjacent parcels are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There are no facilities that handle hazardous materials/waste located within or immediately adjacent to the Project area. One Cleanup Site was identified near the Project area, but is listed in the database as "Completed – Case Closed."^{3,4}

The easternmost portion of the Project area is located within the city of Bakersfield (population: 347,483), while the unincorporated communities of Tupman (population: 161), Dustin Acres (population: 652) and Valley Acres (population: 527) are approximately 4.5, 7, and 8 miles west of the Project area, respectively. The nearest school is Elk Hills Elementary School, located in the community of Tupman, 4.5 miles west of the Project area.

The Taft-Kern County Airport is located approximately 12 miles to the southwest of the Project area, and the nearest private airstrip is located approximately 10 miles west of the Project area. Additionally, the Project area does not fall within an airport sphere of influence as identified by the Kern County Airport Land Use Compatibility Plan (ALUCP).⁵

¹ *Scenic Highways Lists*, California Scenic Highway Mapping System.

http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm, website accessed December 6, 2016.

² Farmland Mapping and Monitoring Program Metadata. Department of Conservation, Division of Land Resource Protection, 2010. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/ker14_c.pdf, website accessed December 6, 2016.

³ EPA Envirofacts, <https://map11.epa.gov/myem/efmap/index.html?ve=&pText=93241>, website accessed December 6, 2016.

⁴ Department of Toxic Substances (Cortese List) and Leaking Underground Storage Tank Information System. <https://www.envirostor.dtsc.ca.gov/public/>, website accessed December 6, 2016.

⁵ Airport Land Use Compatibility Plan, Kern County, March 2011.



KERN COUNTY ENVIRONMENTAL CHECKLIST FORM

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
- Agriculture & Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population & Housing
- Public Services
- Recreation
- Transportation & Traffic
- Utilities & Service Systems
- Mandatory Findings of Significance

DETERMINATION. (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENT IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signed by: Michael C. Dillenbeck, WMS III
Kern County Public Works Department

11/2/2017
Date



**Evaluation of Environmental Impacts:**

- (1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- (4) Negative Declaration: Less Than Significant With Mitigation Incorporated applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, Earlier Analyses, may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration, Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist where within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- (6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- (7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- (8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- (9) The explanation of each issue should identify:
 - (a) The significance criteria or threshold, if any, used to evaluate each question.



(b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>(See Environmental Setting.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>(See Environmental Setting.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to I(a) and (b): *No Impact.* Refer to the Environmental Setting.

Response to I(c): *Less Than Significant Impact.* The proposed Project improvements would result in the paving of existing maintenance roads and road shoulders, as well as the construction of ancillary facilities such as fencing, signage, and road tie-ins for the development of a bike path. The proposed improvements would not degrade the existing visual character of the area as the proposed Project consists of improvements that would primarily occur within existing disturbed and fenced areas. Impacts associated with the change in the existing visual character of the Project area would be less than significant.

Response to I(d): *Less Than Significant Impact.* No security lighting is proposed for this Project. However, if security lighting is required for safety or protection of property, it will be shielded to reduce glare and light spillover onto adjacent properties in compliance with the general requirements of the Kern County Zoning Ordinance, Chapter 19.81 Outdoor Lighting “Dark Skies Ordinance” (Section 19.81.040). Therefore, project impacts associated with light and glare would be less than significant.

Cumulative Impacts: *Less Than Significant Impact.* Based on the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this Project, as proposed and in accordance with existing requirements, would result in significant Project-level or cumulative impacts to scenic resources, the existing visual character or quality of the site and its surroundings, or daytime or nighttime views in the Project area. Therefore, cumulative impacts would be less than significant.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or Williamson Act contract? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES. (Continued)

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (Section 15206(b)(3) Public Resources Code? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

RESPONSES:

Response to II(a), (b), (c), and (d): *No Impact.* Refer to the Environmental Setting.

Response to II(e): *No Impact.* The Project area is mostly undeveloped or in agricultural production. All work activities associated with the Project would occur within existing maintenance and access roads or road ROWs, which are areas where agricultural production would not occur. As such, implementation of the proposed Project is not expected to result in the conversion of farmland to non-agricultural uses. No impact would occur.

Response to II(f): *No Impact.* The road ROWs have been excluded from the administrative boundaries of Agricultural Preserve No. 3 and neither the roadway nor any adjacent property is subject to Williamson Act contracts or Farmland Security contracts. Therefore, the Project would not result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract. No impact would occur.

Cumulative Impacts: *No Impact.* Based upon the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this Project, as proposed and in accordance with existing requirements, would result in significant Project-level or cumulative impacts to agriculture and forest resources.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard as adopted in (c)i, (c)ii, or as established by EPA or air district or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Specifically, would implementation of the project exceed any of the following adopted thresholds:				
i. San Joaquin Valley Unified Air Pollution Control District:				
<u>Operational and Area Sources</u>				
Reactive Organic Gases (ROG) 10 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Oxides of Nitrogen (NO _x) 10 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Particulate Matter (PM ₁₀) 15 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Stationary Sources as determined by District Rules</u>				
Severe Nonattainment 25 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Extreme Nonattainment 10 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY. (Continued)

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to III(a): *Less Than Significant Impact.* The U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) have established National Ambient Air Quality Standards (NAAQS) for common pollutants that adversely affect human health and safety. The EPA has jurisdiction under the federal Clean Air Act (CAA) to require individual states to prepare State Implementation Plans to attain these standards. CARB has jurisdiction under the California Health and Safety Code and the California Clean Air Act (CCAA) to require regional plans to attain these standards and to coordinate the preparation of plans by local air districts to comply with both the federal and state Clean Air Acts. The federal and state standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. In general, the state standards are more stringent than the federal standards.

CARB has divided California into 15 separate air basins to better manage air quality at the regional level. The Project area is located within the San Joaquin Valley Air Basin (SJVAB), which includes the portion of Kern County west of the Sierra Nevada Mountains. The SJVAB is under the jurisdiction of the SJVAPCD, which is responsible for developing air quality plans and implementing air quality control measures. Currently, the SJVAB is in attainment for all pollutants per federal and state standards, except for 8-hour ozone (O₃), 1-hour O₃ (state only), and particulate matter (PM₁₀ and PM_{2.5}). Attainment status for all monitored pollutants for the SJVAB is summarized in Table 1 below:

Table 1. San Joaquin Valley Air District Attainment Status

Pollutant	Designation/Classification	
	Federal Standards ^a	State Standards ^b
Ozone - One hour	No Federal Standard ^f	Nonattainment/Severe
Ozone - Eight hour	Nonattainment/Extreme ^e	Nonattainment
PM 10	Attainment ^c	Nonattainment
PM 2.5	Nonattainment ^d	Nonattainment



Pollutant	Designation/Classification	
	Federal Standards ^a	State Standards ^b
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

^a See 40 CFR Part 81.

^b See CCR Title 17 Sections 60200-60210.

^c On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.

^d The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).

^e Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).

^f Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

Source: San Joaquin Valley Air Pollution Control District, Ambient Air Quality Standards & Valley Attainment Status. Accessed on June 24, 2013. <http://www.valleyair.org/aqinfo/attainment.htm>

The SJVAPCD is tasked with implementing programs and regulations required by the CAA and CCAA. In that capacity, the SJVAPCD has prepared plans to attain federal and state ambient air quality standards. The SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on new source review offset requirements for stationary sources. Stationary sources are subject to some of the toughest regulatory requirements in the nation. Emission reductions achieved through implementation of the SJVAPCD's offset requirements are a major component of the local air quality plans. Thus, projects with emissions below the thresholds of significance for criteria pollutants can be determined to not conflict or obstruct implementation of the SJVAPCD air quality plans.

Construction emissions were estimated based on construction information provided by the County. Detailed information, equipment activity, truck trips, emission rates, worker vehicle trips, and emission rates for off- and on-road equipment are provided in the Air Quality & Greenhouse Gas Study prepared by Terry A. Hayes Associates Inc. (TAHA).

Table 2 shows the annual construction emissions associated with each construction phase of the Project, including the pipe trenching and laying phase, and paving phase. Construction emissions would not exceed the thresholds of significance. In addition, the proposed Project would comply with all SJVAPCD regulations to control fugitive dust, including Regulation VIII. Therefore, the



proposed Project would not conflict with or obstruct implementation of the SJVAPCD air quality plan. Impacts would be less than significant

Table 2. Annual Construction Emissions by Phase

Construction Phase	Tons per Year					
	ROG	NO _x	CO	SO _x	PM _{2.5}	PM ₁₀
Pipe Trenching and Laying Phase	0.02	0.34	0.12	0.00	4.0	0.84
Paving Phase	0.14	1.6	0.86	0.00	4.1	0.90
Total Overlapping Emissions	0.16	1.9	0.98	0.00	8.1	1.7
APCD Thresholds of Significance	10	10	100	27	15	15
Exceed Threshold?	No	No	No	No	No	No

Source: TAHA 2017.

Response to III(b): *Less Than Significant Impact.* Determination of whether project emissions would violate any ambient air quality standard is largely a function of air quality dispersion modeling. If project emissions would not exceed federal or state ambient air quality standards at the project’s boundaries, the project would be considered to not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The need to perform an air quality dispersion modeling analysis for a project is determined on a case-by-case basis depending on the level of emissions associated with the project.

The quantity of criteria pollutant emissions is proportionate to the size of the construction project. For small construction projects, compliance with SJVAPCD Regulation VIII and Rule 9510 would typically reduce project-specific construction emissions below the thresholds of significance. The SJVAPCD recommends that an ambient air quality analysis be performed when emissions of any criteria pollutant related to construction activities exceed the 100 pounds per day, or 10 tons per year, screening level for PM₁₀ or nitrogen oxides (NO_x). As shown in Table 2, above, the proposed Project would not exceed the SJVAPCD thresholds. Dispersion modeling is not necessary to demonstrate that construction emissions would not exceed the federal or state ambient air quality standards. Construction activities would not generate pollutant hot spots. Therefore, the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

Response to III(c): *Less Than Significant Impact.* Because the SJVAB is in nonattainment or maintenance for federal and/or state thresholds for O₃, PM_{2.5}, and PM₁₀, there is a regional cumulative impact associated with these pollutants. An individual project can emit these pollutants without significantly contributing to this cumulative impact depending on the magnitude of emissions. The SJVAPCD has indicated that the project-level thresholds of significance may be used as an indicator defining if project emissions contribute to the regional cumulative impact. As discussed above, Project emissions would not exceed the SJVAPCD regional significance thresholds and the proposed Project would not contribute to a cumulative impact. Therefore, impacts associated with the proposed Project would be less than significant.

Response to III(d): *Less Than Significant Impact.* Sensitive receptors are persons who may be particularly sensitive to air pollution because they are ill, elderly, or have lungs that are not fully



developed. Locations where such persons reside, spend considerable amounts of time, or engage in strenuous activities are also considered sensitive receptors. Typical sensitive receptors include inhabitants of long-term healthcare facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, childcare centers, and athletic facilities. The Project area is surrounded by agricultural, commercial, and open space. There are no known sensitive receptors located in the vicinity of the Project area.

Project construction activities would generate toxic air contaminant (TAC) and hazardous air pollutant (HAP) emissions, including diesel particulate matter (DPM). The “dose” to which receptors are exposed to TAC and HAP emissions is the primary factor used to determine the health risk (i.e., potential exposure to TAC and HAP emission levels that exceed applicable standards). “Dose” is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. The risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer period of time. According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to TAC and HAP emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the proposed project.

The use of construction equipment would be limited to an approximate total duration of 180 days. In addition, local exposure would be much shorter than the total duration of construction since the construction crew would not reside in any location for more than a few days; construction activities would not occur at an intensity or duration that would significantly increase health risk. Although elevated cancer rates can result from exposure periods of less than 70 years, acute exposure (i.e., exposure periods of less than 1 year) to diesel exhaust typically does not result in significant health risks. In addition, the SJVAPCD does not consider cancer risks associated with operation of diesel-powered construction equipment to be a health risk concern because of the short-term nature of construction activities. Therefore, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations related to construction emissions. Impacts would be less than significant.

Response to III(e): *Less Than Significant Impact.* Implementation of the proposed Project could generate odors during construction related to the use of off-road construction equipment. While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints to local governments and the SJVAPCD. Projects should be evaluated to determine the likelihood that the project would result in nuisance odors. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.

Potential sources that may emit odors during construction activities include equipment exhaust and asphalt paving. Odors from these sources would be localized and generally confined to the immediate Project area. The proposed Project would utilize typical construction techniques (e.g., diesel-fueled heavy-duty equipment), and the odors would be typical of most construction sites and temporary in nature. Additionally, there are no known sensitive receptors in the immediate vicinity of the Project area. The SJVAPCD has listed examples of land uses that generate objectionable odors during operation. A bike path is not considered a typical project capable of generating objectionable odors during operation. Therefore, the proposed Project would not create objectionable odors that would affect a substantial number of people. Impacts would be less than significant.





Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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 Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**RESPONSES:**

Response to IV(a): Less Than Significant Impact with Mitigation Incorporated. The Project site consists of existing dirt roadways and unpaved highway shoulders. The vegetation community in the area of the Kern River is dominated primarily by non-native annual grasses and forbs; however, riparian species such as Fremont cottonwood (*Populus fremontii*), Goodding's willow (*Salix gooddingii*), mule fat (*Baccharis salicifolia*), creek monkeyflower (*Mimulus guttatus*), and honey mesquite (*Prosopis glandulosa* var. *torreyana*) occur sporadically along the banks of the Kern River. Ruderal habitat dominates the majority of the bike trail alignment along the Kern River, the Kern County Raceway, and the active row crop/vacant disked fields along SR 43 within the Biological Study Area (BSA). Non-native annual grasses and forbs as well as rancher's fireweed (*Amsinckia menziesii* var. *intermedia*) dominate the ruderal area areas within the BSA, thus limiting the potential for special-status species and other native species to thrive within the BSA. Two small areas of quailbush shrubland occur on the east and west side of Interstate 5 and just south of the Kern River. An orchard is located on the property south of the Kern County Raceway, and the area west of the Raceway consists of water retention basins, which are currently dry and vegetated with non-native, ruderal species.

Table 3. Estimated Impacts to Habitat and Natural Communities of Special Concern

Community/Habitat	Estimated Impacts		
	Total Area (Impact Area)	Permanent Impacts	Temporary Impacts
Open water	0.23	0.13	0.10
Developed	0.60	0.34	0.26
Agriculture	1.47	0.93	0.54
Ruderal	11.97	6.53	5.44
Riparian	0.06	0.03	0.03
Quailbush (<i>Atriplex lentiformis</i>) shrubland	0.20	0.11	0.09
Total	14.53	8.07	6.46

Based on existing conditions during 2017, a portion of the BSA contained open water habitat as a result of significant storm activity from the 2016 to 2017 rainy season, and the release of water from upstream areas within the Kern River. Open water habitat provides suitable habitat for a number of wildlife species and plant species. However, it should be mentioned that the open water that is currently present within the Project Impact Area (PIA) in 2017 is not typically present during normal rainy seasons. The open water within the PIA occurs at the proposed bike undercrossing at Enos Lane and the proposed crossing beneath Interstate 5.

In total, approximately 0.13 acre of open water habitat would be permanently impacted and 0.10 acre would be temporarily impacted. Although the permanent impact area occurs within the channel banks, it is expected that the open water habitat would still exist during periods of high flow, causing the bike path to be inaccessible.



The entire BSA is located within the designated Southern Wildlife Corridor. Core, satellite, and linkage areas have been identified for many of the special-status species occurring in the San Joaquin Valley and identified as potentially occurring within the BSA (U.S. Fish and Wildlife Service [USFWS] 1998). The proposed Project will overlap, toward the linkage's northern end, one designated wildlife linkage area that is identified as connecting the Southern Wildlife Corridor with the Northeastern Wildlife Corridor. This linkage is present along the Kern River and serves as a movement corridor for a variety of species. While the linear scope of the Project presents a potential for interrupting the wildlife corridor and linkage area, the Project will not result in obstructive development and the intermittent use by recreational cycling will have a low to no impact on wildlife movement in the area.

Special-Status Plants

Based on a 5-mile radius query of the California Natural Diversity Database (CNDDDB) and a query of the USFWS Information for Planning and Consultation (IPaC), a total of 13 special-status plant species have been documented in the Project vicinity. Because the list of special-status plant species is considered regional, an analysis of the range and habitat preferences of the listed species was conducted to identify which species have the potential to occur in or near the BSA. The evaluation considered the existing conditions, elevation, and soils within the BSA. As a result of the best information available and the analysis conducted by SWCA Environmental Consultants (SWCA), it was determined that suitable habitat may be present for the following nine special-status plant:

- heartscale (*Atriplex cordulata* var. *cordulata*)
- alkali mariposa-lily (*Calochortus striatus*)
- California jewel-flower (*Caulanthus californicus*)
- slough thistle (*Cirsium crassicaule*)
- recurved larkspur (*Delphinium recurvatum*)
- Kern mallow (*Eremalche kernensis*)
- Hoover's eriastrum (*Eriastrum hooveri*)
- Tejon poppy (*Eschscholzia lemmonii* ssp. *kernensis*)
- San Joaquin woollythreads (*Monolopia congdonii*)

Species outside of the 5-mile radius were not evaluated further because the BSA is located outside of their known geographic ranges and they are therefore considered unlikely to occur.

The surveys conducted within the BSA were conducted within the appropriate blooming period for those special-status plant species that were considered. None of the species that were considered, or any other sensitive plant species, were observed. Overall, the BSA provides very marginal habitat conditions for these species to occur as the area is frequently disturbed by grading activities, litter, and normal traffic pullout. As currently proposed, the Project is expected to have no impact on sensitive plant species. Botanical survey results are typically valid by the California Department of Fish and Wildlife (CDFW) for 2 years. Therefore, mitigation has been incorporated and should be implemented in the event that construction is delayed beyond the 2-year period.



BIO-1 If the Project construction is not initiated prior to April 2019, the Kern County Public Works Department should conduct an additional floristic survey of the study area during the blooming period of those species that are considered to have the potential to occur. Should sensitive plant species be identified prior to the initiation of construction activities, then the Kern County Public Works Department should avoid the individual or population to the extent feasible. If avoidance is not feasible, then the Kern County Public Works Department would mitigate for the loss of those species by restoring them at a minimum ratio of 1:1.

Implementation of BIO-1 will reduce potential impacts to special-status plants to a level that is less than significant.

