

MINUTE ITEM

This Calendar Item No. C11
was approved as minute item
No. 11 by the State Lands
Commission by a vote of 2
to 0 at its 4/28/83
meeting.

CALENDAR ITEM

C 11

4/28/83
W 22870
Maricle
PFC 6407

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: County of Kern
2601 "O" Street
Bakersfield, California 93301

TYPE LAND AND LOCATION:
Submerged land, Kern River, vicinity of
Hart Park, Northeast of Bakersfield, Kern
County.

LAND USE: Water Flow Control Facilities.

TERMS OF PROPOSED PERMIT:
Initial period: 49 years from April 1,
1983.

CONSIDERATION: The public health and safety, with the
State reserving the right at any time to
set a monetary rental if the Commission
finds such action to be in the State's
best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee and processing costs have been
received.

CALENDAR ITEM NO. C 1 1 (CONTD)

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. The project is in an area where the location of water boundaries is not presently fixed or certain. The issuance of a permit will provide for project review and consent to the extent that such consent is required.
2. The project will consist of a cement spillway across the Kern River at the inlet of a canal which flows to Hart Lake, and an intake structure for controlling water flow. The goal of this work is to improve water circulation, to prevent algae growth, and to increase flows to keep irrigation pumps and domestic pumps in operation.
3. The annual rental value of the site is estimated to be \$200.
4. A Negative Declaration was prepared and certified by the County of Kern, pursuant to CEQA and the State CEQA Guidelines. The project will not have a significant effect on the environment.
5. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy, and that it will not adversely affect the environment.
6. The Applicant and the staff have agreed to modify the standard indemnification section of the proposed permit, such that the Permittee shall not be liable for acts or omissions of persons other than Permittee's personnel.

CALENDAR ITEM NO. C 1 1 (CONTD)

APPROVALS OBTAINED:

Kern County Water Agency, State Department
of Fish and Game, The Reclamation Board.

FURTHER APPROVALS REQUIRED:

None.

AB 884: 6/17/83.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY THE COUNTY OF KERN.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT THIS ACTIVITY IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS ACTIVITY IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
5. AUTHORIZE ISSUANCE TO THE COUNTY OF KERN OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, FROM APRIL 1, 1983; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR WATER FLOW CONTROL FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 22870

All that submerged land in the bed of the Kern River in Section 31, T28S, R29E, MDM, Hart Memorial Park, Kern County, California, lying immediately beneath the facilities shown on the drawing prepared for the Kern County Department of Public Works, dated May 1982, by Ricks, Taylor and Meyer, and entitled "Plans for the Construction of Hart Park Spillway and Pipeline at Hart Memorial Park", a copy of which is on file in State Lands Commission records.

EXCEPTING THEREFROM any portion thereof lying landward of the ordinary low water mark of said Kern River.

