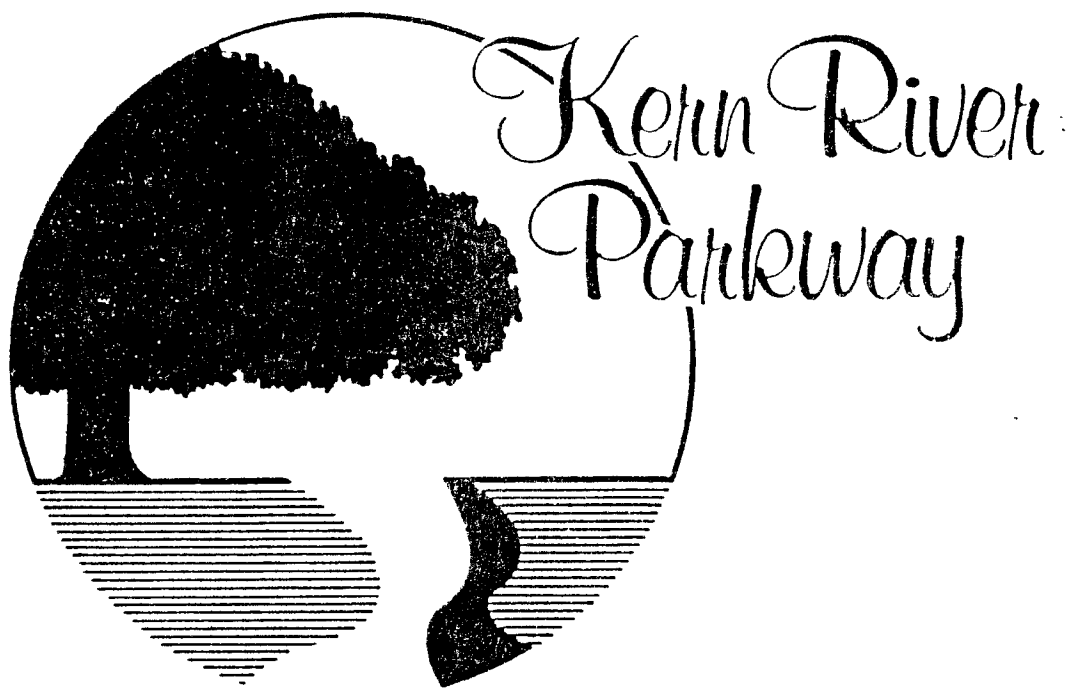


KERN RIVER PARKWAY

FINAL ENVIRONMENTAL IMPACT REPORT



Prepared for:

CITY OF BAKERSFIELD

Prepared by:

JONES & STOKES ASSOCIATES, INC.

SEPTEMBER 1988



**Final
Environmental Impact Report
for the
Kern River Parkway Plan**

Prepared for:

City of Bakersfield Planning Department

**1501 Truxtun Avenue
Bakersfield, CA 93301**

**Contact: James Movius, Acting Principal Planner
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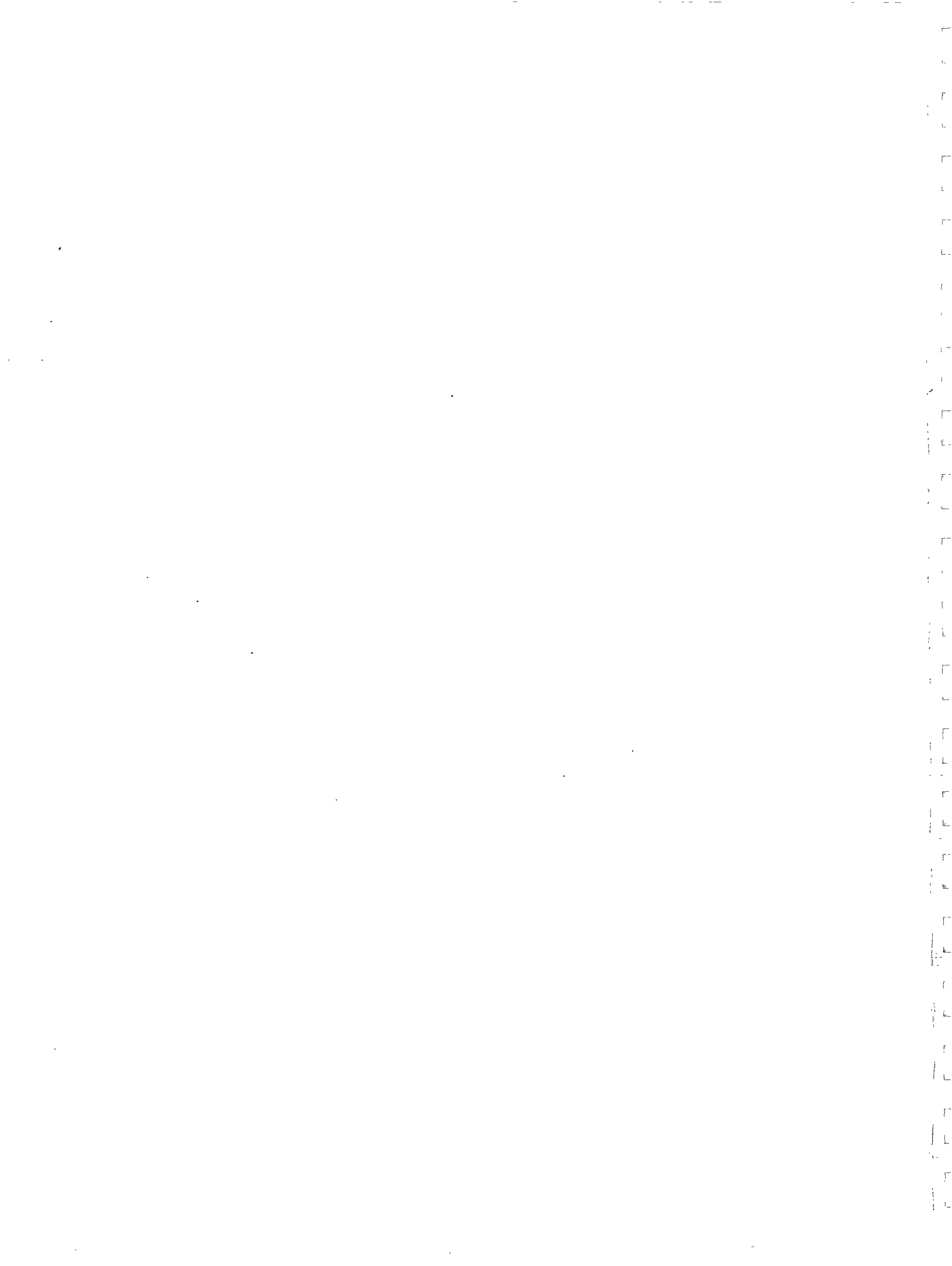
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September 1988