Special-Status Animals

Based on the CNDDDB and USFWS database search, a total of 32 special-status animal species have been documented in the Project vicinity (CNDDDB 2017). Because the list of special-status animal species is considered regional, an analysis of the range and habitat preferences of those species was conducted to identify which sensitive animal species have the potential to occur in or near the Project site. As a result of the best information available and the analysis conducted by SWCA, it was determined that the following 15 special-status animal taxa may occur within the BSA, including nesting migratory birds:

- western spadefoot (*Spea hammondi*)
- blunt-nosed leopard lizard (*Gambelia sila*)
- southwestern pond turtle (*Emys marmorata*)
- coast horned lizard (*Phrynosoma blainvillii*)
- California glossy snake (*Arizona elegans occidentalis*)
- San Joaquin whipsnake (*Masticophis flagellum ruddocki*)
- burrowing owl (*Athene cunicularia*)
- giant kangaroo rat (*Dipodomys ingens*)
- Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*)
- Buena Vista Lake ornate shrew (*Sorex ornatus relictus*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)
- Nelson's antelope squirrel (*Ammospermophilus nelsoni*)
- San Joaquin pocket mouse (*Perognathus inornatus*)
- Tulare grasshopper mouse (*Onychomys torridus tularensis*)
- American badger (*Taxidea taxus*)



A discussion of potential Project-related impacts to special-status animal species is provided below.

Western Spadefoot

Although not previously documented within the CNDDDB as occurring within 5 miles of the Project area, this sensitive species was identified by SWCA during small mammal trapping efforts near the Kern River. More than 20 individuals were observed during night conditions. This species spends most its lifecycle underground in burrows. The species is generally only active for a short period of time each year, typically between the months of October and May, depending on rainfall. Due to the ground disturbance associated with the construction of the proposed Project, there is a potential that this species may be directly impacted during construction or operation of the bike trail.

Western spadefoot are not a federal or state listed species; however, they are considered a species of concern by the state and warrant consideration under the California Environmental Quality Act (CEQA). Therefore, mitigation measures have been incorporated to minimize impacts to this species to the extent feasible.

- BIO-2** Prior to construction, a qualified biologist will provide an environmental awareness training session to all personnel. At a minimum, the training will include: 1) an overview of the regulatory requirements for the Project; 2) descriptions of the special-status species in the Project area and the importance of these species and their habitats; 3) the general measures that are being implemented to minimize environmental impacts; and 4) the boundaries within which equipment and personnel would be allowed to work during construction.
- BIO-3** Prior to construction, a qualified biologist should conduct a pre-construction survey for the presence of sensitive species no earlier than 30 days before the start of construction.
- BIO-4** If sensitive species are observed within the Project Impact Area during construction or the pre-activity survey, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.
- BIO-5** During construction along the Kern River, a qualified biologist shall monitor any earth-moving activities. If western spadefoot are detected within the area of disturbance, the qualified biologist should relocate the individual to an appropriate location outside of the area of disturbance. The candidate relocation sites should be selected by the qualified biologist prior to the relocation.
- BIO-6** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a special-status species, or who finds any such animal either dead, injured, or entrapped, will be required to report the incident immediately to the Kern County Public Works Department. The Kern County Public Works Department will then immediately notify the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.

Implementation of BIO-2 through BIO-6 will reduce potential impacts to special-status amphibians to a level that is less than significant.



Blunt-Nosed Leopard Lizard

The proposed Project has potential habitat for blunt-nosed leopard lizard (BNLL) based on the presence of suitable habitat and the documented occurrences of this species in the region. BNLL is considered a fully protected species and federally endangered species by the State of California and a federally endangered species by USFWS. There is currently no legal mechanism to allow "take" of this species, or known occupied habitat of this species. At the date of this report (June 30, 2017) the County has completed 12 formal protocol surveys for BNLL and no individuals have yet been identified. In order to maintain the Project schedule and funding, it is not feasible for the County to complete the entire protocol survey prior to the completion of this environmental document. Therefore, mitigation has been incorporated.

BIO-7 The proposed Project, as currently designed and reviewed within this report, would not be constructed until the Kern County Public Works Department completed the entire protocol for projects that result in "Disturbances Leading to Habitat Removal" as specified within the Approved Survey Methodology for the Blunt-nosed Leopard Lizard (May 2004) and results of that survey effort have demonstrated that the Project area is not occupied by blunt-nosed leopard lizard.

Southwestern Pond Turtle, Coast Horned Lizard, California Glossy Snake, San Joaquin Coachwhip

Southwestern pond turtle was not identified within the Project area during any of the field surveys conducted in 2017; however, there is a very low potential that this species could occur in nearby water features and could utilize upland habitat to estivate during drought periods, or to lay a clutch of eggs. Pre-construction surveys are recommended to avoid and minimize any potential impact to this species.

Coast horned lizard was identified within the Project area during small mammal trapping efforts. Due to the presence of this species, pre-construction surveys and monitoring during ground disturbance is recommended.

California glossy snake was not identified during any of the field surveys conducted in 2017. No focused surveys for this species were conducted. Observations of the species would have only been incidental during small mammal species surveys due to the nocturnal nature of this animal. The species has been documented as occurring within the Project area based on records in the CNDDDB. Pre-construction surveys are recommended to avoid and minimize any potential impact to this species.

San Joaquin coachwhip was not identified during general surveys conducted in 2017. However, there is a low to moderate potential for this species to occur within the BSA. If this species occurs on-site, initial grading activities or Project-related equipment traffic may impact this species. Although this species is not formally listed protected under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA), it is a species of concern. Pre-construction surveys are recommended to avoid and minimize any potential impact to this species.

In addition to recommendations BIO-2 and BIO-3, the following recommendation is provided.

BIO-8 To prevent inadvertent entrapment of San Joaquin kit fox or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep will be inspected and covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before



such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured special-status species is discovered, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.

Implementation of BIO-2 through BIO-8 will reduce potential impacts to special-status reptiles to a level that is less than significant.

San Joaquin Kit Fox

Although evidence of San Joaquin kit fox was not identified within the PIA, the presence of this species is inferred as the species is known to occur in the area and is highly mobile. Potential direct impacts may occur as a result of construction equipment activities.

Impacts to these species would be avoided and minimized by implementation of recommendations BIO-2, BIO-3, and BIO-8 in addition to the following recommendations.

BIO-9 During the site-disturbance and/or construction phase, all construction pipes, culverts, or similar structures or materials that contain a hole with a diameter of 3 inches or greater and that are stored at a construction site for one or more overnight periods will be thoroughly inspected for kit foxes and other special-status species before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered during this inspection, the pipe or culvert shall not be disturbed (other than to move it to a safe location if necessary) until after the kit fox has escaped.

BIO-10 Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides will be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which special-status species depend.

BIO-11 Any fencing installed during the project construction should meet the following specifications:

- c. If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches.
- d. If a more solid wire mesh fence is used, 8 × 12–inch openings near the ground should be provided every 100 yards.

BIO-12 During construction, food related trash will be placed in enclosed containers and removed at the end of each work week. At the end of construction, all construction related trash and debris will be removed from the work site and properly disposed of.

American Badger

Although evidence of American badger was not identified within the PIA, the presence of this species is inferred as the species is known to occur in the area, has been observed foraging in the immediate vicinity of the Project area, and is highly mobile. Potential direct impacts may occur as a



result of construction equipment activities. Impacts to this species would be avoided and minimized through the implementation of incorporated mitigation measures BIO-2 through BIO-4.

Giant Kangaroo Rat, Tipton Kangaroo Rat, Buena Vista Lake Shrew, Short-nosed Kangaroo Rat, and Tulare Grasshopper Mouse

In order to determine the presence or absence of sensitive small mammal species within the PIA, focused surveys for giant kangaroo rat, Tipton kangaroo rat, and Buena Vista Lake shrew were conducted. Based on the results of these surveys, there was no evidence of giant kangaroo rat, Tipton kangaroo rat, or Buena Vista Lake shrew. However, one Tulare grasshopper mouse was identified during the small mammal trapping effort for giant kangaroo rat and Tipton kangaroo rat. The results of these surveys are valid for 1 year. Based on the results, the Project is not anticipated to have any impacts on giant kangaroo rat, Tipton kangaroo rat, or Buena Vista Lake shrew. However, due to the presence of Tulare grasshopper mouse, the following recommendations have been provided.

BIO-13 During construction, because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of a Project site by artificial lighting during nighttime hours is prohibited.

BIO-14 Following construction, erosion control measures will not include any tightly woven materials that may entangle or inadvertently injure small mammals. Acceptable substitutes would include coconut coir matting or tackified hydroseeding. This limitation will be communicated to the contractor through the use of special provisions in the bid solicitation package.

Implementation of BIO-2 through BIO-4 and BIO-9 through BIO-14 will reduce potential impacts to special-status mammals to a level that is less than significant.

Swainson's Hawk

Protocol surveys for this species were not conducted as part of this study. Suitable habitat occurs within riparian habitat near Kern River; however, no evidence of this species was observed during the various field surveys conducted in support of this study. The species is highly migratory and may occur in subsequent years prior to construction.

In addition to the implementation of recommendations BIO-1 and BIO-2, the following measure is recommended.

BIO-15 If during the pre-construction survey any active nests are discovered within 0.25 mile of the Project Impact Area, the Kern County Public Works Department will coordinate with the appropriate agency(ies) to determine the appropriate construction setback distances. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.

Implementation of recommendations BIO-2 through BIO-4 and BIO-15 will reduce potential impacts to Swainson's hawk to a level that is less than significant.



Burrowing Owl

Protocol surveys for this species were not conducted as part of this study; however, this species is known to occur in the area and may utilize the Project area or the surrounding habitat for denning purposes. No sign of this species was observed within the Project study area during the various field surveys that were conducted. Due to the migratory nature of this species, there is a high likelihood that this species may occur within the Project study area, or surrounding habitat, prior to construction. The proposed Project may result in impacts to this species, depending upon the proximity of the species to the Project activities. Implementation of BIO-2 through BIO-4 and BIO-15 will reduce potential impacts to bird species to a level that is less than significant.

Nesting Migratory Birds (Class Aves)

Project activities could have the potential to directly and/or indirectly impact a variety of nesting migratory bird species. Project activities, including vegetation removal, equipment use, and associated noise could impact nesting migratory birds and/or special-status bird species adjacent to the Project study area. No active nests were noted during surveys conducted in 2017. Implementation of recommendations BIO-2 through BIO-4 and BIO-15 will reduce potential impacts to bird species to a level that is less than significant.

Response to IV(b): *Less Than Significant Impact with Mitigation Incorporated.* Based on a query of the CNDDDB, a number of sensitive vegetative communities have been recorded within 5 miles of the proposed Project. None of these sensitive vegetative communities are present within the PIA.

Within the PIA there is a small area of riparian habitat along the Kern River (see Appendix A) that consists of Fremont cottonwood, Mexican elderberry (*Sambucus canadensis*), and other species that comprise the riparian corridor. Although the riparian habitat along this area of the Kern River does not qualify as Great Valley Fremont Cottonwood Forest, a sensitive natural community, the riparian vegetation is still the jurisdiction of CDFW and therefore is afforded protection by this agency and under CEQA. As currently proposed, the Project would have permanent impacts on 0.06 acre of riparian habitat. Therefore, the following recommendations are provided to minimize these impacts to riparian vegetation.

BIO-16 Prior to initiation of any construction activities, including any vegetation clearing or grubbing, sturdy, high-visibility fencing will be installed to protect the jurisdictional areas adjacent to the designated work areas. This fencing will be placed so that unnecessary adverse impacts to the adjacent habitats are avoided. No construction work (including storage of materials) will occur outside of the specified Project limits. The fencing will remain in place during the entire construction period, be monitored periodically by the Kern County Public Works Department Residential Engineer or qualified biologist, and be maintained as needed by the contractor.

BIO-17 During construction, erosion control measures (e.g., silt fencing, fiber rolls, and barriers) will remain available on-site and will be utilized as necessary to prevent erosion and sedimentation in jurisdictional areas. No synthetic plastic mesh products will be used for erosion control and use of these materials on-site is prohibited. Erosion control measures will be checked to ensure that they are intact and functioning effectively, and will be maintained on a daily basis throughout the duration of construction. The contractor will also apply adequate dust control techniques, such as site watering, during construction to protect water quality.

BIO-18 During construction, the cleaning and refueling of equipment and vehicles will occur only within a designated staging area and at least 100 feet (30 meters) from riparian



habitat or other aquatic areas. At a minimum, equipment and vehicles will be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

Implementation of BIO-16 through BIO-18 will reduce potential impacts to sensitive native vegetation to a level that is less than significant.

Response to IV(c): Less Than Significant Impact with Mitigation Incorporated. A formal wetland delineation was not conducted as part of this study due to the lack of evidence of wetland features within the PIA, as defined by Clean Water Act Section 404. However, the Kern River is considered a federal and state jurisdictional feature. As defined by Clean Water Act Section 404, the Kern River would be considered Waters of the U.S. (non-wetland) within the portion of the Project site that is affected by the proposed bike trail alignment. In order to determine the extent of these jurisdictional features, the boundaries were mapped during a field survey conducted by SWCA on December 13, 2016. The boundaries were recorded using a Trimble Geo-XT handheld Global Positioning System unit capable of submeter accuracy. Table 4 provides the total area of jurisdictional features that would be temporarily and permanently impacted by the proposed Project. Due to the overlapping state and federal boundaries, the total area is not equal to the sum of these acreages.

Table 4. Estimated Impacts to Habitat and Natural Communities of Special Concern

Habitat	Total Acres Present	Permanent Impacts (acres)	Temporary Impacts (acres)
Federal Jurisdictional Waters (delineated by ordinary high water mark)	0.15	0.08	0.07
State Jurisdictional Waters (delineated by top of bank)	0.17	0.08	0.09

Implementation of the proposed Project could require construction work within and/or adjacent to the Kern River channel, which could result in direct and/or indirect effects to the beds, banks, and channels of the Kern River drainages. Potential effects of the proposed Project related to water quality are limited to construction-related impacts such as erosion, sedimentation, and the potential release of hazardous construction-related materials. Ground-disturbing activities could contribute to erosion and sedimentation of the Kern River if construction activities take place when water is present. Construction of the proposed Project would create approximately 492,412.8 square feet of new impervious surfaces, which could modify existing drainage patterns, result in increased runoff, and potentially result in increased erosion within the Project area. Additionally, the Project could introduce sediment and potential sources of pollution in the form of improper use of fuels, oils, and other construction-related hazardous waste materials, which could pose a threat to surface or groundwater quality. Therefore, the County would adhere to erosion control standards and hazardous materials spill pollution and prevention standards to ensure the proposed Project does not impact the water quality of Kern River or groundwater resources.

During a normal rainfall year, this section of the Kern River typically does not hold or convey water during the dry season (July 1 through October 15), and potentially beyond the dry season. Considering the fact that surface water is typically not present within the channel during the dry



season of years with average or below-average rainfall, it is not likely that water would be present if construction activities are implemented during the dry season.

All work located within the Kern River and blue-line drainages will require permits from the responsible agencies: U.S. Army Corps of Engineers (USACE), USFWS, and CDFW. For general construction activities, the proposed Project would be required to comply with a National Pollutant Discharge Elimination System General Construction Permit to discharge stormwater associated with construction activities. Additionally, the Project would be required to prepare a stormwater pollution prevention plan (SWPPP) that addresses the quality and quantity of stormwater runoff generated on-site during construction and operation of the Project, and incorporates temporary Best Management Practices (BMPs) into the Project.

Implementation of temporary BMPs would minimize impacts to the Kern River that could occur as a result of construction of the proposed Project. Implementation of BIO-19 to BIO-22 would reduce any potential impacts to a level that is less than significant.

Response to IV(d): *Less Than Significant.* Although the proposed Project would include permanent impacts within the channel of the Kern River, the proposed Project would not have any effect on the movement of resident species within the channel. There are no migratory fish species within the Kern River. No avoidance and minimization measures are necessary.

Response to IV(e): *Less Than Significant.* The County General Plan (Kern County Planning Department 2007) includes the federal, state, and local statutes, ordinances, and policies that govern the conservation of biological resources that must be considered by the County during the environmental review process. The Land Use, Open Space, and Conservation Element of the Kern County General Plan provides for a variety of land uses that ensure future growth while simultaneously providing for the conservation of agricultural and natural resources. Section 1.10, "General Provisions," of the Element provides goals, policies, and implementation measures for discretionary projects.

As currently proposed, the Project would not be in conflict with any of these General Provisions. No further measures are necessary.

Response to IV(f): *Less Than Significant.* The proposed Project is included within the boundaries of two separate HCP areas: the MBHCP and the KWBHCP. As currently proposed, the Project does not conflict with the provisions of these HCPs.

Metropolitan Bakersfield Habitat Conservation Plan

Projects operating within the MBHCP jurisdictional boundaries are required to comply with the avoidance and minimization measures prescribed within the document. The Project will comply with following avoidance and minimization measures listed within the MBHCP and its corresponding Incidental Take Permit (ITP):

1. **Biological Clearance Survey:** Prior to either Permittee issuing a Permittee Authorization to a Developer, the Developer applying for such Permittee Authorization shall provide a written biological clearance survey conducted by a CDFW-approved Qualified Wildlife Biologist (Condition of Approval 5.10), no more than 30 calendar days prior to a Developer beginning Covered Activities on a given Permittee-authorized project. The biological clearance survey shall include full coverage transect surveys for SJKF [San Joaquin kit fox] dens (see Condition of Approval 7.4, below), kangaroo rat burrows (in areas identified in Condition of Approval 7.8, below), and Bakersfield cactus (for proposed projects north of SR 58 and east of SR 99), in the proposed development footprint and a buffer zone of 50



feet beyond the proposed development footprint (except for any portions of the buffer zone that are already fully developed or are beyond the access rights of the Developer). The biological clearance survey shall be valid for no more than 30 calendar days. In the event that Covered Activities are not initiated, as authorized by either Permittee, within 30 calendar days of a biological clearance survey, the biological clearance survey shall be repeated. Each Developer pursuing a Permittee Authorization shall bear the costs of the biological clearance survey being conducted and summarized in writing.

- 2. **Covered Species Detection:** If one or more of the “Conditions” described below in Table 5 is detected during the biological clearance survey (Condition of Approval 7.1) for any proposed Developer project, Permittees shall either: (1) not grant a Permittee Authorization for said Developer project until implementation of the Table 5 referenced “Required Minimization Measures” is demonstrated by the Developer in writing to the Permittees; or (2) any issued Permittee Authorization shall require, via specific written conditions within the Permittee Authorization, that the start of grading/building activities may not occur until implementation of the Table 5 referenced "Required Minimization Measures" are demonstrated in writing to the Permittees.

