

**MINUTE ITEM**

This Calendar Item No. 022  
was approved as Minute Item  
No. 22 by the State Lands  
Commission by a vote of 2  
to 0 at its 9/27/90  
meeting.

**CALENDAR ITEM**

**022**

A 33

S 16

09/27/90

W 24578

PRC 7454

Fong

**GENERAL LEASE - RIGHT-OF-WAY USE**

**APPLICANT:** California Water Service Company  
1720 North First Street  
San Jose, California 95112

**AREA, TYPE LAND AND LOCATION:**

A parcel of sovereign land in the bed of the Kern River adjacent to the Highway 178 bridge in Bakersfield, Kern County.

**LAND USE:**

The installation, use, and maintenance of a 12-inch-diameter water pipeline and 24-inch-diameter protective steel casing.

**TERMS OF PROPOSED LEASE:**

Initial period: Thirty (30) years beginning September 30, 1990.

Surety bond: \$2,000.

Special: Lessee shall provide an "as-built" description and survey plat of the installed pipeline upon its completion.

**CONSIDERATION:** \$137 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

CALENDAR ITEM NO. C 22 CONT'D

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

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

AB 884:

03/02/91.

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared and adopted for this project by the City of Bakersfield. The City determined that the project will not have a significant effect on the environment. The State Lands Commission's staff has reviewed such document.
2. The existing water pipeline, which is attached to the underside of the westbound lane, needs to be relocated to a separate easement adjacent to the bridge to accommodate Caltrans' widening of the Highway 178 Bridge. The water pipeline will be buried in a 24-inch-diameter protective steel casing under the Kern River.

APPROVALS OBTAINED:

City of Bakersfield.

FURTHER APPROVALS REQUIRED:

Reclamation Board.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Notice of Determination/Negative Declaration.

CALENDAR ITEM NO. C 2 2 CONT'D

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF BAKERSFIELD AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO CALIFORNIA WATER SERVICE COMPANY OF A 30-YEAR GENERAL LEASE - RIGHT-OF-WAY USE, BEGINNING SEPTEMBER 30, 1990; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$137 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE INSTALLATION, USE, AND MAINTENANCE OF A 12-INCH-DIAMETER WATER PIPELINE AND 24-INCH-DIAMETER STEEL CASING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**  
**LAND DESCRIPTION**

**W 24578**

**A strip of submerged land 20 feet wide in the bed of the Kern River in Section 26, T29S, R27E, MDM, City of Bakersfield, Kern County, California, the centerline of said strip lying 10 feet on each side of a line lying 22 feet northeast and parallel with the northeast right of way line of State Highway Route 178 crossing said river.**

**EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kern River.**

**END OF DESCRIPTION**

**PREPARED SEPTEMBER 19, 1990 BY LLB.**

CALENDAR PAGE	208
PLATE PAGE	2348

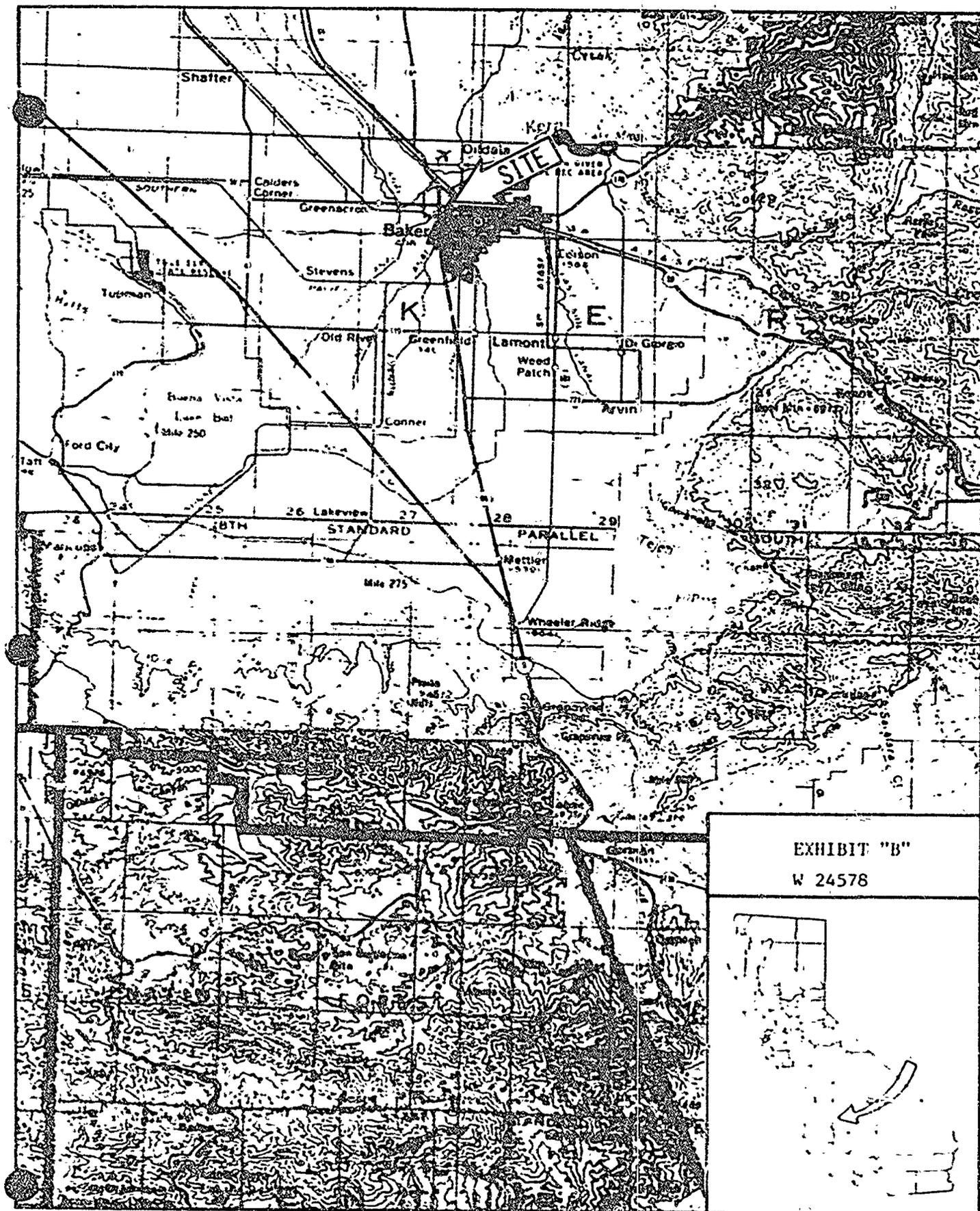


EXHIBIT "B"  
 W 24578

SECTION PAGE 209  
 SHEET NO. 2349

**Notice of Determination**

**COPY**

EXHIBIT "C"

Appendix H

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

From: (Public Agency) \_\_\_\_\_  
Bakersfield City Planning Department  
1501 Truxtun Avenue (Address)  
Bakersfield, CA 93301

County Clerk  
County of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



*Subject:*  
Filing of Notice of Determination in compliance with Section 21168 or 21162 of the Public Resources Code.

**Project Title**

Negative Declaration for relocating utility lines at 24th Street Bridge #2793

State Clearinghouse Number  
(If submitted to Clearinghouse)

90020595

Lead Agency  
Contact Person

Michelle Suverkubbe

Area Code/Telephone/Extension

805/326-3733

Project Location (include county)

Westbound 24th Street Bridge over the Kern River, Bakersfield, Kern County

**Project Description:**

Relocation of water and telephone lines from under the bridge over the Kern River to separate easements east of the bridge.