SCH # 88020119



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Kern County

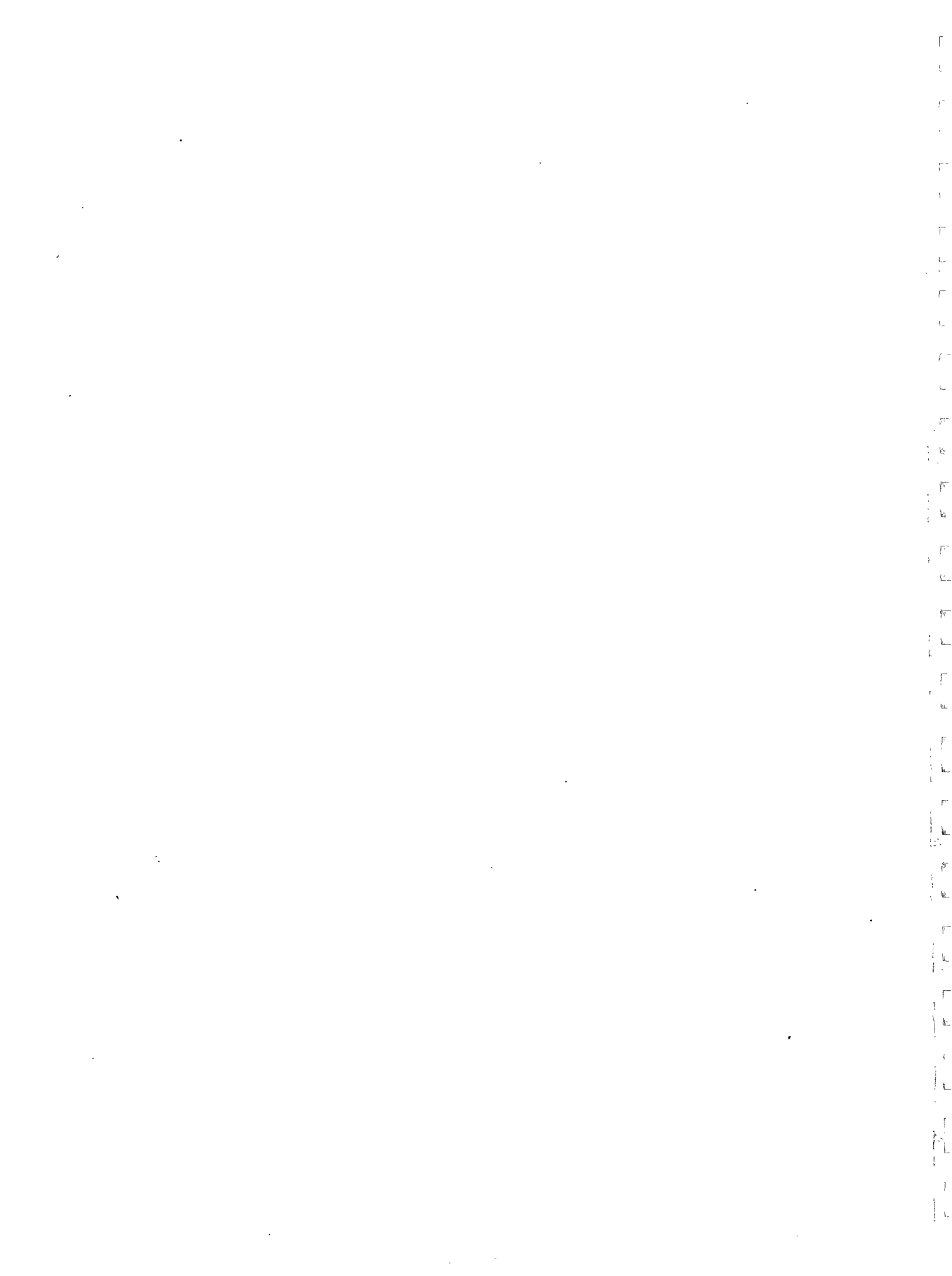
- o Kern County Health Department, Vernon Reichard
- o Kern County Museum, Carola G. Rupert
- o Kern County Mosquito Abatement District, Harmon Clement
- o Kern County Planning and Development Department
- o Kern County Public Works Department, Dale Mills
- o Kern County Air Pollution Control District, Citron Toy
- o Kern County Parks and Recreation Department, Frank Stramler
- o Kern County Water Agency, Stuart Pyle
- o Kern County Council of Governments
- o Kern County Levee District

Other Agencies

- o Arvin-Edison Water Storage District, Cliff Trotter
- o Buena Vista Water Storage District, Martin Milobar
- o Kern Delta Water District, Gilbert Castle
- o North Bakersfield Park & Recreation District, Colon G. Bywater
- o North Kern Water Storage District, Chuck Williams
- o Rosedale-Rio Bravo Water Storage District, Mary Collup

Community Groups

- o Beale Library
- o Board of Trade
- o Building Industry Association, Jack Balfanz
- o Building Trades Council, Douglas Zimmerman
- o California Living Museum, Kevin Hunting
- o California Native Plant Society, Diane L. Mitchell
- o Chevron USA, Juanita Winkler
- o Chamber of Commerce
- o Golden Empire Transit



- o Kern County Audubon Society
- o Kern River Bike Path Committee, Rich O'Neil
- o Kern River Parkway Committee, Bill Cooper
- o Kern River Riders
- o Newhall Land & Farming Company, Jeff Rhoads
- o Nickel Enterprises, Jim Nickel
- o Oceanic California, Inc., Becky Ullman
- o PBR, Robert Johnson
- o Richett, Ward, Delmarter and Deifel
- o Sierra Club, Kern Kaweah Chapter, Arthur Unger
- o The Nature Conservancy, Rick Hewett
- o The Planning Center, Wendy Baker