Table 5. Conditions within Proposed Development Footprint

Condition Within Proposed Development Footprint	Required Minimization Measures
Known, active, or natal SJKF den	Conditions of Approval 7.5 and 7.6
Kangaroo rat burrows (Conceptual Southwest Focus Area only)	Conditions of Approval 7.8, 7.9, and 7.10
One or more Bakersfield cactus clumps ants	Conditions of Approval 7.11, 7.12, and 7.13

- 3. **Developer Notification of Covered Species Detection:** For Developer projects on which one or more of the Table 5 “Condition within Proposed Development Footprint” (Condition of Approval 7.2) are present, Permittees shall require the Developer to provide CDFW and Permittees with a written “Notice of Grading Start” at least 5 business days prior to ground disturbance. Such a “Notice of Grading Start” shall only be submitted after all “Required Minimization Measures” referenced in Table 5 are implemented for that specific Developer project. The “Notice of Grading Start” shall include, at a minimum, the following information: (1) project location, including a map and major cross streets; (2) project name; (3) Developer name and contact information (phone, email, and mailing address); (4) name of the Qualified Wildlife Biologist that conducted the biological clearance survey; (5) a copy of the biological clearance survey; and (6) written information submitted to demonstrate compliance with Conditions of Approval 7.2, 7.5, 7.6 and 7.8–7.13, as applicable. Developer should keep as a record proof of their notification to CDFW.
- 4. **SJKF Den Survey:** SJKF den surveys shall evaluate the proposed development footprint and a 50-foot buffer zone (except for any portions of the buffer zone that are already fully developed) for potential, known, active, atypical, and natal SJKF dens, as defined in the USFWS (2011) *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance*.



5. **SJKF Den Avoidance:** If a known, active, or natal SJKF den is discovered during the SJKF den survey/biological clearance survey, the Permittees shall not issue a Permittee Authorization unless the Developer demonstrates that they established a permanent minimum buffer using fencing or flagging as follows: (1) at least 100 feet around den(s); (2) at least 200 feet around natal dens (dens in which SJKF young are reared); and (3) at least 500 feet around any natal dens with pups (except for any portions of the buffer zone that are already fully developed). Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 7.6., and as follows: if the work within the buffer area will not result in the destruction of the den, the den should be conserved. If the den is unoccupied (based on the required 4 consecutive days of monitoring), then the den can be covered in a secure manner to prevent access by SJKF while the work is being conducted. After the work is done, the den can be uncovered to allow use by SJKF. If the den is occupied and the SJKF don't want to leave, then a smaller buffer could be established, including a barricade to prevent the SJKF from exiting the den and entering the work site. A qualified biologist shall monitor the den while the work is being conducted. Permittees shall notify the USFWS and CDFW's Regional Representative immediately via telephone or email if any SJKF active dens, natal dens, or occupied atypical dens are discovered within or immediately adjacent to any proposed development footprint. Each Developer pursuing a Permittee Authorization shall bear the costs of implementing the SJKF den avoidance requirements.
6. **SJKF Den Excavation:** For active dens and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 7.5, and if, after 4 consecutive days of monitoring with tracking medium or infrared camera, a Qualified Wildlife Biologist has determined that SJKF is not currently present, the den may be excavated. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of a Qualified Wildlife Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens shall be fully excavated, filled with dirt, and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. If an individual SJKF does not vacate a den within the proposed construction footprint within a reasonable timeframe, Permittees shall contact the USFWS and CDFW and get written guidance (email will suffice) from both agencies prior to proceeding with den excavation. Each Developer pursuing a Permittee Authorization shall bear the costs of implementing the SJKF den excavation requirements.
7. **SJKF Detection on Construction Site:** Permittees shall condition all Permittee Authorizations to require notification to the appropriate Permittee and CDFW within 24 hours in the event that a SJKF is observed denning or utilizing structures or materials within an active construction footprint. In addition, a minimum 100-foot no-disturbance buffer from the area being used by SJKF as a denning site shall be implemented until Conditions of Approval 7.5 or 7.6 can be implemented by a Qualified Wildlife Biologist funded by the Developer.
8. **Covered Species Injury:** If a Covered Species is injured as a result of project-related activities, a Qualified Wildlife Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats the injured Covered Species. Permittees shall identify the potential facilities before starting Covered Activities. The Developer or appropriate Permittee shall bear any costs associated with the



care or treatment of such injured Covered Species. The Permittee with jurisdiction shall notify CDFW of the injury to the Covered Species immediately by telephone and email followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.

9. **Daily Entrapment Inspections:** Permittee Authorizations shall require that workers on Developer projects shall inspect all open holes, sumps, and trenches within the development footprint covered by the Permittee Authorization at the beginning, middle, and end of each day for trapped Covered Species. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are between 2 and 8 feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than 8 feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. Trenches, holes, sumps, or other excavations that are covered long term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, the Developer and their workers shall cease all Covered Activities in the vicinity and notify Permittees immediately, whom shall in turn notify CDFW immediately. Developer and its workers shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or, alternatively, a Qualified Wildlife Biologist shall capture and relocate the animal, in accordance with CDFW direction regarding the final disposition of the animal. The Developer for which the biological clearance survey was conducted shall bear the costs of Covered Species salvage.
10. **Materials Inspection:** Permittee Authorizations shall require that workers on Developer projects thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 3 inches (7.6 cm) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection one of these animals is discovered inside the structure, workers shall notify Permittees and allow the Covered Species to safely escape that section of the structure before moving and utilizing the structure.
11. **Equipment Inspection:** Permittee shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Developer shall contact a Qualified Wildlife Biologist to determine if they can safely move the Covered Species out of harm's way in compliance with the ITP.
12. **SJKF Detection on Construction Site:** Notification to the City and CDFW is required within 24 hours in the event that a SJKF is observed denning or utilizing structures or materials within an active construction footprint. In addition, a minimum 100-foot no-disturbance buffer from the area being used by SJKF as a denning site shall be implemented by a Qualified Wildlife Biologist funded by the Developer.

Kern Water Bank Habitat Conservation Plan

For the KWBHCP a majority of the proposed Project is located within an area considered Compatible Habitat as identified by the Implementation Agreement of the HCP. A mile-long 10 foot stretch of the water bank property located adjacent to and west of highway 43 is identified as "Conservation Bank." The proposed project would, if deemed necessary by the agencies, amend



the land use map to describe these 1.15 acres as "Compatible Habitat." The Implementation Agreement specifically identifies recreational activities, including bicycling, as a permitted activity in Sector 2, subject to approval by the Resource Agencies and following a Minor Amendment to the HCP (Section 4.2.2. Compatible Habitat (d)). Minor Amendments are allowed under Section 6.2(h) of the Implementation Agreement, without requiring amendments to the Agreement or permits of the HCP.

The portions of the Project located within the Jurisdictional Boundaries of the KWBHCP are required to comply with the avoidance and minimization measures prescribed within the document. The Project will comply with following applicable avoidance and minimization measures listed within the KWBHCP and its corresponding ITP for the portions of the Project within their jurisdiction:

1. **Biological Monitor:** A qualified biologist shall monitor all ground-disturbing activities prior and during construction in the Sensitive Habit Sector and will oversee measures undertaken to reduce Incidental Take of Covered Species.
2. **Construction Practices:**
 - a. Kern Water Bank Association Oversight: During construction, a representative of the company with the authority to assure compliance with these Required Management obligations, and adequately trained to understand the obligations imposed hereby and to notice the presence of Covered Species shall be present on the construction site at all times that construction work is ongoing.
 - b. Delineation of Disturbance Areas: Prior and during construction, disturbance area boundaries shall be clearly delineated by stakes, flagging, or by reference to terrain features, as directed by the CDFW and the USFWS, to minimize degradation or loss of adjacent wildlife habitats during operation.
 - c. Signage: Prior and during construction, signs and/or fencing shall be posted around construction sites to restrict access of vehicles and equipment unrelated to site operations.
 - d. Resource Agency Notification: At least 20 working days prior to initiating ground disturbance for Project facilities in designated salvage/relocation areas, Kern Water Bank Association (KWBA) shall notify the Fresno Field Office of the CDFW and the Sacramento Field Office of the USFWS of their intention to begin construction activities at a specific location and on a specific date. The Agencies will have 10 working days to notify the KWBA of their intention to salvage or relocate Covered Species in the construction area. If KWBA is notified, they will wait an additional 5 days to allow the salvage/relocation to take place.
 - e. Salvage and Relocation: KWBA will allow time and access to the USFWS and/or the CDFW, or their designees, to relocate Covered Species, at the Resource Agencies' expense, from construction areas prior to disturbance of areas that have been identified by the Resource Agencies as having known populations of the Covered Species they wish to salvage or relocate.
 - f. Construction Site Review: All construction pipes, culverts, or similar structures with a diameter of 3 inches or greater that are stored at a construction site on the Kern Water Bank for one or more overnight periods shall be thoroughly inspected for trapped SJKF and other animals before the subject pipe is subsequently buried,



capped, or otherwise used or moved in any way. Pipes laid in trenches overnight shall be capped. If during construction a SJKF or other animal is discovered inside a pipe, that section of pipe will not be moved or, if necessary, will be moved only once to remove it from the path of construction activity until the animal has escaped.

- g. **Employee Orientation:** An employee orientation program for construction crews, and others who will work on-site during construction, shall be conducted and shall consist of a brief consultation in which persons knowledgeable of endangered species biology and legislative protection explain endangered species concerns. The education program shall include a discussion of the biology of the Covered Species, the habitat needs of these species, their status under ESA and CESA, and measures being taken for the protection of these species and their habitats as a part of the Project. The orientation program will be conducted on an as-needed basis prior to any new employees commencing work on the Kern Water Bank. Every 2 years a refresher course will be conducted for employees previously trained. A fact sheet conveying this information shall also be prepared for distribution to all employees. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at KWBA's offices and shall be accessible by the CDFW and the USFWS.

3. **On-Going Practices:**

- a. **Equipment Storage:** All equipment storage and parking during site development and operation shall be confined to the construction site or to previously disturbed off-site areas that are not habitat for covered species.
- b. **Traffic Control:** KWBA's Project representative shall establish and issue traffic restraints and signs to minimize temporary disturbances. All construction related vehicle traffic shall be restricted to established roads, construction areas, storage areas, and staging and parking areas. Project-related vehicles shall observe a 25 miles per hour speed limit in all Project areas except on county roads and state and federal highways.
- c. **Food Control:** All food-related trash items such as wrappers, cans, bottles, and food scraps generated both during construction and during subsequent facility operation shall be disposed of in closed containers and shall be regularly removed from the site. Food items may attract SJKF onto a project site, consequently exposing such animals to increased risk of injury or mortality.
- d. **Dog Control:** To prevent harassment or mortality of SJKF or destruction of SJKF dens or predation on this species, no domestic dogs or cats, other than hunting dogs, shall be permitted on-site.
- e. **Pesticide Use:** Use of rodenticides and herbicides on the site shall be permitted only in accordance with the vegetation management plan approved by the CDFW and the USFWS or if such use is otherwise approved by the CDFW and the USFWS on a case-by-case basis.

As currently proposed, the Project would not be in conflict with any Habitat Conservation or Mitigation Bank. As proposed, those sections of the Project that are within these boundaries will be required to comply with the measures within these plans. No further measures are necessary.



Cumulative Impacts: *Less Than Significant with Mitigation Incorporated.* Based on the foregoing evaluation, cumulative impacts to biological resources would be reduced to a less-than-significant level through the implementation of Mitigation Measures BIO-1 through BIO-18.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES. Would the project:

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|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to V(a)–V(c): *Less Than Significant Impact with Mitigation Incorporated.* In general, CEQA considers a historical resource as any resource that: (1) is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (2) is associated with lives of persons important in our past; (3) embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual, or possesses high artistic values; or (4) has yielded or may be likely to yield information important in prehistory or history. Additionally, CEQA considers an archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it: (1) contains information needed to answer important scientific questions and that there is a demonstrable public interest in that information; (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

Based on the Archaeological Survey Report⁶ conducted for the proposed Project, no cultural resources or potential historic properties were observed during the surface survey of the Project area, and no cultural resources or potential historic properties have been previously identified within or adjacent to the Project area. Based on the results of this investigation, implementation of the proposed Project would not affect any potential historic properties in accordance with 36 Code of Federal Regulations Part 800 and, therefore, no additional studies are necessary at this time.

⁶ Compass Rose Archaeological, Inc., *Archaeological Survey Report for Improvements to Midway Road from State Route 119 to State Route 33 (approximately 4.15-mile), Kern County, California, May 2012.*



If any previously unidentified cultural materials are unearthed during construction, it is the County's policy that work be halted in that area until a qualified archaeologist can assess the significance of the find. Due to the potential to inadvertently discover previously unidentified artifacts within the Project area as a result of construction activities, mitigation is included to require compliance with the above-referenced policy. Implementation of mitigation measure CUL-1 would ensure potential impacts would be less than significant.

CUL-1 In the event that a subsurface cultural and/or paleontological resource is uncovered during the course of Project construction, ground-disturbing activities in the vicinity of the find shall be redirected until the nature and extent of the find can be evaluated by a qualified archaeologist or paleontologist (as determined by the Kern County Public Works Department). Any such resource discovered during the course of the Project related to grading or construction shall be recorded and/or removed per applicable Kern County and/or state regulations.

Response to V(d): *Less Than Significant Impact.* The California Health and Safety Code states that if human remains are discovered on site, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition.⁷ Disposition of the human remains shall occur in the manner provided in Section 5097.98 of the Public Resources Code. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC). As adherence to state regulations is required for all development, no mitigation is required in the unlikely event that human remains were discovered on the site. Therefore, impacts associated with the discovery of human remains would be less than significant.

Cumulative Impacts: *Less Than Significant with Mitigation Incorporated.* Based upon the foregoing evaluation, there is no evidence in the record to date to suggest the implementation of this Project, as proposed and in accordance with existing code requirements and the proposed mitigation measure CUL-1, will significantly impact cultural resources. Therefore, cumulative impacts would be less than significant with mitigation incorporated.

⁷ California Health and Safety Code, Section 7050.5, Chapter 2, *General Provisions*, Division 7, *Dead Bodies*.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic groundshaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides? (<i>See Environmental Setting.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (<i>See Project Description.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**RESPONSES:**

Response to VI(a)i: *Less Than Significant Impact.* Fault rupture is the most easily avoided seismic hazard. The Alquist-Priolo Earthquake Fault Zoning Act (Act) mitigates fault rupture hazards by prohibiting the location of structures for human occupancy across the trace of an active fault. The Act requires the State Geologist to delineate "Earthquake Fault Zones" along faults that are "sufficiently active" and "well defined." The boundary of an "Earthquake Fault Zone" is generally 500 feet from major active faults and from 200 to 300 feet from well-defined minor faults. The mapping of active faults has been completed by the State Geologist. These maps are distributed to all affected cities, counties, and state agencies for their use in developing planning policies and controlling renovation or new construction.

According to the California Department of Conservation/Division of Mines and Geology's (DMG) Fault Activity Map of California, the nearest recently active faults to the Project area include four unnamed faults located over 4 miles west of the Project area.^{8,9} Since the Project is not located within a designated fault zone, the potential for exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, as a result of fault ground rupture at the site is considered low. Therefore, Project impacts related to rupture of a known earthquake fault would be less than significant.

Response to VI(a)ii: *Less Than Significant Impact.* Like all of southern California, the Project site is located in a seismically active area and is subject to ground shaking resulting from seismic activity on local and regional faults. Site-specific conditions of the Project area may reduce the hazards associated with ground shaking relative to a typical urban location. The design of the proposed Project would include seismic design parameters that would reduce the potential for seismic shaking-related impacts. Therefore, Project impacts related to seismic ground shaking would be less than significant.

Response to VI(a)iii: *Less Than Significant Impact.* Liquefaction is a phenomenon that occurs when strong seismic shaking causes soils to collapse from a sudden loss of cohesion and undergo a transformation from a solid to a liquefied state. Factors influencing a site's potential for liquefaction include area seismicity, the type and characteristics of on-site soils, and the level of groundwater. Liquefaction typically occurs in areas where groundwater is shallower than approximately 30 feet, and where there is the presence of loose, sandy soils. According to the County's General Plan, liquefaction is not considered to be a local hazard since groundwater levels in the Project area are far below the surface¹⁰. The proposed Project would not be located in an area identified as being prone to liquefaction, and the California Department of Water Resources has identified the depth to groundwater for the Project area to be over 200 feet.¹¹ Therefore, the potential for earthquake-induced liquefaction within the Project area is considered very low. Project impacts related to seismic-related ground failure, including liquefaction, would be less than significant.

Response to VI(a)i: *No impact.* Refer to the Environmental Setting.

⁸ California Department of Conservation, *2010 Fault Activity Map of California: California Geologic Survey, Geologic Data Map No. 6*, <http://www.quake.ca.gov/gmaps/FAM/faultactivitymap.html>, website accessed March 12, 2014.

⁹ Kern County Council of Governments, *Seismic Hazard Atlas Quad: Taft 4-D-2*, 1975.

¹⁰ Kern County Planning and Community Development Department, *Figure 14: Overlay Constraints: Flooding and Shallow Ground Water, Chapter 4: Safety Element, Kern County General Plan*, September 22, 2009.

¹¹ California Department of Water Resources, *Groundwater Information Center Interactive Map*, <https://gis.water.ca.gov/app/gicima>, website accessed February 1, 2017.



Response to VI(b): *Less Than Significant Impact.* Implementation of the proposed Project would result in temporary construction-related ground disturbance activities, including grading and paving, which could result in substantial soil erosion or the loss of topsoil. The proposed Project is expected to involve the disturbance of more than 1 acre; therefore, the County would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit. A SWPPP would also be required to address erosion and discharge impacts associated with the proposed on-site grading activities. Soils covering the majority of the Project area have a slight or slight-to-moderate erosion hazard potential and, because the Project would be required to adhere to County requirements, obtain an NPDES Permit, and prepare a SWPPP, construction and operational impacts associated with soil erosion hazards would be less than significant.