This is to advise that the City of Bakersfield has approved the above described project on 8/22/90 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 made a condition of the approval of the project.
- 4. A statement of Overriding Considerations  was  was not adopted for this project.
- 5. Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

Michelle Suverkubbe 8/24/90 Assistant Planner  
Signature (Public Agency) Date Title

Date received for filing at OPR:

Revised October 1989

SENDER PAGE 270  
RECEIVER PAGE 2550

**EXHIBIT A**  
**RECOMMENDED MITIGATION**

Mitigation measures recommended with the Proposed Negative Declaration on the project include the following:

1. The applicants must get permit approval for the project by the State Board of Reclamation and/or the Army Corp of Engineers.
2. Work on the project must be avoided during flood season from November 15 to July 20.
3. The applicants must rapidly resodd and revegetate the streambank areas and replace the original concrete and granite rip-rap after construction to prevent erosion of the streambank into the river and to mitigate potential impacts to habitat and water quality.
4. The applicants must submit a soils report, a grading plan, an excavation plan, and elevation drawings to the City Planning Department prior to issuance of construction permits. These plans should show details of proposed disturbance area, grading and soils details, rip-rap removal and replacement plans, and proposed truck access routes.
5. The applicants should adhere to applicable building codes and proper construction practices, such as water spraying to control fugitive dust.
6. The placement of the utility lines under the river should be done as to not result in a reduction in the river discharge capacity.
7. In order to mitigate the proposed impacts to plant life through the removal of some willows, cottonwoods, riparian shrubs, and grasses, the following must be observed:
  - i. Revegetate the streambank areas on the east and west banks of the river with appropriate vegetation including cottonwoods and tree willows. Revegetation will be at an appropriate density and will utilize plants of a large enough size to assure that the creation of a permanent, biologically valuable wetland association will occur. Revegetation or landscaping with native or compatible shrubs and trees is required.

REGULAR CASE	271
FILED CASE	2351

EXHIBIT A  
RECOMMENDED MITIGATION  
(cont.)

- ii. Remove only the minimal amount of streambank vegetation necessary for construction. All trees should be protected from construction if possible. A vegetation plan outlining: all vegetation on-site; any vegetation, including trees proposed to be removed; and, all replacement species intended to be used, must be approved by the Planning Department prior to construction.
- iii. Protect nearby vegetation by careful construction practices, including but not limited to:
  1. Not storing any construction material or placing any fill on top of or within the dripline of trees or other vegetation which are to remain undisturbed.
  2. Heavy equipment will not be operated or parked underneath or on top of such vegetation.
  3. If large trees are very close to the area of construction, the City will place temporary barriers around them to protect accidental damage.
8. Removal of or construction to the bridge may affect the nests of cliff swallows currently attached to the underside of the existing structure. Even though cliff swallows enjoy no special state protection, they are protected during their breeding season under the Federal Migratory Bird Treaty Act. Mitigation should include restricting the removal of the water and telephone lines from April 15 through July 31 to avoid the cliff swallow breeding season.
9. In order to comply with State and Federal Endangered Species Acts, the applicant must consult the attached advisory notice prepared by the U.S. Fish and Wildlife Service with regard to potential impacts on the San Joaquin kit fox. Preconstruction surveys for kit foxes and vegetation to be disturbed in the area of proposed disturbance must be completed by a qualified biologist and reviewed by the City Planning Department prior to construction.
10. In order to avoid any significant deterioration to existing fish and wildlife habitat in the riverbed, a Section 1601 Permit from the California Department of Fish and Game, and possibly a wetland protection permit from the U.S. Army Corp of Engineers may need to be filed with the appropriate agencies. Applicant must consult with these agencies prior to construction.
11. The bikepath must be kept open at all times. Construction can include boring under the bikeway or rerouting the bikeway during utility line placement. The applicant should try to complete the project in an expedient a manner as possible.

FILED

272  
2552

197  
**CITY OF  
BAKERSFIELD**

**PLANNING DEPARTMENT**

JACK MARDISTY, Director  
1801 TRUNKYARD AVE.  
BAKERSFIELD, CA 93301  
(805) 336-3732

August 27, 1990

California Water Service Co: 1720 North First Street San Jose, CA 95112-4598 Phone: (408) 453-8415 Contact: Morris Quanrud	Pacific Bell 2515 South Orange Ave. Rm 1A Fresno, CA 93762 Phone: (209) 442-2140 Contact: Tom Mason
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Re: Notice of Environmental Determination of 24th Street Bridge  
Water and Telephone Line Replacements

Dear Gentlemen:

The Bakersfield City Council has approved, on August 22, 1990, the Negative Declaration, with mitigation, for replacement of utility lines under the Kern River Bridge at 24th Street. This review was necessary to satisfy the State Board of Reclamation's request for environmental review of California Water Service and Pacific Bell Company's applications. Enclosed for your files are copies of the Notice of Environmental Determination and Negative Declaration, which lists mitigation measures that must be followed in order to comply with appropriate environmental law. Copies of these documents are being forwarded to the Reclamation Board for their files. This concludes the environmental review process necessary to comply with the California Environmental Quality Act.