State Agencies

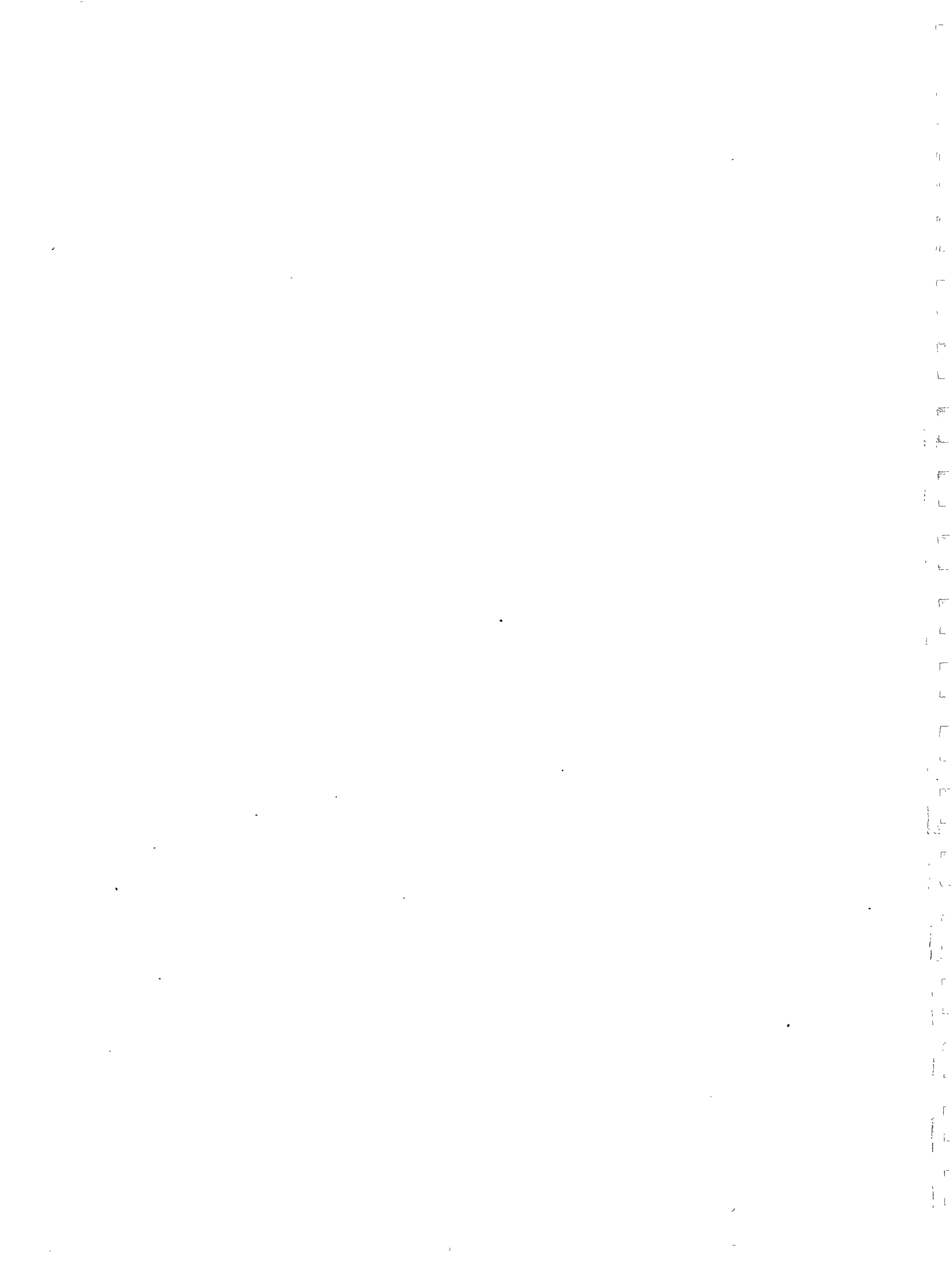
- o California Department of Fish and Game, Ron Remple
- o California Department of Boating and Waterways
- o California Department of Health, Public Water Branch, Richard Haberman
- o California Department of Parks and Recreation, James M. Doyle
- o California Native American Heritage Commission
- o California Office of Historic Preservation
- o California Office of Planning and Research

Federal Agencies

- o U. S. Army Corps of Engineers, Walter Yep
- o U. S. Fish and Wildlife Service, Jim Bartel

Interested Individuals

- o Dennis Fox
- o Albert Franklin
- o Joe Gannon
- o Irene Heath
- o Linda Huffman
- o John Kirsch
- o Richard Monji
- o Ted Murphy
- o Thomas Reid
- o Francis Sanchez
- o Ty Stillman
- o John Sweetser
- o Joy Winckel



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Chapter 1

PURPOSE AND FORMAT OF THE FINAL ENVIRONMENTAL IMPACT REPORT

Under the California Environmental Quality Act (CEQA), the City of Bakersfield (City) is required, after completion of a Draft Environmental Impact Report (EIR), to consult with and obtain comments from public agencies having jurisdiction by law with respect to the proposed project and to provide the general public with opportunities to comment on the Draft EIR. The City, as lead agency, is also required to respond to significant environmental points raised in the review and consultation process.

This Final EIR has been prepared to respond to the public agency and general public comments received on the Draft EIR for the Kern River Parkway Plan (Parkway Plan), which was circulated for public review in July and August 1988. In addition, a public hearing was held before the City of Bakersfield Planning Commission on August 4, 1988 to receive input on the adequacy of the Draft EIR as required by CEQA.

This document has been prepared in the form of an attachment or addendum to the Draft EIR as allowed by Section 15146(b) of the State CEQA Guidelines. This document and the Draft EIR, herein incorporated by reference, constitute the Final EIR.

Table 1-1 describes the sequence of events of the environmental review process for the Parkway Plan since publication of the Draft EIR. This sequence conforms to or exceeds the review process mandated by CEQA and City of Bakersfield Resolution 107-86. Appendix I contains public hearing notices.

The Final EIR contains the following chapters:

- o Chapter 2: This chapter includes a revised version of Table 2-1 "(Summary of Proposed Project Impacts and Mitigation Measures)" to reflect comments received during the Draft EIR public review process and to identify the status of the recommended mitigation measures.
- o Chapter 3: This chapter contains changes to the project description, including changes to the Conceptual Plan Map to recognize mitigation measures, corrections and other changes to the Conceptual Plan Map, clarification of the Non-City-Owned Lands Map, changes to the biological resources chapter, and Kern River Plan Element (KRPE) land use designation comparison map.
- o Chapter 4: This chapter contains City responses to significant environmental points raised during the Draft EIR public review process. City responses to comments on the Draft EIR have been organized according to the chapters of the Draft EIR. Some comments have been cross-referenced to other responses to avoid duplication. Comments were not received on some

Table 1-2. Comments Received on the Draft Environmental Impact Report for the Kern River Parkway Plan

Date of Comment Letter	Commentor
WRITTEN COMMENTS	
July 8, 1988	Rosedale-Rio Bravo Water Storage District Mary E. Collup, Manager
July 12, 1988	Kern County Museum Carola G. Rupert, Director
August 1, 1988	California Department of Parks and Recreation, Resource Protection Division Richard G. Rayburn, Chief
August 1, 1988	Kern County Department of Public Works Martin V. Taylor
August 3, 1988	North Bakersfield Recreation & Park District Colon G. Bywater, Superintendent Planning and Construction
August 3, 1988	Rickett, Ward, Delmarter and Deifel Joseph A. Rickett
August 4, 1988	California Department of Boating and Waterways William H. Ivers, Director
August 5, 1988	Kern County Health Department, Environmental Health Division Vernon S. Reichard, Director, Environmental Health Services
August 5, 1988	The Nature Conservancy Rick Hewett
August 8, 1988	Kern River Parkway Committee Bill Cooper, Chairman
August 9, 1988	Department of the Army, Sacramento District Corps of Engineers, Planning Division Walter Yep, Chief
August 9, 1988	Albert Franklin
August 11, 1988	California Department of Transportation Nathan M. Smith, District Transportation Planner