Response to VI(c): *Less Than Significant Impact.* Please refer to Checklist Response VI(a) above. According to the Safety Element in the County's General Plan, the Project area is not located in an area that is subject to liquefaction, landslides, lateral spreading, or collapse. Subsidence is the sudden sinking or gradual downward settling of the earth's surface with little or no horizontal motion. Subsidence is caused by a variety of activities, which include (but are not limited to) withdrawal of groundwater, pumping of oil and gas from underground, the collapse of underground mines, liquefaction, and hydro-compaction. Minor ground subsidence is expected to occur in the soils below the zone of removal due to settlement and machinery working. The actual amount of subsidence is expected to be variable and would be dependent on the type of machinery used, repetitions of use, and dynamic effect, all of which are difficult to assess quantitatively. The proposed Project would be required to adhere to County and engineering requirements and standards; therefore, Project impacts related to unstable geologic units would be less than significant.

Response to VI(d): *Less Than Significant Impact.* Expansive soils generally have a significant amount of clay particles, which can give up water (shrink) or take on water (swell). The change in volume exerts stress on buildings and other loads placed on these soils. The extent of shrink/swell is influenced by the amount and kind of clay in the soil. The occurrence of these soils is often associated with geologic units having marginal stability. The distribution of expansive soils can be widely dispersed, and they can occur in hillside areas as well as low-lying alluvial basins.

According to the U.S. Department of Agriculture (USDA), National Resources Conservation Service (NRCS) Web Soil Survey, the following soil types are present within the Project area: Franso loamy sand, Excelsior sandy loam, Kimberlina fine sandy loam, garces loam, calfax loam, millox and river wash. These soil types are considered well drained and do not contain significant amounts of clay particles that have the ability to shrink or swell.¹² Additionally, development of the proposed Project would be required to adhere to County design and engineering standards. Therefore, potential Project impacts related to expansive soils would be less than significant.

Response to VI(e): *No impact.* Refer to the Environmental Setting.

Cumulative Impacts: *Less Than Significant Impact.* Based on the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this project, as proposed and in accordance with existing requirements, would result in significant impacts to geology and soils.

¹² U.S. Department of Agriculture, Soil Conservation Service, *Report and General Soil Map, Kern County, California*, 1976.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to VII(a): *Less Than Significant.* Climate change is a shift in the average weather patterns that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storm events. Global climate change refers to a change in the climate of the Earth as a whole. It can occur naturally, as in the case of the Ice Age, or as some evidence suggests, can result from man’s activities on the Earth. Climate varies constantly; warming and cooling occurs at varying rates, magnitudes, and time scales in response to solar variations, orbital variations, volcanic eruptions, and a variety of other natural forcing. According to CARB, climate change that is occurring today differs from previous climate changes in both rate and magnitude, although this conclusion is still being debated in the scientific community.

Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The Earth’s surface temperature would be colder than it is now if it were not for the natural heat-trapping effect of GHGs. The accumulation of these gases in the Earth’s atmosphere is considered the cause of the observed increase in the Earth’s temperature (global warming). The primary GHGs include carbon dioxide (CO₂), methane (CH₄), nitrogen oxides (NO_x), ozone (O₃), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. These particular gases are important due to their residence time in the atmosphere, which can persist from tens of years to more than 100 years. Some GHGs, such as carbon dioxide, occur naturally and are emitted to the atmosphere through natural processes, as well as human activities.

Several studies have implicated human activities, including site development, as a contributing factor to the generation of GHG emissions to global climate change or global warming. As a result, California has passed several bills and the Governor has signed at least three executive orders regarding GHGs. Assembly Bill (AB) 32 (the Global Warming Solutions Act) was passed by the California Legislature on August 31, 2006. It requires the state’s global warming emissions to be reduced to 1990 levels by 2020.

The principal GHGs are CO₂, CH₄, NO_x, O₃, water vapor, and fluorinated gases. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally. Construction-related activities associated with heavy equipment operation, daily truck deliveries, and worker commute trips would temporarily generate an increase in GHGs.



Additionally, a permanent increase in GHG emissions would result from long-term operations of the Project, specifically the increase in mobile sources (heavy truck travel to and from the site).

As directed by Senate Bill (SB) 97, the California Natural Resources Agency adopted amendments to the CEQA Guidelines for GHG emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the amendments and filed them with the Secretary of State for inclusion in the California Code of Regulations. The amendments became effective on March 18, 2010. Kern County's approach to analyzing GHG emissions and impacts are consistent with the CEQA Guidelines.

According to the CEQA Guidelines, the proposed Project would be considered significant and cumulatively considerable if it would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance; or in conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

With regards to past, present, and foreseeable future projects, it should be noted that several special interest groups have suggested what has come to be known as the "one molecule theory." This theory supposes that the addition of even one molecule of a criteria pollutant in a nonattainment air basin would constitute a significant increase. While these groups have attempted to enforce this theory in various jurisdictions, the Court of Appeals has held that CEQA does not require this approach. One court has stated, "the one [additional] molecule rule is not the law" (*Communities for a Better Environment versus California Resources Agency* 2002, 103 Cal. App. 4th 98,119). Therefore, while the SJVAPCD's cumulative air quality impacts would remain significant without the project (i.e., since the air basin is considered to be in nonattainment for certain criteria air pollutants), the proposed Project's incremental contribution to these impacts would be mitigated to the extent feasible and poses an insignificant contribution to the cumulative impacts on the Basin's air quality.

It should be noted that SJVAPCD staff has concluded that existing science is inadequate to support quantification of impacts that project-specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both manmade and natural, that occurred in the past; that is occurring now; and will occur in the future. The effects of project-specific GHG emissions are cumulative and, without mitigation, their incremental contribution to global climatic change could be considered cumulatively considerable. SJVAPCD staff concludes that this cumulative impact is best addressed by requiring all projects subject to CEQA to reduce their GHG emissions through project design elements. No mitigation is required with implementation of existing regulations.

The SJVAPCD has adopted guidance to assist lead agencies in assessing and reducing the impacts of GHG on global climate change. The guidance relies on the use of Best Performance Standard (BPS) to assess significance of GHG emissions on global climate change during the environmental review process, as required by CEQA. Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29 percent reduction in GHG emissions from business-as-usual is required to determine that a project would have a less than cumulatively significant impact. The guidance does not limit a lead agency's authority in establishing its own process and guidance for determining significance of project related impacts on global climate change.

The BPS listed by the APCD applies to operational activities associated with land use development projects. The BPS do not apply to projects that only generate construction emissions, such as the proposed project, except for limiting idling of construction trucks. In addition, the 29 percent



reduction in GHG emissions from business-as-usual requirement is designed for land use development projects and typically demonstrated through reductions in operational vehicle miles traveled and energy emissions. This also does not apply to projects that only generate construction emissions. In the absence of relevant local thresholds, the Lead Agency has assessed the potential for GHG impacts based on the contribution of project emissions to the County's GHG emission inventory and compliance with the BPS that limits idling.

The methodology used to estimate GHG emissions was identical to the methods described above for estimating criteria pollutant emissions. Construction emissions were estimated using the emissions factors and emission rates obtained from Appendix D - the Data Tables used by CalEEMod version 2016.3.1. The emission factors used within CalEEMod were obtained from the OFFROAD model for equipment exhaust and EMFAC2014for on-road vehicles. Refer to Section 3.4.1, above, for a discussion of project-related equipment and truck activity.

GHG emissions would be generated by equipment exhaust, truck trips, and worker commute trips. As shown in Table 6 below, the proposed project would generate 375 metric tons of GHG emissions. The County emissions inventory is presented in annual emissions.¹³ The County emissions inventory was generated for years 2005 and 2020. Total County emissions were estimated to be 27,045,617 metric tons in 2005 and 27,272,709 metric tons in 2020. Assuming linear growth, 2019 emissions would be 27,257,570 metric tons. Off-road diesel emissions are accounted for in the Industrial-Oil emissions inventory, and were estimated to be 92,836 metric tons in 2005 and 104,513 metric tons in 2020. Assuming linear growth, 2019 emissions would be 103,735 metric tons.

Table 6. Annual Greenhouse Gas Emissions

Construction Activity	Carbon Dioxide Equivalent (Metric tons per year)
Pipe Trenching and Laying Phase	88
Paving Phase	290
Total Construction GHG Emissions	375

Source: TAHA 2017.

Project emissions would be less than 0.001 percent of the total County GHG emissions inventory of 27,257,570 metric tons per year. Project emissions would represent approximately 0.5 percent of off-road diesel emissions associated with industrial sources. In addition, the proposed Project would comply with the state mandate to limit idling from trucks to less than 5 minutes. Additional BMPs implemented by the Kern County Public Works Department include eliminating unnecessary equipment idling and traffic management to reduce congestion on roadways experiencing construction activities. Based on this analysis, the proposed Project would not result in a significant contribution to the County emissions inventory and would implement measures that would control GHG emissions. Therefore, the proposed Project's GHG emission impacts would be less than significant.

Response to VII(b): Less Than Significant. The California Environmental Protection Agency Climate Action Team (CAT) and CARB have developed several reports to achieve the Governor's

¹³ Kern County, *Communitywide Greenhouse Gas Emission Inventory 2005 Baseline Year - 2020 Forecast*, May 2012.



GHG targets, which rely on voluntary actions by California businesses, local government and community groups, and state incentive and regulatory programs. These include the CAT 2006 *Report to Governor Schwarzenegger and the Legislature*, the CARB 2007 *Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California*, and the CARB *Climate Change Scoping Plan: a Framework for Change*. The reports identify strategies to reduce California's emissions to the levels proposed in Executive Order S-3-05 and AB 32. The adopted Scoping Plan includes proposed GHG reductions from direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as cap-and-trade systems.

In addition to reducing GHG emissions to 1990 levels by 2020, AB 32 directed CARB to identify a list of "discrete early action GHG reduction measures" that can be adopted and made enforceable by January 1, 2010.¹⁴ In June 2007, CARB approved a list of 37 early action measures, including three discrete early action measures (Low Carbon Fuel Standard, Restrictions on High Global Warming Potential Refrigerants, and Landfill Methane Capture). CARB adopted additional early action measures in October 2007 that tripled the number of discrete early action measures.

CARB's focus on identifying the 44 early action items was to recommend measures that CARB staff concluded were "expected to yield significant GHG emission reductions and likely to be cost-effective and technologically feasible."¹⁵ The combination of early action measures is estimated to reduce statewide GHG emissions by nearly 16 million metric tons (MMT). Accordingly, the 44 early action items focus on industrial production processes, agriculture, and transportation sectors.

Early action items associated with industrial production and agriculture do not apply to the proposed Project. The transportation sector early action items, which include truck efficiency, low carbon fuel standard, proper tire inflation, truck stop electrification and strengthening light duty vehicle standards, are not specifically applicable to the proposed Project. Measures implemented as part of the Scoping Plan at the statewide level that would reduce project-specific emissions include emission reductions, such as light-duty vehicle GHG standards ("Pavley standards"), low carbon fuel standard, and energy efficiency measures.

The SJVAPCD's governing board adopted the Climate Change Action Plan in August 2008. The Climate Change Action Plan directed the SJVAPCD to develop guidance documents to assist staff, valley businesses, land use agencies, and other permitting agencies in addressing GHG emissions as part of the CEQA process. On June 30, 2009, the SJVAPCD published its draft staff report, entitled *Climate Change Action Plan: addressing GHG under CEQA*, in which the District provides guidance by which processes may be established for assessing the significance of project-specific GHG impacts by identifying and quantifying GHG emissions reduction measures for development projects and by providing tools to streamline evaluations of project-specific GHG effects. The SJVAPCD suggests that projects exempt from the requirements of CEQA and projects complying with an approved plan or mitigation program be determined to have a less-than-significant cumulative impact. Where projects are not exempt from CEQA, and in absence of an approved plan or mitigation program, projects complying with best performance standards would not require specific quantification of GHG emissions. Projects not fitting any of the described standards, programs, or exemptions require quantification of GHG emissions and demonstration that GHG emissions have been reduced or mitigated by 29 percent, as targeted by the CARB AB 32 scoping plan. The Climate Change Action Plan does not have thresholds for construction emissions. In

¹⁴ Discrete early action measures are measures that are required to be adopted as regulations and made effective no later than January 1, 2010, the date established by Health and Safety Code (HSC) Section 38560.5.

¹⁵ California Air Resources Board, *Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration*, October 2007.



addition, where it has been determined that an Environmental Impact Report (EIR) is required, regardless of whether the project incorporates best performance standards, quantification of GHG emissions is required.

The SJVAPCD proposes quantitative thresholds, including mass of GHG emissions generated per unit of activity, GHG emissions per capita unit basis, and percent reduction compared to business as usual.

The SJVAPCD's Climate Change Action Plan acknowledges that "CEQA Guidelines clearly recognize the use of fee payments as mitigation for a project's otherwise cumulatively considerable incremental contribution to significant cumulative impacts. A project's contribution is less than cumulatively significant if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact" (CEQA Guidelines, Section 15130(a)(3)).

Regarding compliance with state plans, policies, and regulations, the First and Second Updates to the Climate Change Scoping Plan include key economic sectors related to accomplishing statewide goals. They include energy, transportation, agriculture, water, waste management, annual and working lands (forests), short-lived climate pollutants, green buildings, and cap-and-trade regulations. The Updates include recommended actions the state should take in each of the sectors to meet climate change goals. None of the recommended actions are related to construction emissions.

The proposed Project would not result in the generation of operational (e.g., vehicle exhaust) emissions, and there is no potential for the proposed Project to interfere with implementation of the Climate Change Scoping Plan. The County has not developed a Climate Action Plan or established GHG regulations applicable to the proposed Project. As discussed previously, the proposed Project would not generate emissions that would be inconsistent with the County's emissions inventory. The proposed Project would not conflict with state or local climate change goals. Therefore, the Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within the adopted Kern County Airport Land Use Compatibility Plan, would the project result in a safety hazard for people residing or working in the project area? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. (Continued)				
Would the project:				
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? (See <i>Environmental Setting</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Would implementation of the project generate vectors (flies, mosquitoes, rodents, etc.) or have a component that includes agricultural waste? Specifically, would the project exceed the following qualitative threshold:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The presence of domestic flies, mosquitoes, cockroaches, rodents, and/or any other vectors associated with the project is significant when the applicable enforcement agency determines that any of the vectors:				
i. Occur as immature stages and adults in numbers considerably in excess of those found in the surrounding environment; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Are associated with design, layout, and management of project operations; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Disseminate widely from the property; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Cause detrimental effects on the public health or well being of the majority of the surrounding population.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES:

Response to VIII(a), (c), (d), (e), and (f): *No Impact.* Refer to the Environmental Setting.

Response to VIII(b): *Less Than Significant with Mitigation Incorporated.* Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and stored on-site during construction activities. Should a spill or leak of these materials occur during construction activities, sensitive resources within the Project area could be adversely affected.



The transport, storage, and handling of hazardous materials are governed by existing federal, state, and local regulations, including applicable sections of the California Code of Regulations. In Kern County, the County of Kern Public Health Services Department, Environmental Health Division is the local agency that has been certified by the California Environmental Protection Agency to implement and ensure compliance with six state environmental and emergency programs. These programs include Hazardous Materials Business Plan/Emergency Response Plan, Hazardous Waste/Tiered Permitting, Underground Storage Tanks, Aboveground Storage Tanks, California Accidental Release Program, and the Uniform Fire Code Hazardous Materials Management Plan and Hazardous Material Inventory Statements. The County of Kern Public Health Services Department, Environmental Health Division, as the local agency charged with implementing these programs, provides permitting, inspections, and enforcement with the required regulations. Hazardous wastes produced on site from construction activities are subject to requirements associated with accumulation time limits, proper storage locations and containers, and proper labeling. Additionally, for removal of any construction related hazardous waste from the site, hazardous waste generators are required to use a certified hazardous waste transportation company, which must ship hazardous waste to a permitted facility for treatment, storage, recycling, or disposal.

As with any operation in which hazardous materials are utilized, any on-site activity involving hazardous substances must adhere to applicable federal, state, and local safety standards, ordinances, or regulations. Businesses engaged in the use, storage, or transport of hazardous substances are monitored by various state (i.e., Department of Toxic Substance Control) and local (i.e., Kern County Fire Department and Kern County Environmental Health Services Department) entities. Because the proposed Project is a transportation improvement project, the range of activities that would occur within the Project area during the operational phase would not allow for the use, storage, or disposal of large volumes of toxic, flammable, explosive, or otherwise hazardous materials that could cause serious environmental damage in the event of an accident. Furthermore, the Lead Agency notes that no oil and gas wells are known to exist within 100 feet of the project, and the 12 wells listed in Table 7, are known to exist within 500 feet of the proposed construction activities.¹⁶

Table 7. Known Oil and Gas Wells

Well Number	API Number	Status	Operator
334X-24	02900293	Active	Target Drilling
15X-24	02920544	Plugged	Petrogulf Corporation
25-24	02920545	Plugged	Petrogulf Corporation
35-24	02920547	Plugged	Petrogulf Corporation
87-11	02929404	Plugged	California Resources Elk Hills, LLC
12-12	02929405	Plugged	Merit Energy Company
14-12	02929406	Idle	California Resources Elk Hills, LLC

¹⁶ California Department of Conservation, *DOGGR Well Finder Map*, <http://maps.conservation.ca.gov/doggr/index.html>, website accessed October 6, 2016.



Well Number	API Number	Status	Operator
16-12	02929407	Idle	California Resources Elk Hills, LLC
18-12	02929408	Plugged	Merit Energy Company
81-14	02929417	Plugged	California Resources Elk Hills, LLC
83-11	02961940	Active	California Resources Elk Hills, LLC
85-11	02961942	Plugged	California Resources Elk Hills, LLC

The potential to disturb the twelve known oil and gas wells listed above is very low. However, construction activities do have the potential to discover and disturb previously unknown wells. The California Department of Conservation/Division of Oil, Gas and Geothermal Resources (DOGGR) supervises the drilling, maintenance, and plugging and abandonment of oil, gas and geothermal wells in California. Should previously unknown wells be discovered during the course of grading or construction activities, DOGGR may require remedial activities for the well prior to the resumption of construction activities within the vicinity of the discovery. Section 3208.1 of the Public Resources Code authorizes the State Oil and Gas Supervisor to order remedial activities for a well when construction activities in the proximity of the well could result in a hazard. The cost of remedial activities is the responsibility of the owner or developer of the project. Therefore, in order to ensure that impacts resulting in the creation of 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 are reduced to a less-than-significant level, the following mitigation measures have been incorporated.