In order to monitor compliance with the mitigation measures for each applicant, I will need a letter from a qualified biologist, prior to ground disturbance, indicating that a biosurvey has been completed and conditions of the Habitat Conservation Plan Advisory Notice have been complied with for both utility line easements and all surrounding project area that will be affected by construction. As was indicated in the list of mitigation measures, a mapping of all sensitive plant species within the path of disturbance must be completed also. The biological survey performed for Pacific Bell could be used to satisfy California Water's requirement, as long as the survey covers all areas proposed to be disturbed by both companies in their construction activities, and the survey is taken no later than sixty days prior to each company disturbing the ground.

If you have any further questions, please feel free to call me at (805) 326-3733.

Sincerely,



Michelle Suvekrubbe,  
Assistant Planner

CALENDAR PAGE	213
MINUTE PAGE	233

PROPOSED NEGATIVE DECLARATION

TO: \_\_\_\_\_  
(Responsible Agency)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_

From: City of Bakersfield  
(Lead Agency)  
Planning Department  
1501 Truxtun Avenue  
(Address)  
Bakersfield, Ca. 93301

SUBJECT: Draft Negative Declaration.

City of Bakersfield will be the Lead Agency and will prepare a Negative Declaration for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the Negative Declaration prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the probable environmental effects are contained in the attached initial study.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to M. Suverkrubbe at the address shown above. We will need the name for a contact person in your agency.

PROJECT TITLE: 24th Street Bridge Water and Telephone Line Replacement in Kern River. Removal of existing water and telephone lines of westbound bridge over the Kern River on Highway 178 and relocating them under the Kern River to the east of the bridge.

PROJECT APPLICANT, if any: California Water Service & Pacific Bell

DATE: June 15, 1990

Signature



Title Assistant Planner

Telephone 326-3733

p/n24

CALENDAR PAGE 274  
MINUTE PAGE 2574

**INITIAL STUDY  
24th Street Bridge  
Water and Telephone Line Replacement**

**APPLICANT:** California Water Service Company and Pacific Bell Telephone Company

**LOCATION:** Across and under the Kern River adjacent to State Route 178, north of the 24th Street Bridge, west of Oak Street, east of Highway 99.

**PROJECT DESCRIPTION:**

Removal of water and telephone lines from the underside of westbound bridge over the Kern River on Highway 178 and relocating them under the Kern River to the east of the bridge is necessary to accommodate the State Department of Transportation construction improvements on the Highway 178/99/53 Interchange. The pipelines will be within separate easements granted from the City: the 10-foot wide telephone line easement currently being located adjacent to the eastern right-of-way of the 24th Street bridge, and the 20-foot wide water line easement proposed adjacent to the telephone easement. The pipelines will be buried 4 feet under the Kern River through the rip-rap levees on either side of the river, will cross the bike path on the southern streamside, and will require access onto two adjacent properties: E-2-8 Motel to the north and Oak Street Car Wash to the south.

**ENVIRONMENTAL DESCRIPTION:**

The proposed water and telephone line relocations under the Kern River are within the Kern River Plan Element and Kern Parkway Plan areas, and are therefore under the policies and guidelines of these documents along with the Kern River Channel Maintenance Program. According to Sections 15302 (c) and 15304 (f) of the City of Bakersfield's Local CEQA Resolution, the replacement of existing Utility Lines systems involving negligible or no expansion of capacity could receive a Notice of Exemption from CEQA, if the project had not proposed any alterations or removals of streamside vegetation or wetland habitat. Since the utility lines will be placed in the ground for the first time, this Exemption does not apply and the application must have an Initial Study performed on it.