Table 1-2. Continued

Date of Comment Letter	Commentor
WRITTEN COMMENTS (Cont.)	
August 11, 1988	Kern County Department of Planning and Development Services Randall L. Abbott, Director
August 11, 1988	Kern County Water Agency Stuart T. Pyle, General Manager
August 12, 1988	Office of Planning and Research David C. Nunenkamp, Chief
August 14, 1988	Sierra Club, Kern-Kaweah Chapter Arthur Unger, Conservation Chair
August 14, 1988	John Sweetser
August 14, 1988	Dennis Fox
August 16, 1988	United States Department of the Interior, Fish and Wildlife Service, Sacramento Endangered Species Office Gail C. Kobetich, Field Supervisor
August 20, 1988	Kern County, California Native Plant Society Lorraine L'Herrou Unger, Treasurer

ORAL COMMENTS

Comments Received at the Planning Commission Hearing on the Kern River Parkway Plan Draft EIR - August 4, 1988

- Lorraine Unger, Kern County, California Native Plant Society
- Arthur Unger, Sierra Club
- Dennis Fox



Chapter 2

REVISED SUMMARY TABLE

Table 2-1, "Summary of Proposed Project Impacts and Mitigation Measures," is hereby amended to summarize impacts and mitigation measures that are being added to the EIR and to reflect the status of recommended mitigation measures. The status of each mitigation measure shown in Table 2-1 falls under one of the following categories.

- o Plan Map Changes - mitigation measures that have been incorporated into the Final Master Plan Map. (See Chapter 3, "Changes to the Project Description," for further discussion.)
- o Plan Program Mitigation - mitigation measures that will be incorporated into Parkway design or administration as the Parkway Plan is implemented.
- o Outside Lead Agency Authority or Control - mitigation measures that are partially or fully outside the City's jurisdiction or authority or that require cooperation from outside parties before full implementation of the measure can be achieved.
- o Not Implemented - mitigation measures that will not be implemented by the City of Bakersfield. A Statement of Overriding Considerations may be necessary.

Text in standard print indicates original text from the Draft EIR; text in italics is added language; text that has been struck out is either deleted language or mitigation measures that are no longer applicable because other measures were implemented.

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
		A. SIGNIFICANT ADVERSE IMPACTS				
		The City should contact the State Department of Conservation, Division of Oil and Gas, to obtain information on the requirements for approval to perform remedial cementing operations if any abandoned or unrecorded oil wells are uncovered or damaged during excavation or grading. The City should allow the oil companies that have wells within the Parkway to maintain ingress and egress rights to their wells and related facilities for operation and maintenance; and		X		
	Restricted access to oil wells and related facilities (4-7)	The City should maintain the bicycle path at the oil companies' access routes to avoid a buildup of sand, gravel, and soil.		X		
		The City should require design specifications for all proposed Parkway structures so that they are resistant to flotation and immune to flooding damage; and		X		
	Increase in flooding hazards from proposed structures, resulting in possible noncompliance with the City zoning ordinance and the Kern River Plan Element (5-5)	The City should require design specifications for all proposed Parkway structures so as to prevent peripheral flooding of other properties; and		X		
		The City and County should amend the definition of "development" within the KRPE to clarify its meaning in the context of roadway setback requirements.		X		X
		The City should adopt emergency flood plans that mandate cancellation of events scheduled to occur at the proposed amphitheater whenever the risk of imminent flooding exceeds a specified level.		X		
	Potential inconsistency between the Kern River Channel Maintenance Program policy regarding clearing in the secondary floodway and the Parkway Plan (5-10)	The City should raise the noncritical secondary floodplain and unprotected streambank areas with native plants and tree seedlings as stipulated by the Channel Maintenance Program.		X		
	Potential increase in local California levels in the municipal water supply from increased contact recreation above Calloway Weir (5-11)	In conjunction with Improvement District No. 4 of the Kern County Water Agency, the City should implement a monitoring program to assess trends in coliform bacteria levels in the Calloway Weir pool in relation to variables such as streamflow, water temperature, and number of people engaged in contact recreation; monitoring results should be analyzed to determine conditions likely to result in the formation of trihalomethanes in levels exceeding federal drinking water standards as a basis for possible future regulation of contact recreation at Calloway Weir pool; and		X		X

HYDROLOGY AND WATER QUALITY

Flooding Hazards

HYDROLOGY AND WATER QUALITY

Water Quality

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
		A. SIGNIFICANT ADVERSE IMPACTS				
		When monitoring results indicate that coliform levels at Calloway Weir pool are so high as to require the treatment of drinking water with concentrations of chlorine expected to produce trihalomethane levels that exceed the EPA's drinking water standard, the City should prohibit contact recreation at Calloway Weir pool; and		X		
		During the high use summer recreation season, the City should operate Calloway Weir to maintain a freshwater flow through the ponded water areas, providing maximum circulation and reducing potential degradation of the raw water source.		X		
		<i>Improvement District No. 4, the City, and the County should begin an investigation to reduce or isolate flows from the North Street storm drain to the Kern River channel at North Street.</i>		X		
		The City Parks Department should apply fertilizers and herbicides at the agronomic rates required for the specific vegetation being treated; and		X		
		The City Parks Department should apply pesticides and herbicides in accordance with the manufacturer's label instructions and only under the supervision of an applicator licensed by the California Department of Food and Agriculture; and		X		
		The City Parks Department should store all landscaping chemicals in approved containers that are sealed when not in use and located outside of the secondary floodway.		X		
		<i>The City will not apply pesticides within the primary and secondary floodways. A minimum amount of fertilizer will, however, be applied to the turf areas to encourage initial growth of California native trees once the grasses are established. The City does not intend to fertilize the turf area regularly.</i>		X		
		The City Water Department and the Kern County Health Department should jointly develop and implement a Parkway water quality monitoring program to determine when the coliform bacteria standard for contact recreation established by the California Department of Health Services is exceeded; and		X		
		The City Water Department and Kern County Health Department should post signs at ponded water areas warning users of health risks whenever the coliform bacteria standard for contact recreation is exceeded; and		X		
HYDROLOGY AND WATER QUALITY						
Water Quality	Potential increase in contaminant levels in the Kern River from proposed applications of landscaping chemicals (5-12)					
	Potential exposure of recreationists to waters exceeding standards for contact recreation from elevated fecal coliform levels (5-13)					