HAZ-1 Prior to construction, the County shall prepare a Hazardous Material Spill Prevention, Control, and Countermeasure Plan to minimize the potential for, and effects of, spills of hazardous or toxic substances during construction of the project. The plan shall be submitted for review and approval by the Kern County Public Works Director, and shall include, at minimum, the following:

- g. A description of storage procedures and construction site maintenance and upkeep practices;
- h. Identification of a person or persons responsible for monitoring implementation of the plan and spill response;
- i. Identification of Best Management Practices to be implemented to ensure minimal impacts to the environment occur, including but not limited to the use of containment devices for hazardous materials, training of construction staff regarding safety practices to reduce the chance for spills or accidents, and use of non-toxic substances where feasible;
- j. A description of proper procedures for containing, diverting, isolating, and cleaning up spills, hazardous substances, and/or soils, in a manner that minimizes impacts on surface and groundwater quality and sensitive biological resources;
- k. A description of the actions required if a spill occurs, including which authorities to contact and proper clean-up procedures; and,



- I. A requirement that all construction personnel participate in an awareness training program conducted by qualified personnel approved by the Kern County Public Works Director. The training must include a description of the Hazardous Materials Spill Prevention, Control, and Countermeasure Plan, the plan's requirements for spill prevention, information regarding the importance of preventing spills, the appropriate measures to take should a spill occur, and identification of the location of all clean-up materials and equipment.

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

HAZ-3 All project-related spills of hazardous materials within or adjacent to the project corridor shall be cleaned-up immediately. Spill prevention and clean-up materials shall be on-site at all times during construction.

HAZ-4 If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the California Department of Conservation/Division of Oil, Gas and Geothermal Resources /Bakersfield Office contacted by the project proponent(s) to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

Compliance with existing regulations and adherence to the mitigation measures will ensure that impacts associated with the creation of significant hazards involving the release of hazardous materials issue are reduced to a less-than-significant level. Therefore, impacts would be less than significant with mitigation incorporated.

Response to VIII(g): *Less Than Significant Impact.* Construction of the proposed Project may require temporary lane closures; however, the proposed Project would not increase traffic congestion in the rural Project area. In addition, construction activities would be limited to short segments of public roads at one time to minimize long-term traffic disruption. Construction of the Project would not interfere with any emergency response or evacuation plans. Adherence to County standards and required construction measures would reduce potential impacts related to this issue. Therefore, impacts would be less than significant.

Response to VIII(h): *Less Than Significant Impact.* The Project would be constructed on existing maintenance and access roads or within road ROWs in a rural area of Kern County. Based on the California Department of Forestry and Fire Protection's (CAL FIRE) Fire Hazard Severity Zone Map for the Kern County Local Responsibility Area, the majority of the Project area is not located within a fire hazard severity zone and only small portions are located within a moderate fire hazard severity zone. The nearest fire station is the Kern County Fire Station 53, located at 9443 Taft Highway in Bakersfield, approximately 7.3 miles east of the Project area. Implementation of the Project would not expose people or structures to a substantial risk of wildfires. Impacts would be less than significant.

Response to VIII(i): *Less Than Significant Impact.* A vector is defined as any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, ticks, mites, or rats. Mosquitoes can act as potential disease carrying vectors. All species of mosquitoes require standing water to complete



their growth cycle; therefore, any standing body of water represents a potential mosquito breeding habitat. Project construction activities include ground disturbance and grading. The Project is not anticipated to create areas that could fill with water during a rain event and encourage vector populations. Impacts would be less than significant.

Cumulative Impacts: Based on the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this project, as proposed and in accordance with existing ordinance requirements and the required mitigation measures, will result in significant impacts relating to hazards and hazardous materials. Cumulative impacts would be less than significant with mitigation incorporated.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter 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 site or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on site or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create/ contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (See <i>Project Description</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (See <i>Project Description</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY.

(Continued)

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Expose people/structures to a significant risk of loss, injury, or death involving flooding, as a result of the failure of a levee or dam? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? (See <i>Environmental Setting</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

RESPONSES:

Response to IX(a) and (f): *Less Than Significant Impact with Mitigation Incorporated.* Construction of the proposed Project would involve the disturbance of more than one acre; therefore, the County would be required to obtain a NPDES permit for general construction activities. A SWPPP would also be required to address erosion and discharge impacts associated with the proposed construction activities. Because the project is greater than one acre, the County is required to file a Notice of Intent (NOI) with the Central Valley Regional Water Quality Control Board (RWQCB) for the project to be covered under the State NPDES General Construction Permit for discharge of stormwater associated with construction activities. Compliance with the project-specific SWPPP would reduce impacts related to this issue to a less-than-significant level. Therefore, to ensure compliance with the NPDES program and protect against the degradation of water quality, the following mitigation measure shall be implemented in addition to mitigation measures HAZ-1, HAZ-2, and HAZ-3.

HYD-1 Prior to the commencement of grading or construction activities, the construction contractor shall file a Notice of Intent with the Central Valley Regional Water Quality Control Board for the project to be covered under the State National Pollutant Discharge Elimination System General Construction Permit for discharge of stormwater associated with construction activities.

Response to IX(b): *Less Than Significant Impact.* The Project site is underlain by the Tulare Lake Groundwater Basin. Water resources required for the Project include drinking water for construction workers, which would be provided via bottled water, and non-potable water for compaction and dust suppression activities. Any water used for construction would be hauled in from a certified water supplier and would not exceed 2 acre-feet in quantity. Development of the proposed Project would not require any withdrawal of groundwater beneath the project site; however, it would result in approximately 52,800 square feet of new impervious surfaces in the form of asphalt concrete paved surfaces, which could prevent natural infiltration of stormwater runoff into the groundwater table. However, the Project would convey on-site runoff during storms and flows to existing drainage channels and would be subsequently percolated into the soil. Therefore, impacts would be less than significant.

Response to IX(c), (d), and (e): *Less Than Significant Impact.* Construction activities will occur within the Kern River Bed and Bank and in the vicinity of one ephemeral drainage that crosses the existing road alignment. Culverts may need to be installed for the drainage crossings and will most



likely involve the installation of a high-density polyethylene (HDPE) pipe, the replacement of concrete headwalls, the installation of rip-rap along the channels for energy dissipation on the downstream side of the culver, and excavation of a footing trench.

As discussed previously, development of the Project would result in an increase in the amount of impervious surfaces in the form of asphalt concrete paved surfaces. However, the Project would convey on-site runoff during storms and flows to existing drainage channels and would be subsequently percolated into the soil. As proposed, all Project drainage facilities will be constructed to adequately reduce the rate and amount of surface runoff in a manner that would minimize flooding. There is no evidence in the record to indicate that implementation of the Project would provide substantial additional sources of polluted runoff.

The proposed Project includes the construction of an impermeable surface within the banks of the Kern River and elevating that surface above the anticipated high water levels.

Implementation of the Project would have the potential to alter the existing drainage pattern of the site or area and increase the amount of surface runoff. However, Section 18.55.030.D of the Kern County Land Division Ordinance requires grading, drainage flood protection and erosion control improvements be provided, as deemed necessary by the Kern County Engineering, Surveying and Permit Services Department. This ordinance ensures that grading, drainage, flood protection and erosion control concerns are addressed prior to development of the Project. Compliance with existing rules and regulations would ensure that the Project's impacts associated with the alteration of a stream or an increase of surface runoff are less than significant. Additionally, pursuant to Title 23, CCR, construction and maintenance of the proposed project may also require a permit from the Central Valley Flood Protection Board. Implementation of mitigation measure HYD-02 will ensure these requirements will be met.

HYD-2 Prior to the commencement of grading or construction activities, the Department will obtain all necessary permits required by the Central Valley Flood Protection Board.

Response to IX(g), (h), (i), and (j): *No Impact.* Refer to the Environmental Setting.

Cumulative Impacts: *Less than Significant with Mitigation Incorporated.* Based on the foregoing evaluation, potential impacts of this project on hydrology and water quality are less than significant with the incorporation of mitigation and compliance with existing rules and regulations.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING.

Would the project:

- a) Physically divide an established community? (See *Environmental Setting and Kern County General Plan.*)
- 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? (See *Environmental Setting and Kern County General Plan.*)
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (See *Environmental Setting.*)

RESPONSES:

Response to IX(a), (b), and (c): *No Impact.* Refer to the Environmental Setting and the Kern County General Plan.

Cumulative Impacts: *No Impact.* Based upon the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this Project, as proposed and in accordance with existing requirements, will result in impacts to land use and planning.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to XI(a) and (b): *Less Than Significant Impact.* Kern County is one of the largest producers of mineral products in California, with a production value of almost one-quarter of the state's total. The principal mineral product is petroleum (an organic derivative material) and related products, which contributes approximately 75 percent of the total valuation of all County mineral products. The remainder is comprised of borax, cement products, sand and gravel, and other construction and gem-like minerals. As delineated in the County's General Plan Update PEIR, the Project area is located within the South Coles Levee Oil Field.¹⁷ Consequently, numerous oil and gas wells are located within the Project area; however, no oil and gas wells are known to exist within the road ROW easement and the proposed Project work area. Therefore, implementation of the Project would not result in the loss of availability of a known mineral resource. Impacts would be less than significant.

Cumulative Impacts: *Less Than Significant.* Based upon the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this project, as proposed and in accordance with existing requirements, will result in significant impacts to mineral resources.

¹⁷ Kern County Planning and Community Development Department, *Figure 4.8-1: Kern County Oil Fields, Revised Update of the Kern County General Plan – Volume 1 Recirculated Draft Program Environmental Impact Report*, January 2004.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within the Kern County Airport Land Use Compatibility Plan, would the project expose people residing or working in the project area to excessive noise levels? (See <i>Environmental Setting</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (See <i>Environmental Setting</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES:

Response to XII(a), (c), and (d): *Less Than Significant.* Land uses determined to be sensitive to noise, as defined by the Kern County General Plan, include residential areas, schools, convalescent and acute care hospitals, parks/recreational areas, and churches.

Since the proposed Project is located in an unincorporated area of Kern County, noise is regulated by the Noise Element of the General Plan¹⁸ and Chapter 8.36 of the Kern County Municipal Code.¹⁹ The best available methods of noise control are required to be employed for new

¹⁸ Kern County Planning and Community Development Department, *Chapter 3: Noise Element, Kern County General Plan*, September 22, 2009.

¹⁹ Kern County, *Chapter 8.36 Noise Control, Kern County Municipal Code*, 2007.



construction. The noise ordinances in Chapter 8.36 of the Municipal Code establish acceptable hours of construction and limitations on construction-related noise impacts on adjacent sensitive receptors. The ordinance prohibits the creation of noise between the hours of 9:00 p.m. and 6:00 a.m. on weekdays and 9:00 p.m. and 8:00 a.m. on weekends that is audible to a person with average hearing faculties or capacity at a distance of 150 feet from the construction site, if the construction site is within 1,000 feet of an occupied residential dwelling, except as provided with good cause by the Development Services Agency Director (or their designated representative), or conducted for emergency work.

Construction-related short-term noise levels would be higher than existing ambient noise levels in the Project area but would only be temporary during construction activities. Two types of short-term noise impacts could occur during construction of the proposed Project. First, construction worker vehicle trips and the transport of construction equipment and materials to the site for the proposed Project would incrementally increase noise levels on access roads leading to the Project area. Although there would be a relatively high single event noise exposure potential causing intermittent noise nuisance (passing trucks at 50 feet would generate up to a maximum of 86 dBA L_{max}), the effect on longer term (hourly or daily) ambient noise levels would be less than significant. Therefore, short-term construction-related impacts associated with worker trips and equipment transport to the Project area would be less than significant.

The second type of short-term noise impacts is related to noise generated during site preparation, construction, and installation of signage and roadway safety design elements. Construction activities would be completed in discrete phases, each of which would require the use of varying combinations of construction equipment, resulting in varying noise levels in and surrounding the Project area.

Because the noisiest construction equipment is earthmoving equipment, grading is expected to generate the highest noise levels as measured at the closest sensitive receptor land uses. Construction of the proposed Project is expected to require the use of motor graders, front-end loaders, compactors, hydraulic backhoes, and haul trucks. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three or four minutes at lower power settings. Impact equipment such as pile drivers is not expected to be used during construction of this project. As shown in Table 8, the typical maximum noise level generated by backhoes and front-end loaders is assumed to be 86 dBA L_{max} at 50 feet from the operating equipment. The maximum noise level generated by compactors or rollers is approximately 80 dBA L_{max} at 50 feet. The maximum noise level generated by haul trucks operating at full power is approximately 88 dBA L_{max} at 50 feet from these vehicles. Each doubling of the sound sources with equal strength would increase the noise level by 3 dBA. Assuming each piece of construction equipment operates at some distance apart from the other equipment, the worst-case combined noise level during this phase of construction would be 91 dBA L_{max} at a distance of 50 feet from an active construction area.

Table 8. Typical Construction Equipment Maximum Noise Levels

Type of Equipment	Range of Maximum Sound Levels (dBA at 50 feet)	Suggested Maximum Sound Levels for Analysis (dBA at 50 feet)
Jackhammers	75 to 85	82
Pneumatic Tools	78 to 88	85



Type of Equipment	Range of Maximum Sound Levels (dBA at 50 feet)	Suggested Maximum Sound Levels for Analysis (dBA at 50 feet)
Pumps	74 to 84	80
Scrapers	83 to 91	87
Haul Trucks	83 to 94	88
Portable Generators	71 to 87	80
Rollers	75 to 82	80
Dozers	77 to 90	85
Tractors	77 to 82	80
Front-End Loaders	77 to 90	86
Hydraulic Backhoe	81 to 90	86
Hydraulic Excavators	81 to 90	86
Graders	79 to 89	86
Air Compressors	76 to 89	86
Trucks	81 to 87	86

Source: Bolt, Beranek & Newman, 1987. Noise Control for Buildings and Manufacturing Plants.

The Project site is bordered by agricultural and mineral resource extraction land uses. The nearest noise sensitive land use is the BVARA located at the southern terminus of the Project. Project construction noise impacts would be significant if the proposed Project would exceed the construction standards or regulations of Kern County. The Kern County Noise Ordinance limits construction activities to the hours of 6:00 a.m. to 9:00 p.m. on weekdays, and 8:00 a.m. to 9:00 p.m. on weekends, for those activities that are audible to a person with average hearing faculties or capacity at a distance of 150 feet from the construction site, if the construction site is within 1,000 feet of an occupied residential dwelling. The nearest residential dwelling is located more than 3 miles to the southeast of the Project. The County does not provide a construction noise level limit. Therefore, development of the project, as proposed and in compliance with existing regulations, would not create significant noise impacts resulting in 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. Impacts would be less than significant.

Response to XII(b): *Less Than Significant.* Out of the variety of equipment used during construction, the loaded haul trucks are the only ones known to produce ground-borne vibrations. Loaded trucks produce ground-borne vibration levels ranging up to 0.076 inches per second peak particle velocity (PPV) at 25 feet from the operating equipment. At the closest off-site occupied residential structures, located more than 3 miles southeast of the project site, vibration levels



would not exceed the 0.2 PPV significance threshold for non-engineered timber and masonry buildings, as established by the Federal Transit Administration.

Other structures that will be exposed to construction ground-borne vibration include the light industrial buildings, the park entrance building and the racetrack. Operation of heavy construction equipment, such as haul trucks and scrapers, would expose the closest of these structures, located approximately 250 feet from the project construction areas, to ground-borne vibration levels of less than 0.076 PPV. Therefore, vibration levels would not exceed the Federal Transit Administration's 0.3 PPV significance threshold for engineered concrete and masonry and/or metal framed buildings.

Kern County does not have regulations that define acceptable levels of vibration, however, project construction vibration would be well below the industry standard vibration damage criteria of 0.12 PPV for even the most sensitive and fragile structures.²⁰ Therefore, ground-borne vibration impacts resulting from project construction would not be considered significant, and no mitigation measures are required.

Response to XII(e) and (f): *No Impact.* Refer to the Environmental Setting.

Cumulative Impacts: Based upon the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this project, as proposed and in accordance with existing requirements, will result in significant noise impacts to the surrounding environment.

²⁰ Table 12-3, *Transit Noise and Vibration Impact Assessment*, Federal Transit Administration, May 2006.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. 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?

RESPONSES:

Response to XIII(a), (b), and (c): *No Impact.* Refer to the Environmental Setting. Implementation of the proposed project would not induce population growth, displace housing, or displace people.

Cumulative Impacts: Based upon the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this project, as proposed and in accordance with existing requirements, will result in significant impacts to population and housing.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services:

i. Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to XIV(a) through XIV(v): *Less Than Significant.* The Project area would continue to be served by the Kern County Fire Department and the Kern County Sheriff’s Office. Implementation of the Project would not impose a significant increase in demand for fire or police services and would not require new public service facilities or personnel. Increasing bicycle and pedestrian access to the BVARA would increase accessibility and use of the facility. Entrance to the recreation area requires a fee payment to cover staffing and maintenance. Implementation of the proposed Project is not expected to result in the need for new or physically altered park facilities. The Project would not place an increase demand on public school facilities. Therefore, impacts would be less than significant.

Cumulative Impacts: *Less Than Significant.* Based on the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this Project, as proposed and in accordance with existing requirements, would result in significant impacts to public services.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XV. RECREATION.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? (See <i>Project Description</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (See <i>Project Description</i> .) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to XV(a) and (b): *Less than Significant Impact.* Refer to the Environmental Setting. Increasing bicycle and pedestrian access to the BVARA would increase accessibility and use of the facility. Entrance to the recreation area requires a fee payment to cover staffing and maintenance. Therefore, implementation of the proposed Project is not expected to result in substantial physical deterioration of recreational facilities or require the construction or expansion of recreational facilities.

Cumulative Impacts: Based on the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this Project, as proposed and in accordance with existing requirements, would result in significant impacts to parks or recreational facilities.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION AND TRAFFIC.

Would the project:

a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for performance of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, Level of Service standard and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways?				
i. Metropolitan Bakersfield General Plan LOS "C" (See <i>Environmental Setting</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Kern County General Plan LOS "D"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (See <i>Project Description</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (See <i>Environmental Setting</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to XVI(a), (b) and (f): *Less Than Significant Impact.* The Project would provide an active alternative transportation option for Bakersfield residents to access the BVARA, thereby



reducing the number of vehicles using Enos Lane, SR 119, and SR43. Given the nature of surrounding development, low regional population numbers, and existing level of service (LOS) levels, it is the determination of the Lead Agency that implementation of the project, as proposed and in accordance with existing regulations, would not significantly increase traffic levels. Therefore, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for performance of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; or conflict with an applicable congestion management program, including, but not limited to, LOS standard and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways. Impacts would be less than significant.