24th St. Bridge  
Utility Neg. Dec.

### Biological Resources

Several previous biological studies have been performed on the site, including a biological resources inventory for the Parkway by Jones and Stokes, a Negative Declaration for the Caltrans' Highway 99/178/58 Interchange Improvement project, and an on-site survey by staff for the project itself.

The river in the project area is narrowly channelized in this area by steep banks built of rip-rap and by canal levees almost immediately behind the banks. A narrow strip of ruderal riparian woodland lines the river bank, and tree willows (Salix gooddingii) and cottonwoods (Populus fremontii) are rooted in the lower part of the bank slope, usually within a few feet of the river channel. A fairly large stand of willows occurs approximately 25 feet from the bridge on the north side of the river. Mule fat (Baccharis glutinosa), tobacco bush (Nicotiana glauca), and buttonwillow (Cephalanthus occidentalis) are also common on the river bank and along the bike path on the southern edge of the river. Directly adjacent to the bridge are a few widely scattered willows and ruderal patches of riparian grassland between the river and the Cross Valley Canal, consisting of red brome (Bromus rubens), ripgut brome (Bromus diandrus), fescues (Festuca spp.), and some patches of quail brush (Atriplex lentiformis). The somewhat drier sands are partially vegetated with sweet clover (Melilotus alba), scattered young willows, and horse weed (Conyza sp.).

Although no water exists at this site, there are small channels of water just to the north, and many water birds could be found in this area, such as killdeer, Black-chinned hummingbirds, American kestrels, ash-throated flycatchers, American Robins, northern orioles, Brewer's blackbirds, and house finches. Mammal tracks seen in the area include rabbit, opossum, and western harvest mice. Western whiptails, side-blotched lizards, and western fence lizards were observed along the rip-rapped banks of the river channel. No signs of any San Joaquin kit fox or other sensitive animal or plant species were found within the proposed easements or project area (fifty feet to the north of the easements on both sides of the river).

Mitigation measures recommended with the Proposed Negative Declaration on the project include approval of grading, revegetation and landscaping plans from State and local agencies, application for appropriate permits from applicable state, federal and local agencies, rerouting or boring under the existing bikeway in order to keep it open at all times, and not disturbing more vegetation than is absolutely necessary for the project to be completed.

24th St. Bridge  
Utility Neg. Dec.