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
A. SIGNIFICANT ADVERSE IMPACTS						
		<p>The City Parks Department should post signs at all popular ponds, water areas, warning users that people who engage in swimming do so at their own risk.</p> <p>The City should discourage swimming through reducing the posted area behind Callaway Meir during periods of maximum flow.</p>		x		
CULTURAL RESOURCES						
Construction-Related Impacts	Possibility of revealing buried cultural resources (7-4)	The City should inform all contractors and subcontractors in writing that potential cultural resources could be unearthed during construction and that, in such a case, all work should cease.		x		
BIOLOGICAL RESOURCES						
Habitat Removal and Disturbance	Potential disturbances to active kit fox dens (8-16)	The City should conduct preconstruction surveys for active kit fox dens prior to major construction dens located proximate to the construction site should be flagged; if kit fox dens are discovered in areas slated for modification, priority should be placed on modifying the boundaries of the area to avoid den disturbance, or subject to USFWS approval, careful excavation of the subject den should be undertaken by hand with construction of one or more artificial denning structures nearby as offsets; and		x		
	Removal of riparian habitat and degradation of surrounding habitat from amphitheater complex construction (8-16)	The City should eliminate the amphitheater complex from the Parkway Plan. and	x			
	Removal of riparian habitat from construction of the information center (8-17)	The City should relocate a seated demonstration of the amphitheater (located to 50 west) to one of the proposed recreation areas and limit uses to interpretive and cultural programs		x		
	Direct and indirect conflicts between recreation areas/parking lots and biological resources (8-17)	The City should attempt to acquire the privately owned parcel located immediately west of Chester Avenue on the south side of the river and then relocate the proposed information center into the existing house located on the site; and		x		
		The City should redefine the boundary of the proposed recreation area immediately west of Freeway 99 to avoid the stand of mature cottonwoods; and		x		
		The City should reconfigure the proposed southeastern parking lot from Reach 1 to avoid potential impacts to mapped active kit fox dens; and		x		
		The City should relocate the proposed parking lot in Reach 5 north of the river west of Mobank Avenue from its present site to a disturbed area near a developed recreational area.		x		

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented	
		A. SIGNIFICANT ADVERSE IMPACTS					
	Potential invasion of revegetated riparian areas by nonnative species planted in landscaped areas (8-18)	The City should redesignate the marshy vegetated area near the river on the north side of Reach 1 from a landscaped area to riparian marsh; and The City should plant California natives (although not necessarily native to the Parkway) instead of exotic species in all proposed landscaped areas that are visually attractive, drought-tolerant, and tend to have high wildlife value (see Table B-3). The City should restrict the use of model airplanes, boats, and cars to specific designated areas within the Parkway, particularly to areas with high ambient noise levels, such as those near freeway overcrossings. The City should acquire the two privately owned parcels designated Service Industrial located immediately west of Golden State Highway and Freeway 99 to control land uses on these parcels and then redesignate the Service Industrial designation on the Conceptual Plan Map to riparian.	X	X	X	X	
	Noise impacts on wildlife from recreational activities (8-20)						
	Removal of riparian habitat from construction of Service Industrial uses (8-20)						
TRAFFIC AND CIRCULATION	Drop in the existing LOS from C to D at the intersection of Mohawk Avenue/Truxtun Avenue Extension under existing plus project conditions (9-8)	The City should provide another exclusive left-turn lane on the northbound approach to the intersection.		X			
	Drop in the existing LOS from B to E in 1998 at the intersection of Roberts Lane/Chester Avenue (9-10)	The City County should replace the shared through/right-turn lane with a through lane, add an exclusive right-turn lane at all approaches, and add an exclusive left-turn lane to the northbound approach to the intersection.		X			
	Drop in the existing LOS from B to D in 1998 at the intersection of 34th Street/Chester Avenue (9-10)	The City should widen the northbound approach to include a shared through/right-turn lane.		X			
	Drop in the existing LOS from C to F in 1998 at the intersection of F Street/SR 204 (9-10)	The City should add two through lanes to the eastbound and westbound approaches and replace the shared through/right-turn lane with an exclusive right-turn lane on the westbound approach to this intersection.		X			
	Drop in the existing LOS from C to E in 1998 at the intersection of Mohawk Avenue/Truxtun Avenue Extension (9-12)	The City should add a through lane to the eastbound and westbound approaches and add an exclusive left-turn lane to the northbound approach to the intersection.		X			
	Drop in the existing LOS from C to F in 1998 at the intersection of Coffee Road/Truxtun Avenue Extension (9-12)	The City should provide three through lanes and two exclusive right-turn lanes on the northbound approach to the intersection.		X			
	Overall shortage of parking for Parkway users (9-13)	The City should design the proposed parking lots so that they can be expanded as demand warrants.		X			
	Shortage of parking for amphitheater users (9-13)	if the Parkway Plan is adopted with a 360-seat		X			
	Parking Supply				(parcel west of Golden State Highway)	X	(parcel west of Freeway 99)

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
Circulation and Access	Excessive Distance from Truett Lake facilities to parking (9-14)	The City should amend the Parkway Plan by moving the proposed lot closer to Truett Lake) the area on the west side of the lake would be ideal by locational criteria, but water quality issues would be of concern; therefore, the lot should be moved closer to the east side of Truett Lake.	x	x		
	Potential safety problems at vehicular access points to parking lots (9-15)	The City should provide additional striping, traffic lanes, signals signing, and/or limited access (westbound access only in the case of Truett Avenue Extension) to ensure safe access to the proposed parking lots.				
	Increased demand for law enforcement services (10-6)	The City Police Department and the County Sheriff's Department should develop a mutual assistance program for law enforcement along the Parkway.		x	x	
PUBLIC SERVICES AND FACILITIES Law Enforcement Services	Creation of additional mosquito habitat and breeding areas (10-7)	Prior to Parkway Plan implementation, the City Water Department should prepare, in coordination with the Kern Mosquito Abatement District, plans to minimize the potential for mosquito breeding in the riparian marsh areas, including specifications on site preparation (i.e., grading, dicing, vegetation removal), vegetation enhancement (species, location, density), stagnant water prevention measures, frequency of groundwater recharging, and contingent mosquito abatement measures.		x	x	
	Potential conflicts with Kern River Levee District operations from activities on bicycle path and at rest and recreation areas (10-8)	The City should review the Parkway Plan with the Kern River Levee District prior to implementation of the project to ensure that the proposed bicycle path and the rest and recreation areas would not be adversely affected by levee maintenance and that these uses do not hinder flood control measures.		x		
PUBLIC SERVICES AND FACILITIES Water Storage Facilities	Potential conflicts with operation of existing river weirs, canals, and headworks (10-9)	The City should review the Parkway Plan with all water districts having water control facilities located within the Parkway prior to implementation of any project works to ensure that the districts can continue ongoing operation and maintenance of their facilities.		x		
	Degradation of visual quality from establishment of rest, parking, and recreation areas (12-9)	The City should redefine the boundary of the proposed recreation area (immediately west of Freeway 99 to avoid the stand of mature cottonwoods) and The City should, to the extent possible, avoid removing large native trees in proposed rest and parking areas by incorporating them into landscape design) and The City should plant large (250-gallon) fast-growing native shade trees in proposed	x			
VISUAL QUALITY Changes in Localized Scenic Character						