Response to XVI(c): *No Impact.* Refer to the Environmental Setting.

Response to XVI(d): *Less Than Significant Impact.* The design of roadways must provide adequate sight distance and traffic control measures. This provision is normally realized through roadway design to facilitate roadway traffic flows. Road shoulder and drainage culvert improvements associated with the proposed Project would be designed and constructed to satisfy all County requirements for road widths, corner radii and intersection control as well as incorporate design standards tailored specifically to site access requirements. Adherence to applicable County requirements would ensure that the road shoulder and drainage culvert improvements to Midway Road would not include any sharp curves or dangerous intersections. Additionally, the Project, as proposed and regulated, would reduce current hazards present due to existing sharp design features and the lack of road shoulders. Therefore, no substantial increase in hazards due to a design feature would occur. Impacts would be less than significant.

Response to XVI(e): *Less Than Significant Impact.* Construction activities may temporarily restrict vehicular traffic; however, construction activities would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Adherence to the emergency access measures required by the County would ensure no significant impact related to this issue would occur; therefore, no mitigation is required.

Cumulative Impacts: Based on the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this Project, as proposed and in accordance with the Kern County General Plan and existing ordinance requirements, would result in significant impacts to transportation and traffic.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. TRIBAL CULTURAL RESOURCES. Would the project:

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|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to XVII(a) and (b): *Less Than Significant Impact with Mitigation Incorporated.* As discussed under Section V. Cultural Resources, based on the Archaeological Survey Report²¹ conducted for the proposed Project, no tribal or other cultural resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), were observed during the surface survey of the Project area. No tribal or other cultural resources have been previously identified within or adjacent to the Project area.

Michael Dillenbeck, Waste Management Specialist III, Kern County Public Works Department, submitted a Sacred Lands File & Native American Contacts List Request to the Native American Heritage Commission (NAHC) regarding the proposed Project. A letter of response was received

²¹ Compass Rose Archaeological, Inc., *Archaeological Survey Report for Improvements to Midway Road from State Route 119 to State Route 33 (approximately 4.15-mile), Kern County, California, May 2012.*



from Katy Sanchez, Associate Environmental Planner for the NAHC, stating that the record search failed to indicate the presence of cultural resources within the immediate project area. Included was a list of Native American individuals/organizations with potential knowledge of cultural resources in the project area. All Native American parties identified by the NAHC as contacts for the Kern County project area were sent letters by Mr. Dillenbeck regarding any knowledge of sacred lands and/or cultural resources within the proposed Project area. The County did not receive any responses to these letters.

Based on the results of this investigation, implementation of the proposed Project would not affect any tribal or other cultural resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). If any previously unidentified cultural materials are unearthed during construction, it is the County's policy that work be halted in that area until a qualified archaeologist can assess the significance of the find. Due to the potential to inadvertently discover previously unidentified artifacts within the Project area as a result of construction activities, mitigation is included to require compliance with the above-referenced policy. Implementation of mitigation measure CUL-1 would ensure potential impacts would be less than significant. Therefore, impacts would be less than significant with mitigation incorporated.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (See <i>Project Description</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 project's projected demand in addition to the provider's existing commitments? (See <i>Project Description</i> .)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RESPONSES:

Response to XVIII(a), (b) (e), (f), and (g): *No Impact.* Refer to the Environmental Setting.

Response to XVIII(c): *Less Than Significant Impact.* Refer to Section IV Hydrology and Water Quality, *Response to IX(c)–IX(e).*



Response to XVIII(d): *Less Than Significant Impact.* Refer to Section IV Hydrology and Water Quality, *Response to IX(b).*

Cumulative Impacts: Based upon the foregoing evaluation, there is no evidence in the record to date to suggest that implementation of this Project, as proposed and in accordance with existing ordinance requirements, will result in significant impacts to utilities and service systems.



Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIX. 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to XIX(a): *Less Than Significant Impact with Mitigation Incorporated.* Based on the foregoing evaluation, the proposed project is not expected to significantly impact biological or cultural resources in a manner which cannot be reduced to less than significant level through implementation of existing regulatory requirements and proposed mitigation measures.

Response to XIX(b): *Less Than Significant Impact with Mitigation Incorporated.* It is anticipated that no long-term construction-related air quality impacts would result from construction of the proposed project. Other impacts related to biological resources, cultural resources, hydrology and water quality, hazards and hazardous materials, noise, and traffic are similarly reduced to a less than significant level through the implementation of mitigation measures and the adherence to established County-mandated design and construction standards. Based on the foregoing evaluation, there is no evidence that these impacts are cumulatively significant or cannot be reduced to less than significant level through implementation of existing regulatory requirements, adopted ordinances, developmental standards, and proposed mitigation measures.

Response to XIX(c): *Less Than Significant Impact.* Based on the foregoing evaluation, the proposed project is not expected to cause substantial adverse effects on human beings, either



directly or indirectly. Project impacts on human health, safety, or welfare can be reduced to less than significant through compliance with regulatory requirements, adopted ordinances, development standards, general plan policies, and proposed mitigation measures.



MITIGATION MEASURES

The following measures are required to reduce impacts to less than significant levels for the following environmental factors:

- BIO-1** If the Project construction is not initiated prior to April 2019, the Kern County Public Works Department should conduct an additional floristic survey of the study area during the blooming period of those species that are considered to have the potential to occur. Should sensitive plant species be identified prior to the initiation of construction activities, then the Kern County Public Works Department should avoid the individual or population to the extent feasible. If avoidance is not feasible, then the Kern County Public Works Department would mitigate for the loss of those species by restoring them at a minimum ratio of 1:1.
- BIO-2** Prior to construction, a qualified biologist will provide an environmental awareness training session to all personnel. At a minimum, the training will include: 1) an overview of the regulatory requirements for the Project; 2) descriptions of the special-status species in the Project area and the importance of these species and their habitats; 3) the general measures that are being implemented to minimize environmental impacts; and 4) the boundaries within which equipment and personnel would be allowed to work during construction.
- BIO-3** Prior to construction, a qualified biologist should conduct a pre-construction survey for the presence of sensitive species no earlier than 30 days before the start of construction.
- BIO-4** If sensitive species are observed within the Project Impact Area during construction or the pre-activity survey, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.
- BIO-5** During construction along the Kern River, a qualified biologist shall monitor any earth-moving activities. If western spadefoot are detected within the area of disturbance, the qualified biologist should relocate the individual to an appropriate location outside of the area of disturbance. The candidate relocation sites should be selected by the qualified biologist prior to the relocation.
- BIO-6** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a special-status species, or who finds any such animal either dead, injured, or entrapped, will be required to report the incident immediately to the Kern County Public Works Department. The Kern County Public Works Department will then immediately notify the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.
- BIO-7** The proposed Project, as currently designed and reviewed within this report, would not be constructed until the Kern County Public Works Department completed the entire protocol for projects that result in "Disturbances Leading to Habitat Removal" as specified within the Approved Survey Methodology for the Blunt-nosed Leopard



Lizard (May 2004) and results of that survey effort have demonstrated that the Project area is not occupied by blunt-nosed leopard lizard.

- BIO-8** To prevent inadvertent entrapment of San Joaquin kit fox or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep will be inspected and covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured special-status species is discovered, the Kern County Public Works Department will immediately contact the appropriate agency(ies) under whose jurisdiction the discovery falls to determine how to proceed and avoid take to the maximum extent practical.
- BIO-9** During the site-disturbance and/or construction phase, all construction pipes, culverts, or similar structures or materials that contain a hole with a diameter of 3 inches or greater and that are stored at a construction site for one or more overnight periods will be thoroughly inspected for kit foxes and other special-status species before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered during this inspection, the pipe or culvert shall not be disturbed (other than to move it to a safe location if necessary) until after the kit fox has escaped.
- BIO-10** Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides will be in compliance with all federal, state, and local regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which special-status species depend.
- BIO-11** Any fencing installed during the project construction should meet the following specifications:
- e. If a wire strand/pole design is used, the lowest strand should be no closer to the ground than 12 inches.
 - f. If a more solid wire mesh fence is used, 8 x 12-inch openings near the ground should be provided every 100 yards.
- BIO-12** During construction, food related trash will be placed in enclosed containers and removed at the end of each work week. At the end of construction, all construction related trash and debris will be removed from the work site and properly disposed of.
- BIO-13** During construction, because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of a Project site by artificial lighting during nighttime hours is prohibited.
- BIO-14** Following construction, erosion control measures will not include any tightly woven materials that may entangle or inadvertently injure small mammals. Acceptable substitutes would include coconut coir matting or tackified hydroseeding. This



limitation will be communicated to the contractor through the use of special provisions in the bid solicitation package.

BIO-15 If during the pre-construction survey any active nests are discovered within 0.25 mile of the Project Impact Area, the Kern County Public Works Department will coordinate with the appropriate agency(ies) to determine the appropriate construction setback distances. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.

BIO-16 Prior to initiation of any construction activities, including any vegetation clearing or grubbing, sturdy, high-visibility fencing will be installed to protect the jurisdictional areas adjacent to the designated work areas. This fencing will be placed so that unnecessary adverse impacts to the adjacent habitats are avoided. No construction work (including storage of materials) will occur outside of the specified Project limits. The fencing will remain in place during the entire construction period, be monitored periodically by the Kern County Public Works Department Residential Engineer or qualified biologist, and be maintained as needed by the contractor.

BIO-17 During construction, erosion control measures (e.g., silt fencing, fiber rolls, and barriers) will remain available on-site and will be utilized as necessary to prevent erosion and sedimentation in jurisdictional areas. No synthetic plastic mesh products will be used for erosion control and use of these materials on-site is prohibited. Erosion control measures will be checked to ensure that they are intact and functioning effectively, and will be maintained on a daily basis throughout the duration of construction. The contractor will also apply adequate dust control techniques, such as site watering, during construction to protect water quality.

BIO-18 During construction, the cleaning and refueling of equipment and vehicles will occur only within a designated staging area and at least 100 feet (30 meters) from riparian habitat or other aquatic areas. At a minimum, equipment and vehicles will be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

CUL-1 In the event that a subsurface cultural and/or paleontological resource is uncovered during the course of Project construction, ground-disturbing activities in the vicinity of the find shall be redirected until the nature and extent of the find can be evaluated by a qualified archaeologist or paleontologist (as determined by the Kern County Public Works Department). Any such resource discovered during the course of the Project related to grading or construction shall be recorded and/or removed per applicable Kern County and/or state regulations.

HAZ-1 Prior to construction, the County shall prepare a Hazardous Material Spill Prevention, Control, and Countermeasure Plan to minimize the potential for, and effects of, spills of hazardous or toxic substances during construction of the project. The plan shall be submitted for review and approval by the Kern County Public Works Director, and shall include, at minimum, the following:

- a. A description of storage procedures and construction site maintenance and upkeep practices;
- b. Identification of a person or persons responsible for monitoring implementation of the plan and spill response;



- c. Identification of Best Management Practices to be implemented to ensure minimal impacts to the environment occur, including but not limited to the use of containment devices for hazardous materials, training of construction staff regarding safety practices to reduce the chance for spills or accidents, and use of non-toxic substances where feasible;
- d. A description of proper procedures for containing, diverting, isolating, and cleaning up spills, hazardous substances, and/or soils, in a manner that minimizes impacts on surface and groundwater quality and sensitive biological resources;
- e. A description of the actions required if a spill occurs, including which authorities to contact and proper clean-up procedures; and,
- f. A requirement that all construction personnel participate in an awareness training program conducted by qualified personnel approved by the Kern County Public Works Director. The training must include a description of the Hazardous Materials Spill Prevention, Control, and Countermeasure Plan, the plan's requirements for spill prevention, information regarding the importance of preventing spills, the appropriate measures to take should a spill occur, and identification of the location of all clean-up materials and equipment.

HAZ-2 During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills.

HAZ-3 All project-related spills of hazardous materials within or adjacent to the project corridor shall be cleaned-up immediately. Spill prevention and clean-up materials shall be on-site at all times during construction.

HAZ-4 If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the California Department of Conservation/Division of Oil, Gas and Geothermal Resources /Bakersfield Office contacted by the project proponent(s) to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

HYD-1 Prior to the commencement of grading or construction activities, the construction contractor shall file a Notice of Intent with the Central Valley Regional Water Quality Control Board for the project to be covered under the State National Pollutant Discharge Elimination System General Construction Permit for discharge of stormwater associated with construction activities.

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Exhibit 4

**EXHIBIT C
MONTEREY AMENDMENT TO THE STATE WATER PROJECT
CONTRACTS (INCLUDING KERN WATER BANK TRANSFER)
AND ASSOCIATED ACTIONS AS PART OF A
SETTLEMENT AGREEMENT (MONTEREY PLUS)
(2016 MONTEREY PLUS REVISED EIR – KERN WATER BANK
DEVELOPMENT, AND CONTINUED USE AND OPERATION)**

MITIGATION MONITORING AND REPORTING PROGRAM

1. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development.

CEQA Guidelines Section 15091(d) states:

When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be enforceable through permit conditions, agreements, or other measures.

CEQA Guidelines Section 15097(a) states:

This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to assure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

The California Department of Water Resources (Department) developed a Mitigation Monitoring and Reporting Program (MMRP) for the 2010 Monterey Plus Final Environmental Impact Report (FEIR) and adopted the MMRP on May 4, 2010. The MMRP covered mitigation measures that are within the jurisdiction and responsibility of the Department. The Department has implemented and continues to implement these mitigation measures as stated in the 2010 MMRP.

The Monterey Plus Final Revised Environmental Impact Report (REIR), which includes the 2007 Draft EIR (DEIR) and 2010 Final EIR (FEIR) for the proposed project, contains new and revised mitigation measures covering the Kern Water Bank (KWB) transfer, development and continued use and operation. These mitigation measures in the Draft REIR replace the two mitigation measures, Mitigation Measures 7.4-3 and 7.13-3, identified in the 2010 FEIR to be implemented by the Kern Water Bank Authority (KWBA). The Department has completed this 2016 MMRP, but all mitigation measures are within the jurisdiction and responsibility of KWBA, not the Department. KWBA has already committed to implementing all mitigation measures contained herein in its 2016 Resolution (see Draft REIR Appendix 7-6b. 2016 Kern Water Bank Authority Resolution).

In addition, mitigation measures for potentially significant and unavoidable impacts were identified for yet-to-be built projects, Plumas County lands, and for yet-to-be built Southern San Joaquin groundwater banks on Kern County and Kings County lands are within the responsibility and jurisdiction of the individual counties and not the Department or KWBA. Since these actions depend upon actions to occur in the future and are covered within the Statement of Overriding Considerations as potentially significant and unavoidable impacts, the 2010 Monterey Plus FEIR Mitigation Measures 7.4-3, 7.13-2, , 7.13-6, 10.1-3, 10.1-19, and 10.1-20 are not included in the 2010 or 2016 MMRPs.

Findings and Determinations were made in Exhibit B as required under the CEQA Guidelines Section 15091 (a)(1) which includes mitigation measures. Following the Department's certification of the Final REIR and approval of the Findings of the proposed project and of this new MMRP, the mitigation measures that are within the jurisdiction and responsibility of KWBA that have been required in, or incorporated into the approved project, will be monitored in the manner specified by this MMRP.

The mitigation measures identified and adopted within the 2010 MMRP remain effective and unchanged except for the replacement of the two Mitigation Measures relating to the Kern Water Bank. This MMRP is not intended to supersede the previously adopted 2010 MMRP and instead identifies only the new mitigation measures identified within the REIR.

1.1 2016 FINDINGS

The Department has prepared the 2016 Monterey Plus REIR to evaluate the potentially significant impacts of the transfer of the Kern Fan Element and the development and continued use and operation of the KWB. The 2016 REIR did not identify any new significant impacts related to the transfer of the Kern Fan Element. The Monterey Plus REIR does, however, identify a number of potentially significant impacts related to the development and continued use and operation of the KWB. The Monterey Plus REIR also identifies feasible mitigation measures that will be implemented to reduce all but one of the potentially significant impacts to a less-than-significant level.

This MMRP contains mitigation measures related to the KWB development and continued use and operation from the REIR. All mitigation measures included herein will be implemented by KWBA, as identified in each mitigation measure (see Draft REIR Section 7.1 for a description of the different types of mitigation measures) and may be modified by KWBA during project implementation, as necessary and if legally appropriate, in response to changing conditions or other refinements.

Table 1 has been prepared to assist KWBA in implementing the MMRP. The table identifies the individual mitigation measure number, mitigation measure, monitoring or reporting entity, mitigation timing, and enforcement entity. The numbering of mitigation measures follows the numbering sequence found in the Monterey Plus REIR.

Unless otherwise specified herein, KWBA is responsible for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure, and for demonstrating that the action has been successfully completed. It is expected that KWBA, as the responsible agency for KWB development and continued use and operation, will adopt this MMRP as part of its own CEQA compliance. KWBA, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent as long as KWBA maintains final responsibility for ensuring that the actions are taken. KWBA is responsible for overall administration of the MMRP and for verifying that KWBA staff members and/or other individuals designated by KWBA have completed the necessary actions for each measure.

1.2 MITIGATION MONITORING PLAN

The column categories identified in **Table 1** are described below:

- ▶ **Mitigation Number**—This column lists the mitigation measures according to the number in the Monterey Plus REIR.
- ▶ **Mitigation Measure**—This column provides the text of the mitigation measures identified in the Monterey Plus REIR.

- ▶ **Monitoring or Reporting Entity**—This column identifies the entity(ies) responsible for conducting the monitoring and reporting compliance with the requirements of the mitigation measure.
- ▶ **Timing**—This column specifies the timing of mitigation measure implementation.
- ▶ **Enforcement Entity**—This column identifies the entity(ies), if any, responsible for enforcing compliance.