Surrounding Land Uses

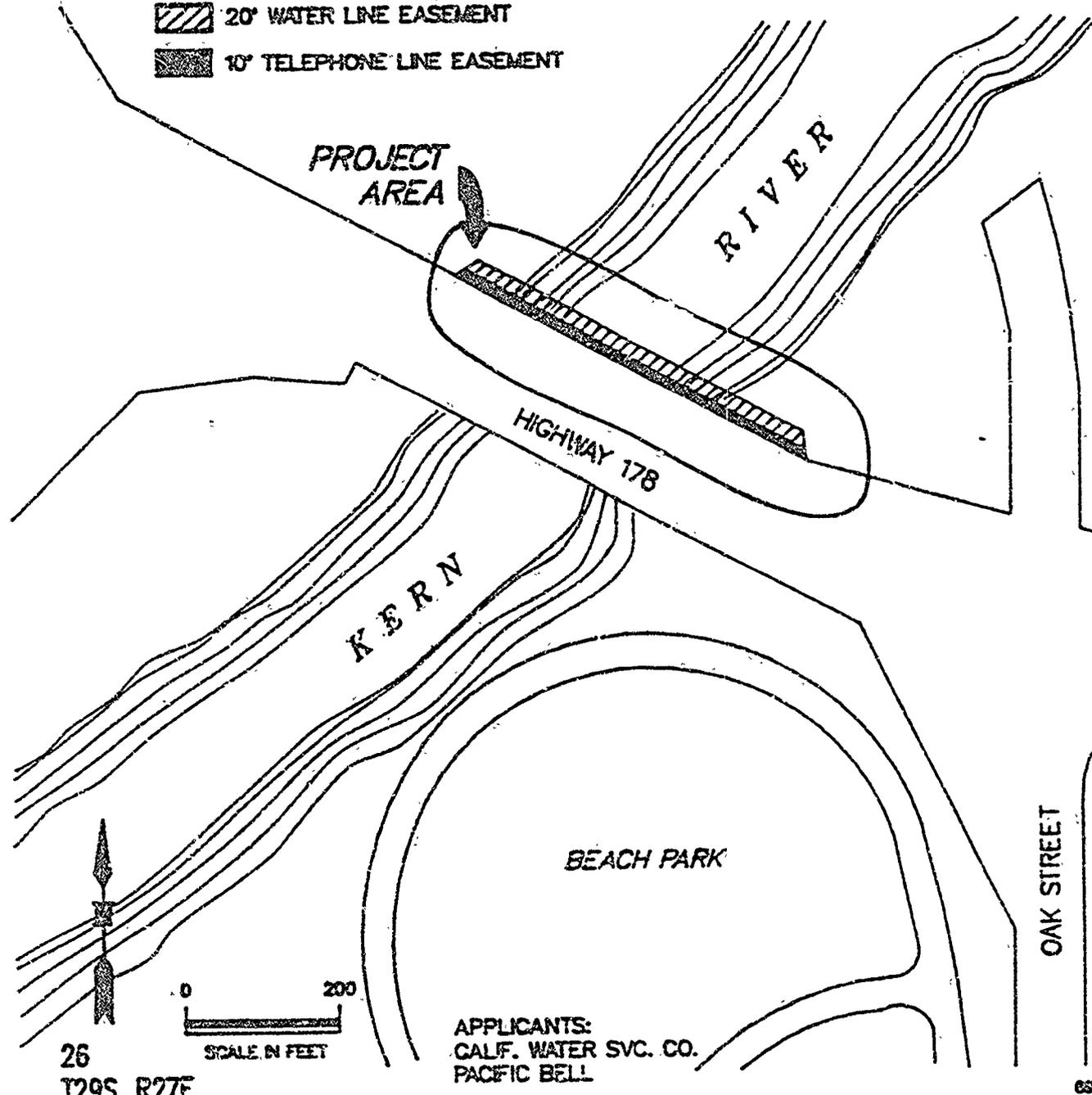
<u>Location</u>	<u>Land Use (2010)</u>	<u>Zoning (City)</u>	<u>Land Use (site)</u>
North	Highway Commercial	C-2 Commercial	E-2-8 Motel
South	General Commercial	C-2 Commercial	Oak Street Car Wash
East	Open Space	FP-P Flood Plain Primary	Kern River (dry)
West	Open Space	FP-P Flood Plain Primary	Kern River (dry)

BACKGROUND:

In late October, 1986, the City of Bakersfield reviewed plans from the State of California, Department of Transportation (Caltrans), for an "HELL, NEW CONNECTIONS AND X-TRAFFIC IMPROVEMENTS" project on Route 99 at the Rosedale Highway interchange. This project is a cross-traffic improvement project intended to provide a more free-flowing interchange. The project realigns or relocates all four existing ramps and adds two new ramps to provide increased capacity and eliminate conflicting turn movements. As part of this project, Route 178 east of Highway 99 will be widened from existing four lanes to six lanes, with seven lanes from Pierce Road to Oak Street. In order to widen the bridge on 178 over the Kern River, Caltrans is requesting that California Water Service and Pacific Telephone remove their existing utility lines attached to the underside of the westbound bridge and place them underground in the Kern River, paralleling the highway right-of-way. In order to follow Caltrans, these utility companies must have an environmental assessment be performed on the project by the City, acting as the Lead Agency, according to CEQA.