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
		A. SIGNIFICANT ADVERSE IMPACTS				
		The City should plant native trees, shrubs, and groundcover to the extent possible in proposed rest, parking, and recreation areas to preserve the riparian theme of the Parkway and		x		
		The City should design and site structures in the proposed rest, parking, and recreation areas in accordance with the constraints of topography, riparian vegetation, and other natural features; and		x		
		The City should use natural materials and colors that blend with the surrounding vegetation for necessary structures in the proposed rest, parking, and recreation areas; and		x		
		The City should, to the extent possible, screen from view all structures in proposed rest and recreation areas and screen from view proposed parking areas with native landscaping, berms, or other naturally occurring features; and		x		
		The City should minimize paved areas and maximize grassy areas in the proposed rest and recreation areas.		x		
	Degradation of visual quality from construction of the police pistol range (12-10)	The City should relocate the police pistol range elsewhere in the City.	x			
	Degradation of visual quality from construction of the amphitheater complex (12-10)	The City should eliminate the amphitheater complex from the Parkway Plan, or the City should relocate the amphitheater complex elsewhere in the City; or	x			
		The City should relocate the east-west portion of the amphitheater (limited to 50 seats) to one of the proposed recreation areas and limit uses to interpretive and cultural programs.		x		
	Degradation of visual quality from construction of the information center (12-11)	The City should attempt to acquire the privately owned parcel located immediately west of Chester Avenue on the south side of the river and then relocate the proposed information center into the existing house on the site.	x	x		
	Degradation of visual quality from development of Service Industrial uses (12-11)	The City should acquire the two privately owned parcels designated Service Industrial located immediately west of Golden State Highway and Freeway 99 to control land uses on these parcels and then redefine their Service Industrial designation on the Conceptual Plan Map to riparian.		x (parcel west of Golden State Highway)	x	x (parcel west of Freeway 99)
	Degradation of visual quality from existing oil pumping units, cyclone fencing, and concrete rubble, and graffiti (12-12)	The City should coordinate with the oil companies to visually enhance the productive oil pumping units through painting and landscaping; and		x		

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
A. SIGNIFICANT ADVERSE IMPACTS						
		<p>The City should maintain an ongoing program to remove concrete rubble that is not essential for erosion and flood protection from the Parkway. Included in this program should be the removal of unightly scattered debris. <i>Debris should also be removed from the Parkway.</i></p> <p>The City should landscape major road crossings and gateway areas in a manner to minimize obstruction of scenic views of the Kern River.</p> <p>The City should not place nighttime lighting at the rest area between Golden State Highway and Beach Park.</p>		X		
Light and Glare	<p>Obstruction of Kern River views from landscaped area adjacent to major road crossings (12-14)</p> <p>Glare impacts from lighting at the rest area between Golden State Highway and Beach Park (12-14)</p>			X		
NOISE						
Short-Term Impacts	<p>Generation of noise from operation of construction equipment (13-5)</p>	<p>The City should limit construction activities to weekday, daytime hours preclude to noise-sensitive uses.</p>		X		X
Long-Term Impacts on Parkway and Major Roadway and Railroads	<p>Generation of unacceptable noise levels at the proposed rest area between the Golden State Highway and the Southern Pacific Railroad line (13-8)</p> <p>Generation of unacceptable noise levels at the proposed rest area west of Freeway 99 (13-8)</p>	<p>The City should relocate the proposed rest area between the Golden State Highway and the SPRR line to a site at least 350 feet east of the SPRR line or at least 200 feet west of the Golden State Highway.</p> <p>The City should relocate the proposed rest area west of Freeway 99 to a site at least 800 feet west of its proposed location.</p>		X		
Long-Term Impacts on Adjacent Land Uses from Proposed Parkway Uses	<p>Potential generation of unacceptable noise levels from the proposed police pistol range (13-9)</p> <p>Generation of intermittent noise levels from the proposed amphitheater that could annoy adjacent residents (13-9)</p> <p>Generation of annoying noise levels from group gatherings in parking lots, located near minor roadways, during nighttime hours (13-11)</p>	<p>if-the-pistol-range-is-included-in-the-approved-parkway-plan-the-city-should-hire-a-qualified-acoustical-engineer-to-design-the-pistol-range-building-with-sound-absorbing-materials-so-that-noise-levels-50-feet-from-the-entrance-do-not-exceed-65-dB-AEqs</p> <p>The-city-should-visit-the-noise-levels-from-amphitheater-events-to-verify-that-the-intermittent-daytime-noise-levels-do-not-exceed-60-dB-Leq-at-the-nearest-neighbor-home-residence</p>		X		
AIR QUALITY						
Construction-Related Impacts	<p>Increase in dust (14-3)</p> <p>Generation of air pollutants by construction equipment powered with internal combustion engines (14-4)</p> <p>Potential carbon monoxide violations in 1998 with implementation of the proposed project (14-5)</p>	<p>The City should require that contractors use standard construction practices to reduce the amount of dust particles emitted due to construction activities.</p> <p>The City should require that contractors use properly maintained construction equipment.</p> <p>The City should implement the roadway improvements recommended in Chapter 9, "Traffic and Circulation," capable of improving levels of service to C or better.</p>		X		
Long-Term Impacts				X		

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
B. LESS-THAN-SIGNIFICANT IMPACTS						
Solid Waste Service	Increase in peak month solid waste generation of 9,909 pounds per weekend day can be accommodated (10-5)	None required.	N/A	N/A	N/A	N/A
Law Enforcement Service	Adequate law enforcement access (10-6)	None required.	N/A	N/A	N/A	N/A
Fire Protection Service	Increased demand for fire protection services can be accommodated (10-7)	None required.	N/A	N/A	N/A	N/A
SOILS AND GEOLOGY						
Geologic Hazards	Uniform Building Code standards ensure public safety during earthquakes (11-2)	None required.	N/A	N/A	N/A	N/A
	Public safety hazards from liquefaction, ground rupture, and landslides improbable (11-3)	None required.	N/A	N/A	N/A	N/A
AIR QUALITY						
Long-Term Impacts	No carbon monoxide violations expected under existing plus project conditions (11-4)	None required.	N/A	N/A	N/A	N/A

N/A = Not Applicable.