END OF DESCRIPTION

PREPARED JANUARY 18, 1983 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

CALENDAR PAGE	86
INDEX PAGE	652

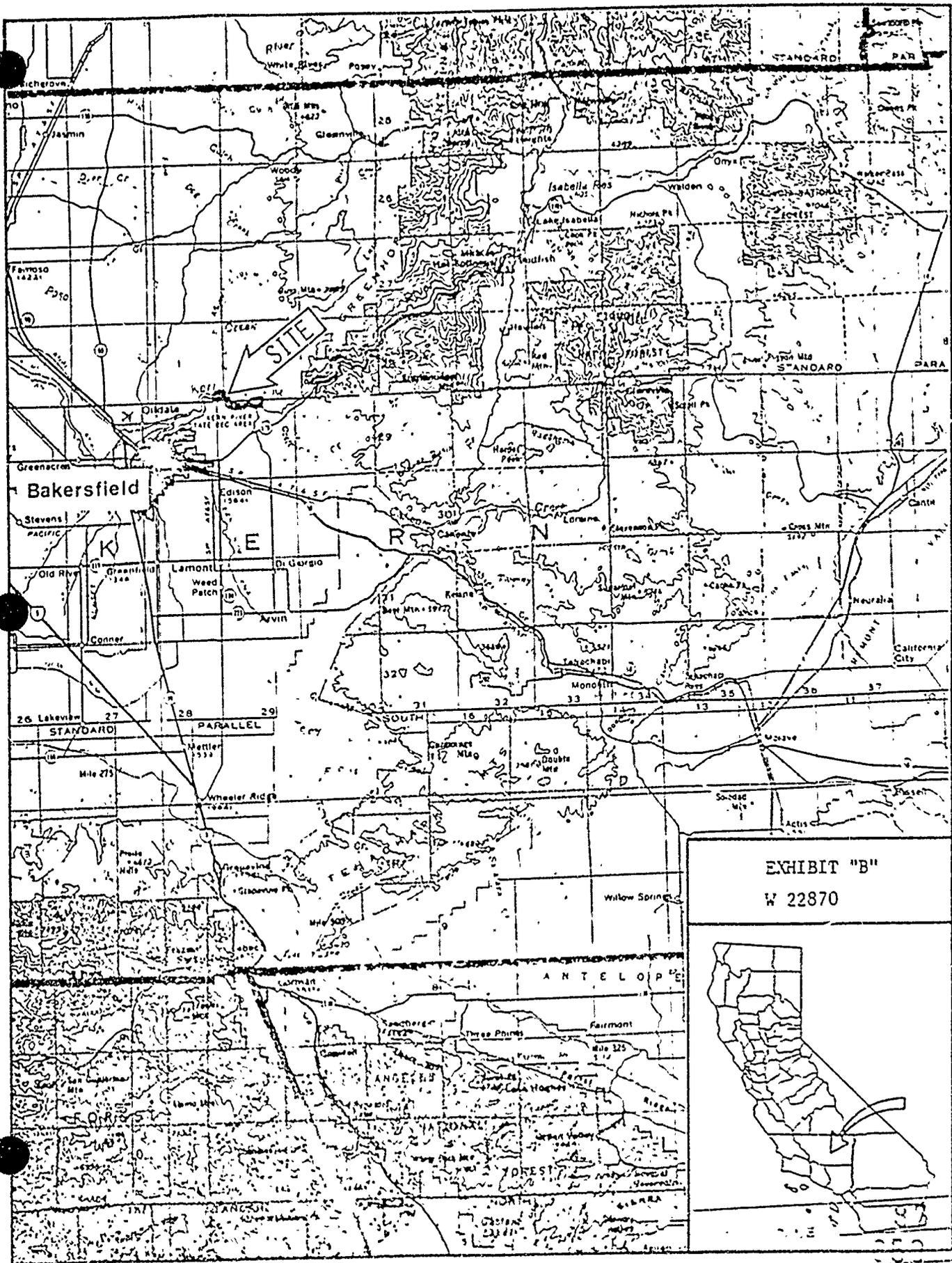


EXHIBIT "B"
W 22870



EXHIBIT "C"

NEGATIVE DECLARATION

TO WHOM IT MAY CONCERN:

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

Applicant: Kern County Public Works Department

Application: Spillway and Canal Improvements - Hart Park

Common Name or Title of Project (if any):

Location: Southeast portion of Hart Park on the Kern River Southwest corner of Section 31, T28S, R29E, N08&M

Description of Proposed Project:

The project will consist of a cement spillway across the river at the inlet of the canal which flows to Hart Lake and an intake structure for controlling the amount of water. The spillway will be about 120 Feet long at this point in the river.

Also a new canal or large pipeline approximately 450 feet long and a new control gate will be needed. The new canal or pipeline will connect the Hart Lake Canal to the pump canal.

Mitigation Measures Included in the Proposed Project to Avoid Potentially Significant Effects (if required):

1. Approval by the Reclamation board is required before construction can begin.
2. The project shall not increase the 100-Year Flood and "Designated Floodway" Limits.
3. Any waste discharge requirements submitted by the Regional Water Quality Control Board shall be adhered to.
4. The river channel and path will be returned to its original condition upon completion of construction.
5. A qualified Archeologist shall be consulted should construction reveal any archeological or historical sites.

Agency Consultation Required:

Yes

No/Agencies Consulted:

State Clearinghouse Number (if required): _____

Initial Study Prepared By: John E. Kennedy/Public Works Department

(Individual/Department)

CALCULATED PAGE	88
TOTAL PAGES	654
(Page 1 of 2)	

EXHIBIT "C" (continued)

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 by the CEQA. A brief statement of reasons supporting such findings is as follows:

The proposed project would not appear to:

- Have a substantial negative aesthetic effect.
- Conflict with the County General Plan.
- Substantially degrade or deplete groundwater resources.
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.
- Cause substantial flooding, erosion or siltation.
- Substantially diminish habitat for fish or wildlife species.
- Create a public health or potential public health hazard.
- Violate any ambient air quality standard or contribute substantially to an existing air quality problem.

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 offices of the department identified below, 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 offices during regular business hours.

A copy of the Initial Study is attached hereto.

Dated this 11th day of NOVEMBER, 1981.

<u>2501 "O" Street</u>	<u>Public Works</u>
	(Department)
<u>Bakersfield, CA 93301</u>	<u>[Signature]</u>
(Address of Department Offices)	(Authorized Signature)
<u>(895) 351-2401</u>	
(Telephone Number of Department)	(Position/Title)

Date Posted: _____ Date of Notice to Public: _____

* Public Resources Code, Section 21000, et seq.
 ** Title 14, Division 6, California Administrative Code, as amended
 *** Resolution No. 74-140, adopted March 11, 1974

Attachment

COPY PAGE	<u>89</u>
TOTAL PAGE	<u>655</u>