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
7.1-2	<p>KWBA will establish a program that meets the following requirements in accordance with the Long-Term Project Recovery Operations Plan regarding the Kern Water Bank Project (2016 KWB Long-Term Operations Plan, Appendix 7-5c):</p> <p>A. Monitor and Report Groundwater Conditions to KWBA's Board of Directors and the Public</p> <ol style="list-style-type: none"> 1) KWBA will monitor groundwater levels monthly, except during periods of no recovery when monitoring will occur at least quarterly. KWBA may rely on monitoring conducted by the Kern Fan Monitoring Committee to meet these requirements. 2) KWBA will report current groundwater levels to its Board of Directors at each monthly regular meeting, and will make the reports available to the public on its website (http://www.kwb.org/). 3) KWBA will regularly update its Groundwater Model (Model) to actual conditions and use the Model to project future groundwater conditions. KWBA will endeavor to use the best practicable science and latest information available in all modeling and technical matters. KWBA will report the results of its modeling to its Board of Directors and will make the results available to the public on its website (http://www.kwb.org/). Recovery of banked groundwater in any calendar year beyond March 15 of that year shall not commence (or continue) until the Model has been run for projected KWB operations and the results have been reported to KWBA's Board of Directors and made available to the public. Because model data for a preceding year becomes available at different times in the following year, modeling at the beginning of any given year will necessitate estimating certain model input data for the preceding year (e.g., Kern River losses). These estimates will be replaced with actual data at regular intervals when the model is updated. <p>B. Implement Proactive Measures (in addition to A above)</p> <ol style="list-style-type: none"> 1) KWBA will use its Model as a tool to evaluate potential groundwater impacts resulting from its project operations. The Model will be periodically run and updated as projected recovery plans become known or changed and the Model will assume such conditions as described in A.3. 	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>2) The Model will be used to:</p> <ul style="list-style-type: none"> a) Forecast groundwater levels. b) Forecast and predict the contribution of KWB Operations to groundwater level declines in the area. c) Determine water level conditions with "Without KWB Operations" for purposes of evaluating the potential impact of "With KWB Operations". The "Without KWB Operations" is the water level that would have been at any particular well location absent "KWB Operations." d) Identify, based upon an analysis of "Without KWB Operations" versus "With KWB Operations," if a negative potential impact ("NPI") has or is likely to occur for which the measures described at D, E, and F may be operative. NPI is determined according to C.1 below. e) Forecast any localized areas for special attention and/or additional monitoring where groundwater levels will decline 30 or more feet below the "Without KWB Operations" groundwater level. f) Identify wells at risk of potential impacts during recovery operations. <p>1) KWBA will provide notification on its website if the Model shows that an NPI has or is likely to occur, including steps that potentially affected landowners must follow if the landowner desires to make a claim to KWBA regarding potential well impacts due to KWBA's recovery operations.</p> <p>C. Implement Triggers and Actions The actions described in sections D, E, and F will be implemented in consultation with affected landowners/well owners that make a claim to KWBA regarding well impacts relating to KWBA's recovery operations and groundwater level declines, subject to the following:</p> <ul style="list-style-type: none"> 1) The trigger for mitigation shall be based upon an analysis and comparison of Model generated "Without KWB Operations" versus "With KWB Operations." When "With KWB Operations" are 30 feet deeper than the "Without KWB Operations" at an operative well, and the well has (or is expected to) experience mechanical failure or other operational problems due to declining water 			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>levels, a negative potential impact (“NPI”) is triggered. If KWBA enters into a joint operations agreement with other water banks in the area, the depth at which a NPI is triggered shall provide an equivalent measure of potential impact as described in the 2016 KWB Long-Term Operations Plan (Appendix 7-5c).</p> <p>2) For a well owner to be eligible for mitigation as provided below, the affected landowner shall submit a claim to KWBA, in accordance with the Government Claims Act, which shall, at a minimum, provide information concerning the condition of the well and casing and pumping equipment of the well, and other information that is relevant to the landowner’s claim. Upon receipt of a claim, KWBA shall use the Model (or the results of modeling as reported to the Board and the public) to determine whether an NPI exists at the landowner’s well and respond with the appropriate action described below.</p> <p>3) KWBA will provide mitigation and/or compensation for the KWB Operations’ contribution to the adverse impact. Mitigation and/or compensation is not required for a well owner’s lack of well maintenance, normal wear and tear, depreciation, failure of well equipment, well casing degradation, etc., or other reasons not relating to KWB Operations.</p> <p>D. Implement Action for Agricultural Wells When Well Adjustment Is Needed and Available</p> <p>1) Trigger: When the Model predicts NPI for an operational agricultural well outside the current operating range of the pump but within the potential operating range of the well.</p> <p>2) KWBA actions will be completed within 60 days (provided that the land/well owner cooperates) from receipt of a claim as follows:</p> <p>a) Field verify (with the affected landowner if requested) static depth to groundwater levels within the well and compare to Model values to determine if flow stoppage is due to groundwater level decline due to KWB operations. If needed:</p> <ul style="list-style-type: none"> • Obtain right-of-entry permit and well data release from well owner. • Collect pump manufacturer data, the in-situ pump setting, and casing depth information. <p>b) Compare pump setting information with Model projected</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>pumping water levels throughout the year to determine pump submergence levels and evaluate the necessity and feasibility of lowering the well pump to meet the landowner's needs to provide the least-cost short and long-term solution.</p> <p>c) Develop a cost estimate to complete the necessary work.</p> <p>d) Develop and submit a report to the landowner informing the landowner of the findings and proposed actions, including denying the claim because groundwater declines are not due to KWB operations.</p> <p>3) At KWBA's option, it may reduce or adjust pumping of its wells as necessary to prevent, avoid, or eliminate the NPI, using the Model to identify the well or wells that may require reduction or adjustment in pumping.</p> <p>4) If groundwater declines are due to KWB operations, unless D.3 occurs, once agreement is reached between K W B A and the landowner pursuant to D.2.b and all cost estimates have been completed, pay costs associated with the landowner claim (considering C.3 above), including the cost to complete the necessary work.</p> <p>E. Implement Action for Agricultural Wells When Well Adjustment Is Unavailable</p> <p>1) Trigger: When the Model predicts NPI for an operational agricultural well o u t s i d e the current and potential operating range of the well.</p> <p>2) KWBA actions will be completed within 6 0 days (provided that the land/well owner cooperates) from receipt of a claim as follows:</p> <p>a) Field verify (with the affected landowner if requested) static depth to groundwater levels within the well and compare to Model values to determine if flow stoppage is due to groundwater level decline due to KWB operations. If needed:</p> <ul style="list-style-type: none"> • Obtain right-of-entry permit and well data release from well owner. • Collect pump manufacturer data, the in-situ pump setting, and casing depth information. 			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>b) Identify water of an equivalent water quantity and quality suitable for agricultural uses for the affected landowner from an alternate source at no greater cost to the affected landowner or, with the consent of the affected landowner, identify acceptable mitigation (for example, drill and equip a new well) to provide the least-cost short- and long-term solution, including an estimate to complete the necessary work.</p> <p>Develop and submit a report to the landowner informing the landowner of the findings and resulting proposed actions, including denying the claim because groundwater declines are not due to KWB operations.</p> <p>3) At KWBA's option, it may reduce or adjust pumping of its wells as necessary to prevent, avoid, or eliminate the NPI using the Model to identify the well or wells that may require reduction or adjustment in pumping.</p> <p>4) If groundwater declines are due to KWB operations, unless E.3 occurs, once an agreement is reached between KWBA and the landowner to provide mitigation pursuant to E.2.b and all cost estimates have been completed, pay costs associated with the landowner claim (considering C.3 above), including the cost to complete the necessary work.</p> <p>F. Implement Action for Domestic Wells</p> <p>1) Trigger: When the Model predicts NPI for a domestic well that is outside the current operating range of the pump but within the potential operating range of the well production.</p> <p>2) KWBA's actions will be completed within 60 days (provided that the land/well owner cooperates) from receipt of a claim as follows:</p> <p>a) Field verify (with the affected landowner if requested) static depth to groundwater levels within the well and compare to Model values to determine if flow stoppage is due to groundwater level decline. If needed:</p> <ul style="list-style-type: none"> • Obtain right-of-entry permit and well data release from well owner. • Collect pump manufacturer data, the in-situ pump setting, and casing depth information. <p>b) Identify availability and cost of a permanent connection to the</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>nearest water service provider.</p> <ul style="list-style-type: none"> c) Identify acceptable mitigation (for example, lower the domestic submersible pump bowl setting sufficient to restore and maintain service or drill and equip a new well that complies with applicable county well standards) to provide the least-cost short- and long-term solution, including an estimate to complete the necessary work. d) Develop and submit a report to the landowner informing the landowner of the findings and resulting proposed actions, including denying the claim because groundwater declines are not due to KWB operations. e) If necessary for emergency health and safety concerns, provide interim in-home water supplies within 14 days after receipt of the claim until a permanent mitigation action is implemented or the claim has been denied because groundwater declines are not due to KWB operations. <p>3) At KWBA's option, it may reduce or adjust pumping of its wells as necessary to prevent, avoid, or eliminate the NPI using the Model to identify the well or wells that may require reduction or adjustment in pumping.</p> <p>4) If groundwater declines are due to KWB operations, unless F.3 occurs, once an agreement is reached for KWBA to provide mitigation pursuant to F.2.c above and all cost estimates have been completed, pay costs associated with the landowner claim (considering C.3 above), including the cost to complete the necessary work.</p>			
7.1-7	<p>KWBA will implement the following measures in accordance with the KCWA and KWBA CVC Agreement (Appendix 7.5e):</p> <ul style="list-style-type: none"> a) KWBA will monitor water levels frequency, evaluating groundwater conditions on a weekly/monthly basis. b) KWBA will coordinate water operations with KCWA. c) KWBA will manage recharge operations to help ensure that groundwater gradient is away from the CVC during shallow groundwater conditions. Should groundwater conditions develop that might induce piping behind the CVC's liner, KWBA will minimize recharge adjacent to the CVC either by reducing inflow to adjacent 	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	ponds or increasing the setbacks of adjacent ponds.			
7.2-1	<p>KWBA will implement the following measures:</p> <ul style="list-style-type: none"> a) Comply with Mitigation Measure 7.11-1(a). b) Comply with Mitigation Measure 7.8-1(a). c) Comply with Kern County Environmental Health Program under which new wells and well deepening, reconstruction, and destruction would be subject to permits requiring compliance. (see Section 7.0.4.1.6). 	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	<ul style="list-style-type: none"> a-KWBA b-CVRWQCB c-Kern County Environmental Health Department
7.2-2	<p>KWBA will implement the following measures:</p> <ul style="list-style-type: none"> a) Comply with Mitigation Measure 7.11-4. b) Hazardous waste sites would be subject to the county public health department and/or the CVRWQCB oversight with the responsible parties (see Section 7.0.4.1.7). KWBA will cooperate with the regulatory agency(s) during the process and provide pertinent groundwater elevations and water quality data the regulatory agencies may request. c) On an annual basis, KWBA shall report the status of shallow groundwater level monitoring activities and water quality analysis in areas of contamination to the Kern Fan Monitoring Committee. d) KWBA will continue to monitor and evaluate the nature and extent of any current and future contamination and remediation within KWB Lands as follows: <ul style="list-style-type: none"> (i) For all evaluation and monitoring activities performed by third parties on KWB Lands, KWBA shall obtain reports and sampling data as soon as they become available. Monitoring and evaluation shall continue until verification by third party documentation, regulatory correspondence, and/or laboratory analysis is obtained that indicates soil or groundwater contamination has been remedied and no longer provides a threat to groundwater quality. (ii) On an annual basis, KWBA shall report the status of contamination for each issue and provide water quality data monitoring activities, where available, to the Kern Fan Monitoring Committee. Any newly discovered contamination shall be reported to the Kern Fan Monitoring Committee immediately. 	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	<ul style="list-style-type: none"> a-see MM 7.11-4 b-Kern County Health Department or CVRWQCB c-KWBA d-KWBA
7.2-3	KWBA will implement the following measures:	KWBA	Adopted by KWBA on May	a-KWBA

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>a) Prior to construction, identify all plugged and abandoned wells through agency contacts. This includes identification of abandoned wells through the DOGGR website, field verification of an abandoned well prior to construction, notifying DOGGR of intent to construct a recharge pond adjacent to or over an abandoned well.</p> <p>b) Modify excavation and grading activities to ensure the near surface seals and wellhead remain undamaged.</p> <p>c) If the top of an abandoned well or wellhead is damaged during pond construction, appropriate authorities (i.e., DOGGR, CVRWQCB, and/or Kern County Environmental Health) will be notified as to the nature and extent of the damage along with plans to repair the damage, as needed and in accordance with existing regulations.</p>		15, 2016 (Appendix 7-6b)	b-KWBA c-DOGGR, CVRWQCB, and/or Kern County Environmental Health Department
7.2-6	KWBA will implement Mitigation Measures 7.2-1, 7.2-2, 7.2-3, 7.8-1(a) and (b), and 7.11-2.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-1, 7.2-2, 7.8-1(a) and (b), and 7.11-2.
7.4-3	<p>KWBA will implement the following terms required of KWBA as specified in the 1997 Monterey IS and Addendum (Appendix 7-6a), 2016 KWBA Resolution, and KWB HCP/NCCP, including Appendix A (Kern Water Bank Operations Manual), Appendix C (Kern Water Bank Vegetation Management Plan, and Appendix D (Kern Water Bank Waterbird Management Plan) (see Appendices 7-7a, 7-7b, 7-7c, and 7-7d, respectively):</p> <p>a) Biological Monitor A qualified biologist shall monitor all ground disturbing activities during construction in the Sensitive Habitat Sector and will oversee measures undertaken to reduce the take of listed species.</p> <p>b) Construction Practices</p> <p>i. Delineation of Disturbance Areas – During construction, KWBA shall clearly delineate disturbance area boundaries by stakes, flagging, or by reference to terrain features, as <u>provided in the KWB HCP/NCCP</u> directed by CDFG and USFWS to minimize degradation or loss of adjacent wildlife habitats during operation.</p> <p>ii. Signage – During construction, KWBA shall post signs and/or place fencing around construction sites to restrict access of vehicles and equipment unrelated to site operations.</p> <p>iii. Resource Agency Notification – At least 20 working days prior to</p>	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	USFWS and/or CDFW

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>initiating ground disturbance for project facilities in designated salvage/relocation areas, KWBA shall notify the Fresno Field Office of CDFWG and the Sacramento Field Office of USFWS of its intention to begin construction activities at a specific location and on a specific date. The agencies will have ten working days to notify the KWBA of their intention to salvage or relocate listed species in the construction area. If KWBA is notified, it shall wait an additional five days to allow the salvage/relocation to take place.</p> <p>iv. Salvage and Relocation – KWBA shall allow time and access to USFWS and/or CDFWG, or their designees, to relocated listed species, at the Resource Agencies' expense, from construction areas prior to disturbance of areas that have been identified by the Resource Agencies as having known populations of the listed species they wish to salvage or relocate.</p> <p>v. Construction Site Review – All construction pipes, culverts, or similar structures with a diameter of three inches or greater that are stored at a construction site on the Kern Water Bank for one or more overnight periods shall be thoroughly inspected for trapped kit foxes and other animals before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. Pipes laid in trenches overnight shall be capped. If during construction a kit fox or other animal is discovered inside a pipe, that section of pipe shall not be moved or, if necessary, shall be moved only once to remove it from the path of construction activity until the animal has escaped.</p> <p>vi. Employee Orientation – An employee orientation program for construction crews, and others who will work on-site during construction, shall be conducted and shall consist of a brief consultation in which persons knowledgeable in endangered species biology and legislative protection explain endangered species concerns. The education program shall include a discussion of the biology of the listed species, the habitat needs of these species, their status under FESA and CESA, and measures being taken for the protection of these species and their habitats as a part of the project. The orientation program shall be conducted on an as needed basis prior to any new employees commencing work on the Kern Water Bank. Every two years or at the beginning of construction for the Supply/Recovery canal, a refresher course will be conducted for employees previously trained. A fact sheet conveying this information shall also be prepared for distribution to all employees. Upon</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at KWBA's office and shall be accessible by CDWFG and USFWS.</p> <p>vii. Standards for Construction of Canals – Concrete-lined canals will have a side slope of 1.5 to 1 or less and the sides will have a concrete finish which will assist in the escape of animals. If canals are determined by CDFWG or USFWS to be substantial impediments to kit fox movement, plank or pipe crossings will be provided across concrete canals in areas identified as having high kit fox activity.</p> <p>c) On-Going Practices</p> <p>i. Equipment Storage - All equipment storage and parking during site development and operation shall be confined to the construction site or to previously disturbed off site areas that are not habitat for listed species.</p> <p>ii. Traffic Control - KWBA's project representative shall establish and issue traffic restraints and signs to minimize temporary disturbances. All construction related vehicle traffic shall be restricted to established roads, construction areas, storage areas, and staging and parking areas. Project related vehicles shall observe a 25 MPH speed limit in all project areas except on county roads and state and federal highways.</p> <p>iii. Food Control - All food-related trash items such as wrappers, cans, bottles, and food scraps generated both during construction and during subsequent facility operation shall be disposed of in closed containers and shall be regularly removed from the site. Food items may attract kit foxes onto a project site, consequently exposing such animals to increased risk of injury or mortality.</p> <p>iv. Dog Control - To prevent harassment or mortality of kit foxes or destruction of kit fox dens or predation on this species; no domestic dogs or cats, other than hunting dogs, shall be permitted on-site.</p> <p>v. Pesticide Use - Use of rodenticides and herbicides on the site shall be permitted in accordance with the Vegetation Management Plan, which incorporates by reference the Interim Measures for Use of Rodenticides in Kern County, and which will incorporate by reference any other applicable laws, rules, and regulations regarding the use of pesticides as they take effect.</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>d) Project Representatives KWBA shall designate a specific individual as a contact representative between KWBA, USFWS, and CDFWG to oversee compliance with protection measures-detailed herein. KWBA shall provide written notification of the contact representative to CDFWG and USFWS within 30 days of issuance of the Permits and the Management Authorizations. Written notification shall also be provided by KWBA to CDFWG and USFWS in the event that the designee is changed.</p> <p>e) Notification Regarding Dead, Injured or Entrapped Listed Animals Any employee or agent of KWBA who kills or injures a San Joaquin kit fox, blunt nosed leopard lizard, Tipton kangaroo rat, San Joaquin antelope squirrel, or other listed species listed as a threatened or endangered animal under FESA or CESA, or who finds any such animal either dead, injured, or entrapped on the Kern Water Bank shall report the incident immediately to KWBA's representative who shall, in turn, report the incident or finding to USFWS and CDFWG. In the event that such observations are of entrapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape unimpeded. In the event that such, observations are of injured or dead animals, KWBA shall immediately notify USFWS and CDFWG by telephone or other expedient means. KWBA shall then provide formal notification to USFWS and CDFWG, in writing, within three working days of the finding of any such animal(s). Written notification shall include the date, time, location, and circumstances of the incident. The USFWS contact for this information shall be the Assistant Field Supervisor for Endangered Species, Sacramento Field Office. The CDFWG contact shall be the Environmental Services Supervisor at the San Joaquin Valley-Southern Sierra Region Headquarters. USFWS or CDFWG will be notified if any other animal, which is otherwise a listed species, is found dead or injured.</p> <p>f) Construction of Supply/Recovery Canal Within 60 days prior to the construction of the supply/recovery canal within the zone marked within the Map of the Kern Water Bank, KWBA shall conduct a limited survey within the area of the Kern Water Bank, which <u>will be</u> affected by that construction, with the sole</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>goal of identifying potential San Joaquin kit fox dens. KWBA shall contact USFWS and CDFWG pursuant to the salvage procedures set forth above if any kit fox dens are found.</p> <p>g) Take Avoidance Protocol for Fully Protected Species</p> <p><u>Although a population of blunt nosed leopard lizards was relocated to the Kern Water Bank, there is no known present occurrence of them.</u> Existing data on the blunt nosed leopard lizard at the Kern Water Bank indicates that populations, <u>if they exist</u>, occur within habitat set asides (either sensitive, compatible, or conservation bank habitat), thus the likelihood of take from project construction, operation, and maintenance is negligible. However, in the future adaptive management measures may expand to areas of suitable habitat.</p> <p>Three other species, which may be found on the Kern Water Bank, are also state designated fully protected species: American peregrine falcon, Greater sandhill crane, and White-tailed kite. The likelihood of the take of any of these species from project construction, operation, and maintenance is negligible due to their mobility and preferred habitats. However, to avoid any take of these species, the same take avoidance protocol as set out for the blunt nosed leopard lizard shall apply to each of these three species.</p> <p><u>KWBA will comply with the terms of the NCCP Approval and Take Authorization as it relates to</u> Until such time that the KWBA obtains appropriate authorization for take of the state-designated fully protected species (Appendix 7-e) <u>blunt nosed leopard lizard by the Fish and Game Commission.</u> The following take avoidance protocol shall apply in any areas that contain suitable habitat for fully protected species not covered by authorization for take of state-designated fully protected species identified in this subsection (g) of the blunt nosed leopard lizard:</p> <p>i. A qualified biologist shall survey any areas proposed for project related disturbance that contain suitable habitat for <u>fully protected species</u> the blunt nosed leopard lizard to determine the likelihood of presence. Suitable habitat consists of valley and foothill grasslands, saltbrush scrubland, iodine bush grassland, and alkali flats.</p> <p>ii. If <u>these fully protected species</u> blunt nosed leopard lizards are found to occur in areas proposed for project facilities construction or maintenance, construction of avoidance should take place. first. If</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>avoidance is not practicable, then the blunt nosed leopard lizard will be trapped and relocated prior to disturbance of KWBA's expense in accordance with the applicable annual management plan. This work must be done by or under the direction of the USFWS staff by persons with appropriate experience and with their own take for scientific purposes permits. This procedure will avoid any violation of state law.</p> <p>The use of a biological monitor, and special construction activities and on- going practices will result in a heightened awareness and education regarding sensitive biological resources, which will reduce the potential for impacts on special-status species. In addition, the use of a project representative as a liaison between the KWBA and the resource agencies will expedite notification regarding any take of a listed animal. While take of a fully protected species is not anticipated, this mitigation outlines avoidance protocol to further reduce the likelihood of said take. Together these mitigation measures and the beneficial net increase of habitat for special-status species through implementation of the HCP/NCCP will reduce any potential impact to a less-than-significant level.</p>			
7.8-1	<p>KWBA will implement the following measures:</p> <ul style="list-style-type: none"> a) Comply with NPDES permit requirements, which include preparation of a site-specific SWPPP and implementation of BMPs specifically designed to control erosion and reduce the transport of sediment and other pollutants (see Section 7.0.4.1.1). b) Comply with measures in the KWB HCP/NCCP Vegetation Management Plan, including the following specified for sediment removal and erosion control (see Appendix 7-7c): <ul style="list-style-type: none"> i. Sediment build up in canals and recharge basins must be removed to maintain adequate flow and water capacity in canals and to maintain good percolation in recharge basin. Sediment is typically removed mechanically with an excavator. To minimize transport costs of disposal, the loose soil sediments are typically placed on or near levees and canals. When feasible, islands in the recharge basis will be constructed from the spoil of the removal process. If this practice is to continue, then newly placed soils will be compacted onto the levee side slopes and tops where appropriate in areas that are not known to support kit fox dens, Tipton kangaroo rat burrows, blunt- 	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	<ul style="list-style-type: none"> a-CVRWQCB b-USFWS/CDFW c-KWBA