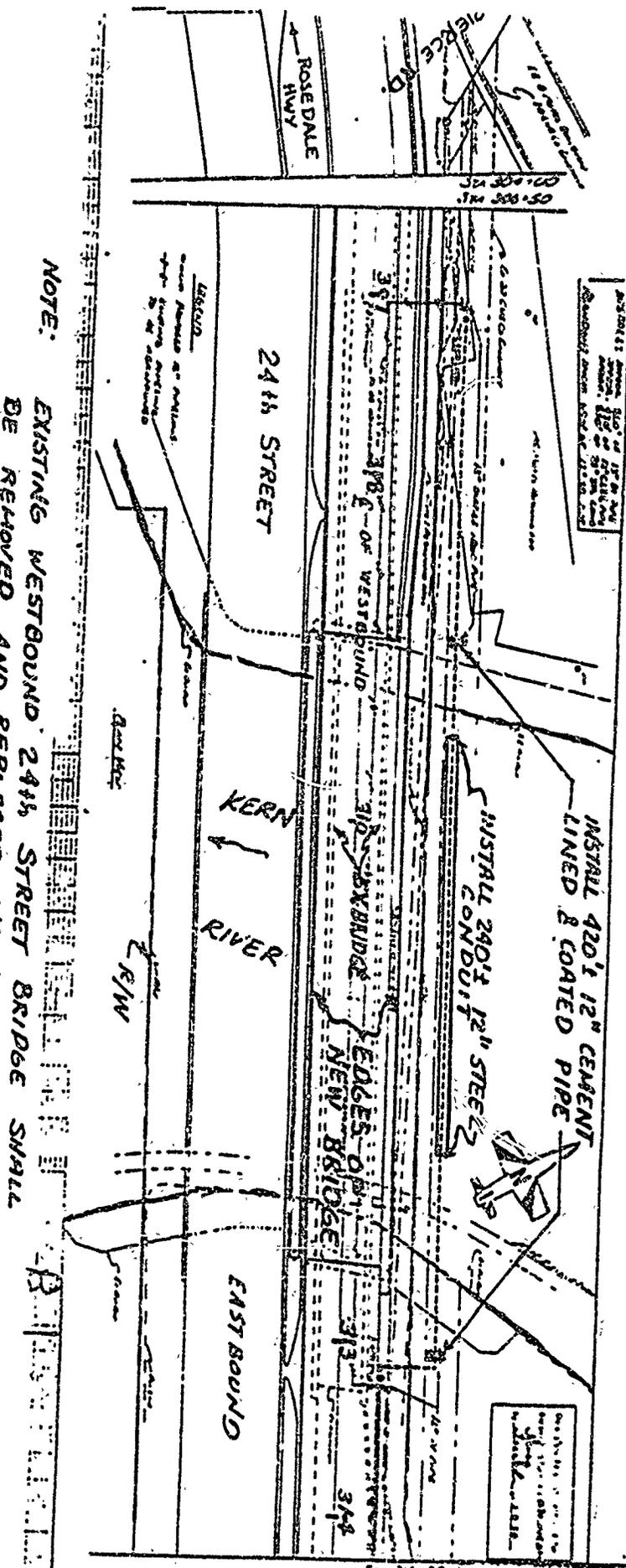
Although a previous environmental assessment has been performed on the bridge widening and interchange improvements project by Caltrans (SCH# 87010503), the effects of relocating the utility lines were not discussed in this previous Negative Declaration and Finding of No Significant Impact. Therefore, the current proposal to replace the lines in the river needs separate environmental review.

# NEGATIVE DECLARATION UTILITY LINE PLACEMENT UNDER KERN RIVER AT 24TH STREET BRIDGE



CALENDAR PAGE 2/8  
MINUTE PAGE 2358

**NOTE:**  
 EXISTING WESTBOUND 24TH STREET BRIDGE SHALL  
 BE REMOVED AND REPLACED WITH WIDER BRIDGE  
 BY THE STATE.



PROJECT NUMBER: 100-100-100  
 SHEET NO. 219 OF 219  
 DATE: 1-23-90

INSTALL 240' x 12" CEMENT  
 LINED & COATED PIPE  
 3" EGGES-OLD  
 NEW BRIDGE

CALIFORNIA WATER SERVICE CO., BAKERSFIELD REGULATORY DEPARTMENT		DATE: 1-23-90	
KERN RIVER CROSSING PLAN		SHEET NO. 219	
DRAWN BY: AEG		CHECKED BY: AEG	
SCALE: AS SHOWN		PROJECT NO. 100-100-100	