Table 2-1. Continued

Impact Category	Impacts	Mitigation Measures Necessary to Reduce Impacts to Less than Significant	Plan Map Changes	Plan Program Mitigation	Outside Lead Agency Authority or Control	Not Implemented
C. BENEFICIAL IMPACTS						
LAND USE						
Direct Changes in Land Use	Natural enhancement of 456 acres and improvement of 150 acres with recreational uses (4-4)	None required.	N/A	N/A	N/A	N/A
RECREATIONAL FACILITIES						
Supply of Regional Recreation Space	127-percent increase in regional recreation space consistent with City objectives, but inconsistent with minimum standards identified by the National Recreation and Park Association (8-2)	None required.	N/A	N/A	N/A	N/A
Opportunities Available for Specific Activities	Elimination or reduction of existing resource deficiencies for bicycling, nonmotorized boating, jogging, horseback riding, nature appreciation, field sports, fishing, picnicking, swimming, and attending cultural events (6-4)	None required.	N/A	N/A	N/A	N/A
VISUAL QUALITY						
Changes in Parkwayside Scenic Character	Visual enhancement of the Parkway through natural revegetation and ornamental landscaping (12-7)	None required.	N/A	N/A	N/A	N/A
Changes in Localized Scenic Character	Improvement in offsite views from Gateway areas and major road crossings (12-12)	None required.	N/A	N/A	N/A	N/A
N/A = Not Applicable.						



Chapter 3

CHANGES TO THE PROJECT DESCRIPTION

This chapter summarizes all City staff-recommended changes to the proposed project based on the findings of the Draft EIR, comments received during the Draft EIR public review process, and other necessary corrections to the project description.

CHANGES TO THE CONCEPTUAL PLAN MAP TO INCORPORATE MITIGATION MEASURES

Numerous mitigation measures recommended in the Draft EIR to reduce significant adverse impacts to a less-than-significant level have been incorporated into the Parkway Plan. The plate following page 3-4 presents the revised Parkway Plan, consisting of the Final Master Plan Map. Table 3-1 briefly describes the following:

- o original land use designation on the Conceptual Plan Map,
- o impacts of that land use,
- o recommended mitigation measures to reduce the impact to a less-than-significant level,
- o land use changes incorporated into the Parkway Plan, and
- o revised land use designations on the Final Master Plan Map.

As shown in Chapter 2, "Revised Summary Table," the following are the only mitigation measures affecting the Conceptual Plan Map that were not incorporated in their entirety into the Final Master Plan Map:

- o The City should acquire the two privately owned parcels designated Service Industrial located immediately west of Golden State Highway and Freeway 99 to control land uses on these parcels and then redefine their Service Industrial designation on the Conceptual Plan Map to riparian.

The City intends to pursue acquisition in full fee the parcel located west of Golden State Highway and to obtain an easement through the parcel located west of Freeway 99 (see "Clarification of the Non-City-Owned Lands Map" discussion in this chapter).

Table 3-1. Changes to the Conceptual Plan Map to Incorporate Recommended Mitigation Measures

Reach	Original Land Use Designation	Impact	Mitigation Measure	Change	Revised Land Use Designation
1	Parking area (west of Manor Street on south side of river)	Direct and indirect conflicts between recreation areas/parking lots and biological resources (8-17)	The City should reconfigure the proposed southeastern parking lot from Reach 1 to avoid potential impacts to mapped active kit fox dens, and the City should conduct preconstruction surveys for active kit fox dens prior to major construction.	Reduction of the size of the parking lot located immediately adjacent to Manor Street to avoid mapped active kit fox dens, and City commitment to conduct preconstruction survey for active kit fox dens	Parking area and natural open space
	Amphitheater complex	Land use conflict between the amphitheater complex and other Parkway Plan elements (4-5); removal of riparian habitat and degradation of surrounding habitat from amphitheater complex construction (8-16); and degradation of visual quality from construction of the amphitheater complex (12-10)	The City should eliminate the amphitheater complex from the Parkway Plan.	Elimination of the amphitheater from the Parkway Plan and reduction of the size of the parking area	Natural open space
	Information center	Removal of riparian habitat from construction of the information center (8-17); degradation of visual quality from construction of the information center (12-11)	The City should attempt to acquire the privately owned parcel located immediately west of the river and then relocate the proposed information center into the existing house located on the site.	Relocation of the information center to the existing house located west of Chester Avenue on the south side of the river in the proposed parking area	Landscaped area (turf with native trees)
	Landscaped area (east of Chester Avenue on north side of river)	Potential invasion of revegetated riparian acres by nonnative species planted in landscaped areas (8-18)	The City should redesignate the marshy vegetated area near the river on the north side of Reach 1 from a landscaped area to riparian marsh.	Elimination of the landscaped area immediately east of Chester Avenue on the north side of the river	Riparian area
	Landscaped area (west of Chester Avenue on north side of river)	Potential invasion of revegetated riparian acres by nonnative species planted in landscaped areas (8-18)	The City should redesignate the marshy vegetated area near the river on the north side of Reach 1 from a landscaped area to riparian marsh.	Elimination of the landscaped area immediately west of Chester Avenue on the north side of the river	Riparian area
2	Parking area (west of Chester Avenue on north side of river)			Elimination of the parking area immediately west of Chester Avenue on the north side of the river	No land use designation
4	Police pistol range	Land use conflict between the police pistol range and other Parkway Plan elements (4-5); degradation of visual quality from construction of the police pistol range (12-10)	The City should relocate the police pistol range elsewhere in the City.	Elimination of the police pistol range from the Parkway Plan	Group picnic area
	Rest area (west of Freeway 99)	Generation of unacceptable noise levels at the proposed rest area west of Freeway 99 (13-8)	The City should relocate the proposed rest area west of Freeway 99 to a site at least 800 feet west of its proposed location.	Elimination of the rest area west of Freeway 99 from the Parkway Plan	Recreation area (bicycle path bypass)
	Recreation area (west of Freeway 99)	Direct and indirect conflicts between recreation areas/parking lots and biological resources (8-17); degradation of visual quality from establishment of rest, parking, and recreation areas (12-9)	The City should redefine the boundary of the proposed recreation area immediately west of Freeway 99 to avoid the stand of mature cottonwoods.	Reduction of the size of the recreation area west of Freeway 99 to avoid the stand of mature cottonwoods	Recreation and riparian areas

a The City eliminated this parking lot to reduce water quality impacts to the raw water source of the Kern County Water Agency Improvement District No. 4 treatment plant.

b Users of the bicycle path bypass would be able to use the facilities located in the adjacent recreational area.

Table 3-1. Continued

Reach	Original Land Use Designation	Impact	Mitigation Measure	Change	Revised Land Use Designation
5	Parking area (west of Mohawk Avenue on south side of river)	Excessive distance from Troutum Lake facilities to parking (9-14)	The City should amend the Parkway Plan by moving the proposed lot closer to Troutum Lake; the area on the west side of the lake would be ideal by locational criteria, but water quality issues would be of concern; therefore, the lot should be moved closer to the east side of Troutum Lake.	Relocation of the parking area to the area immediately east of City Pump Station No. 13	Recreation area
	Parking area (west of Mohawk Avenue on north side of river)	Direct and indirect conflicts between recreation areas/parking lots and biological resources (8-17)	The City should relocate the proposed parking lot in Reach 5 north of the river west of Mohawk Avenue from its present site to a disturbed area near a developed recreational area.	Elimination of the parking area from the Parkway Plan	Riparian marsh area

^a The City eliminated this parking lot to reduce water quality impacts to the raw water source of the Kern County Water Agency Improvement District No. 4 treatment plant.