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>nosed leopard lizards or burrowing owl holes. Hay mulch may be applied to the bare slopes and seed would occur at the proper time of year as appropriate. The elimination of bare soil conditions will decrease erosion. In addition, establishing marsh vegetation at the head of stream flow patterns will filter water and reduce sediment transport through the system.</p> <p>ii. Water conveyance structures and control devices require periodic erosion control protection measures. Concrete riprap is typically used near the structures to prevent excessive erosion. Sidebank blowouts near conveyance structures shall be refilled and revegetated where appropriate.</p> <p>c) Use a watering truck to minimize fugitive dust generated during grading when conditions require, such as on dry, windy days (1997 Monterey IS and Addendum, Measure E-1)(see Appendix 7-6a).</p>			
7.11-1	<p>KWBA will implement the following measures:</p> <p>a) Require construction contracts to include specific language requiring contractors to comply with applicable hazardous materials management laws and regulations adopted at the State level in Titles 19 and 22 of the CCR, which address proper storage and disposal of substances such as fuels and Title 8 of the CCR which addresses the use of hazardous products in the work environment, which would apply to construction contractors. (See Section 7.0.4.1.2.)</p> <p>b) Ensure that the use of herbicides on the site shall be permitted in accordance with the KWB HCP/NCCP Vegetation Management Plan, which will incorporate by reference any other applicable laws, rules, and regulations regarding the use of pesticides as they take effect. (Measure B-3(e), Ongoing Pesticide Use, in 1997 Monterey IS and Addendum)(see Appendix 7-6a and Section 7.0.4.1.5).</p> <p>c) Provide a comprehensive Worker Environmental Awareness Program (WEAP) that will include all training requirements identified in Best Management Practices, Worker Site Specific Health and Safety Plan, and mitigation measures, including training for all field personnel (e.g., KWBA employees, agents, and contractors). The WEAP shall include protocols and training for responding to and handling of hazardous materials and hazardous waste management, and emergency preparedness, release reporting, and response requirements. KWBA will ensure that all construction workers at risk</p>	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	<p>a-KWBA b-USFWS/CDFW c-KWBA d-see MM 7.8-1</p>

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>of inhaling dust shall be provided masks with filters designed to trap spores of the size of Valley Fever fungus. (See Appendix 7.6b, 2016 KWBA Resolution).</p> <p>d) Comply with Mitigation Measure 7.8-1.</p>			
7.11-2	KWBA will implement Mitigation Measure 7.11-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.11-1
7.11-4	<p>KWBA will implement the following measures:</p> <p>a) Implement Mitigation Measure 7.11-1.</p> <p>b) Continue to monitor the remediation of the current and any future hydrocarbon contamination from third-party oil and gas activities. (Measure C-2, Hydrocarbon Contamination Monitoring, in 1997 Monterey IS and Addendum)(See Appendix 7-6a.)</p> <p>c) KWBA shall implement the following measures before and during ground-disturbing activities to reduce health hazards associated with potential exposure to hazardous substances (2016 KWBA Resolution)(see Appendix 7-6b.)</p> <p>i. If stained or odorous soil is discovered during project-related construction activities, KWBA shall retain a qualified environmental professional to conduct a Phase II Environmental Site Assessment and/or other appropriate testing. Recommendations in the Phase II Environmental Site Assessment to address any contamination that is found shall be implemented before continuing with ground-disturbing activities in these areas.</p> <p>ii. As required by law, notify the appropriate federal, state, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) or if unknown or previously undiscovered underground storage tanks are encountered during construction activities.</p>	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	<p>a—see MM 7.11-1</p> <p>b-KWBA</p> <p>c-KWBA</p>
7.11-6:	<p>KWBA will implement the following:</p> <p>a) Implement Mitigation Measure 7.11-1(c).</p> <p>b) Implement Measure P-1, Implementation of Mosquito Abatement Plan, in the 1997 Monterey IS and Addendum (see Appendix 7-6a) with modifications for measures that proved infeasible or unsuccessful. In accordance with the Mosquito Abatement Plan,</p>	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	<p>a—CVRWQCB</p> <p>b—USFWS/CDFW</p> <p>c-KWBA</p>

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>KWBA will engage in the following procedures which are expected to reduce any impact due to the breeding of mosquitoes in the recharge basins to insignificance:</p> <ul style="list-style-type: none"> i. KWBA will notify staff of the Kern and Westside Mosquito Abatement Districts (District) of planned use of recharge basins. ii. Roads on the KWB will be kept in a reasonable condition to allow the District access to the KWB. iii. KWBA will assist District staff in adaptive management planning to review the success of mosquito control techniques and to develop improved mosquito control techniques. 			
7.13-1a	<p>KWBA will implement the following measures to minimize potential adverse impacts on cultural resources (see Appendix 7-6b, 2016 KWBA Resolution):</p> <ul style="list-style-type: none"> a) Prior to ground disturbance for new pond or well construction and associated facilities, an analysis to identify the potential presence of archaeological resources on the project site shall be conducted. The analysis shall include, at a minimum, a records check and literature survey from the appropriate California Historical Resources Information System (CHRIS) center and a Phase I Cultural Resources Investigation by an archaeologist meeting the Secretary of the Interior's Standards. If resources are known to exist on a project site, the analysis shall include an assessment of the resource and shall include measures for the in-situ protection, or the recovery, preservation, study, and curation of the resource, as appropriate. The analysis and the measures developed shall be consistent with the practices and intent described in Section 21083.2 et seq. of the Public Resources Code, as well as Sections 15064.5 et seq. and 15126.4(b) of the California Code of Regulations, and shall be consistent with current professional archaeological standards. The archaeologist shall prepare a report of the results of any study prepared, following accepted professional practice. Copies of the report shall be submitted to the KWBA and to the appropriate CHRIS information center. KWBA shall also consult, as appropriate, with the Native American Heritage Commission and appropriate Native American tribal representatives to address Native American cultural values with respect to archaeological contexts and places of traditional use or importance. b) As a condition of all contracts for new pond or well construction and 	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>associated facilities and prior to ground-disturbing activities, all earth-moving and excavation contractor employees shall attend an orientation session informing them of the potential for inadvertently discovered cultural resources and/or human remains and protection measures to be followed to prevent destruction of any and all cultural resources discovered on site. The applicant's designated project construction manager, a qualified archaeologist, and a qualified cultural resource manager/monitor from a local California Native American tribe shall conduct the orientation (unless the local tribe opts not to participate). The orientation will include information regarding the potential for objects to occur on site, a summary of applicable environmental law, procedures to follow if potential cultural resources are found, and the measures to be taken if cultural resources and/or human remains are unearthed as part of the project.</p> <p>c) Construction areas for new ponds and wells and associated facilities shall be staked prior to earthmoving by a qualified archaeologist in consultation with the contractor to indicate the construction area, construction staging area, and buffer. No earthmoving, parking, or materials storage will be allowed outside the staked areas. Prior to construction, the archaeologist shall survey the area to identify any surface artifacts within the staked area. An archaeologist and qualified cultural resource manager/monitor from a local California Native American tribe (unless the local tribe opts not to participate) shall be present during any grubbing or topsoil grading within the staked area. If previously unknown buried cultural resources, such as flaked or ground stone, historic debris, building foundations, or nonhuman bone (unless determined to be from present day grazing operations), are discovered during ground-disturbing activities, work will stop in that area and within an appropriate buffer area, as determined by the archaeologist. The archaeologist shall assess the significance of the affected cultural resources and, if necessary, develop feasible and appropriate treatment measures in consultation with the project staff, such as avoidance, capping with geotextile and fill, or Phase III data recovery consistent with applicable standards adopted pursuant to the National Historic Preservation Act.</p> <p>d) In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and KWBA</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>immediately shall notify the County Coroner of the find and comply with the provisions of PRC Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.</p> <p>7.13-1b. KWBA will implement the following measures to minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources: (see Appendix 7-6b, 2016 KWBA Resolution):</p> <p>a) Before the start of any well-drilling activities, KWBA shall retain a qualified paleontologist or other qualified individual to train all personnel involved with earthmoving and/or well drilling activities regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered (this training can take place at the same time as the orientation required by 7.13-1a).</p> <p>b) In the event that paleontological resources are discovered, KWBA will notify a qualified paleontologist. The paleontologist will document the discovery as needed, evaluate the potential resource, according to the Society of Vertebrate Paleontology (SVP) Guidelines. If fossil or fossil bearing deposits are discovered during construction, excavations within 50 feet of the find will be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist will notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If KWBA determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan will be submitted to KWBA for review and approval prior to implementation. The analysis and measures developed shall be consistent with the Conformable Impact Mitigation Guidelines developed by the Society of Vertebrate Paleontology and current professional paleontological standards.</p>			
7.16-2	KWBA will implement Mitigation Measure 12-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
12-1	<p>KWBA will implement the following measures (2016 KWBA Resolution, Appendix 7.6b):</p> <p>a) Pump Efficiency Monitoring: KWBA will conduct pump efficiency</p>	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>monitoring to ensure that all KWB pumps are monitored and evaluated at regular intervals during recovery periods.</p> <p>i. Daily Pump Efficiency Monitoring: Pumps shall be monitored daily for their total water volume pumped (acre-feet [AF]) and electricity consumption (kilowatt-hours [kWh]), which will be used to calculate a daily energy efficiency value (i.e., kWh/AF).</p> <p>ii. Pump Efficiency Software: Metro or an equivalent water system management program will be used to provide up-to-date and streamlined methods to analyze KWB's individual pump and total system efficiency.</p> <p>b) Pump Rehabilitation, Retrofits, and Replacement: KWBA shall use data from the Pump Efficiency Monitoring component to strategically and actively rehabilitate, retrofit, and/or replace pumps as needed during recovery periods.</p> <p>i. Pump Prioritization and Testing: Pump rehabilitation, retrofit, and replacement shall be prioritized by accounting for the relative efficiency of each pump with respect to the total pump system and water volume pumped through each pump. Data obtained from the Pump Efficiency Monitoring component shall be used to prioritize which pumps will be rehabilitated, retrofitted, and/or replaced. In addition efficiency testing by external entities if available (e.g., pump company, Pacific Gas & Electric Company [PG&E]) or other similar analysis will also be used for the prioritization process.</p> <p>ii. Schedule: KWBA shall rehabilitate, retrofit, and/or replace pumps/wells at the earliest possible time without substantially disturbing ongoing O&M activities, but at a minimum will rehabilitate, retrofit, and/or replace at least an annual average of 5 pumps per year during a prolonged recovery period such as occurred between 2013 and 2016.</p> <p>c) Reporting: KWBA will maintain a quarterly and annual reporting program that will be publicly available online. Annual reports will cover calendar years and be posted online by March 30 to cover the previous year. Quarterly reports will be posted online within 30 days of the end of each calendar quarter. The annual and quarterly reports will include, but are not limited to, the following components:</p> <p>i. KWB O&M Totals: Total quarterly electricity consumption for recovery pumping activities along with total acre-feet recovered shall</p>			

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
	<p>be provided online. A running total of the annual electricity consumption and acre-feet recovered by quarter shall also be provided.</p> <p>ii. Pump Efficiency: A summary of the pump efficiency (kWh/acre-foot) for each of KWB's pumps will be provided quarterly. Similar to the KWB O&M Totals, a running annual average efficiency for each pump shall be provided. These data shall be used to identify the 5 pumps per year that will be rehabilitated, retrofitted, or replaced. If a pump/well is adjusted for depth, notes shall be made within the reports to explain these changes in pump efficiency.</p> <p>iii. Electricity Efficiency Actions: Each report should include actions taken in the previous quarter to rehabilitate, retrofit, and/or replace pumps. Any other energy efficiency measures taken will be reported. When information is available from PG&E's Advanced Pumping Efficiency Program or other similar programs, annual electricity savings from these actions shall be included in the quarterly and annual reports to clearly show the electricity savings associated with rehabilitation, retrofit, and/or replacement actions. If annual energy savings cannot be determined through pre- and post-pump improvement testing, KWBA shall report the empirical annual energy savings (kWh/year) from these improvements in its annual reports.</p> <p>iv. Identifying Next Steps: Each annual report will include the list of 5 or more pumps planned to be evaluated for potential rehabilitation, retrofit, or replacement during that year. If all five of the least efficient pumps are not scheduled for rehabilitation, retrofit, and/or replacement in the coming year, the annual report shall explain what KWB operation requires the pump to remain in service that year.</p> <p>d) Pump Compliance: KWBA will only purchase new pumps that comply with United States Department of Energy pump efficiency regulations (10 CFR Part 429 and 431) when those regulations become effective in the marketplace in 2020.</p> <p>e) Future Increases in Technology and Emissions Standards: KWBA shall actively consider replacing older pumps with new pumps with increased efficiency technology. All future requirements for pumps at the federal, state, and/or local level shall be complied with.</p>			
10.1-24	KWBA will implement Mitigation Measure 7.1-2.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA

Mitigation No.	Mitigation Measure	Monitoring or Reporting Entity	Timing	Enforcement Entity
10.1-25	KWBA will implement Mitigation Measure 7.1-7.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-28	KWBA will implement Mitigation Measure 7.2-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-1
10.1-29	KWBA will implement Mitigation Measures 7.2-2.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-2
10.1-30	KWBA will implement Mitigation Measure 7.2-3.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.2-3
10.1-39	KWBA will implement Mitigation Measure 7.4-3.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	USFWS and/or CDFW
10.1-58	KWBA will implement Mitigation Measure 7.11-6.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	See MM 7.11-6
10.1-61	KWBA will implement Mitigation Measures 7.13-1(a) and 7.13-1(b).	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-66	KWBA will implement Mitigation Measure 12-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-68	KWBA will implement Mitigation Measure 12-1.	KWBA	Adopted by KWBA on May 15, 2016 (Appendix 7-6b)	KWBA
10.1-69	No feasible mitigation available.	N/A	N/A	N/A