^b Users of the bicycle path bypass would be able to use the facilities located in the adjacent recreational area.

- o The City should relocate the proposed rest area between the Golden State Highway and the SPRR line to a site at least 350 feet east of the SPRR line or least 200 feet west of the Golden State Highway.

CORRECTIONS AND OTHER CHANGES TO THE CONCEPTUAL PLAN MAP

The following lists corrections and other changes to the Conceptual Plan Map in addition to those changes recognizing mitigation measures:

Changes to the Map Legend

- o The title of the map has been changed from "Conceptual Master Site Plan for the Kern River Corridor" to "Final Master Plan-Kern River Parkway."
- o The "Typical Rest Area" has been redrawn to reflect two large trees, a drinking fountain, and triple benches with turf in the bicycle path bypass area.
- o The rest area description has been amended as follows: "Areas adjacent to the bike path that ~~could~~ would include information points, benches, shade arbors trees, drinking fountains and localized landscaping."

Land Use Changes

- o The parking area immediately west of Chester Avenue on the north side of the river has been eliminated to reduce water quality impacts to the raw water source of the Kern County Water Agency Improvement District No. 4 treatment plant.
- o The pedestrian tunnel under Chester Avenue on the south side of the river has been eliminated because of police department security concerns.
- o The privately owned parcels immediately west of Golden State Highway and Freeway 99 on the north side of the river have been redesignated from natural open space to Service Industrial, consistent with the adopted Kern River Plan Element (KRPE) of the Metropolitan Bakersfield Area General Plan.
- o Riparian areas have been added between the privately owned parcel immediately west of Golden State Highway and the river and between the recreation area immediately east of the Santa Fe Railroad tracks and the river.
- o The landscaped area immediately north of the privately owned parcel west of Freeway 99 has been relocated to the southern portion of that parcel.

- o A groundwater recharge area (lake) has been added immediately west of Truxtun Lake. The recharge basin is consistent with the goals and policies of the KRPE.
- o The equestrian trail between Freeway 99 and the northeast corner of the Texaco refinery has been realigned closer to the river shoreline.
- o The landscaped area west of Coffee Road and the bicycle path on the south side of the river has been relocated between the bicycle path and Coffee Road embankment to provide a contiguous landscaped area adjacent to Coffee Road, with fewer impacts to the Bakersfield Educational Studies Area.
- o The equestrian trail has been realigned to follow the radius of the Arvin-Edison Canal right-of-way immediately east of Coffee Road.
- o The existing Rosedale-Rio Bravo Water Storage District and Pioneer Canal Headgates have been incorporated east of the Stockdale Highway Bridge.

Figure 4-1 of the Draft EIR is hereby amended to reflect the changes to the project (see following page).

CLARIFICATIONS OF THE NON-CITY-OWNED LANDS MAP

The Non-City-Owned Lands Map has been revised to differentiate the lands to be acquired from those lands requiring only an easement or agreement to complete the equestrian trail, provide a waterline, etc. (See plate following Figure 4-1.)

CLARIFICATION OF THE "LANDSCAPED AREA" DEFINITION

The Draft EIR is hereby amended to clarify the City's intent on the use of native and nonnative species in the proposed landscaped areas. Paragraph 2 on page 3-4 of the Draft EIR is amended as follows:

"Landscaped Areas (Dark Green). This category contains areas that would be **planted with California natives or turfed and/or planted with native or nonnative park landscaping and artificially irrigated.** (See the revised version of Table 8-3 in Chapter 5 of this report for a recommended list of compatible California native plant species.) Portions of the Parkway that would be landscaped include ~~the amphitheater site,~~ major road crossings, parking lots, rest areas, areas adjacent to existing canals and the bicycle path, and areas that would serve as a visual screen from adjacent land uses. These areas comprise 65 60 acres (27 acres planted with turf on the south side of the river in Reach 1 and 33 acres planted with California native species), or 4.6 4.3 percent of the Parkway."

CHANGES TO CHAPTER 8, "BIOLOGICAL RESOURCES"

Because the Conceptual Plan Map has been changed to incorporate mitigation measures, (as described above) the relationship of enhanced to disturbed areas in the Parkway has been changed. Therefore, the "Habitat Removal and Disturbance" impact discussion on pages 8-15 and 8-16 of the Draft EIR has been revised as follows:

Impacts and Mitigation Measures

Habitat Removal and Disturbance

Natural Enhancement of 456 502 acres of Good Quality Natural Habitat and Development of +/- 483 137 Acres of Riparian Savanna, Scrub, and Woodland (2.5:1 3.7:1 ratio)

Impact. Implementation of the Parkway Plan would result in the conversion of 483 137 acres of mostly disturbed riparian savanna, scrub, and riparian woodland habitats to developed uses (recreation areas- 75 70 acres, landscaped areas- 65 27 acres, rest areas-2 acres, recharge basins-5 acres, parking lots- 8 5 acres, and Service Industrial uses-28 acres). Most of the acreage proposed for land use changes has been degraded by past ORV use and other human activities but these areas still provide suitable foraging and dispersal habitat for San Joaquin kit fox and other wildlife species.

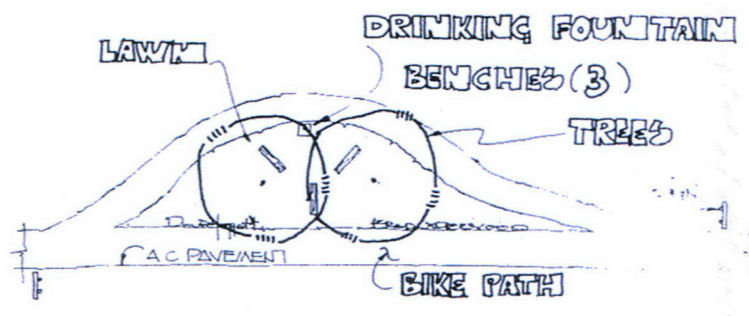
Under the Parkway Plan, 384 392 acres of riparian habitat, 75 77 acres of freshwater marsh habitat, and 33 acres of landscaped areas are proposed for revegetation and enhancement with native vegetation such as cottonwoods and tree willows, as well as species that would benefit the kit fox, such as saltbush and grasses for bank stabilization. These improvements would be beneficial to vegetation and wildlife, but the ratio of enhanced to converted lands is only 2.5:1 under the proposed Parkway plan. Since this ratio of enhanced to converted lands is less than more than 3:1 (the ratio typically recommended by the DFG and USFWS), the conversion of 483 137 acres is considered a significant adverse less-than-significant impact to vegetation and wildlife.

Mitigation Measures

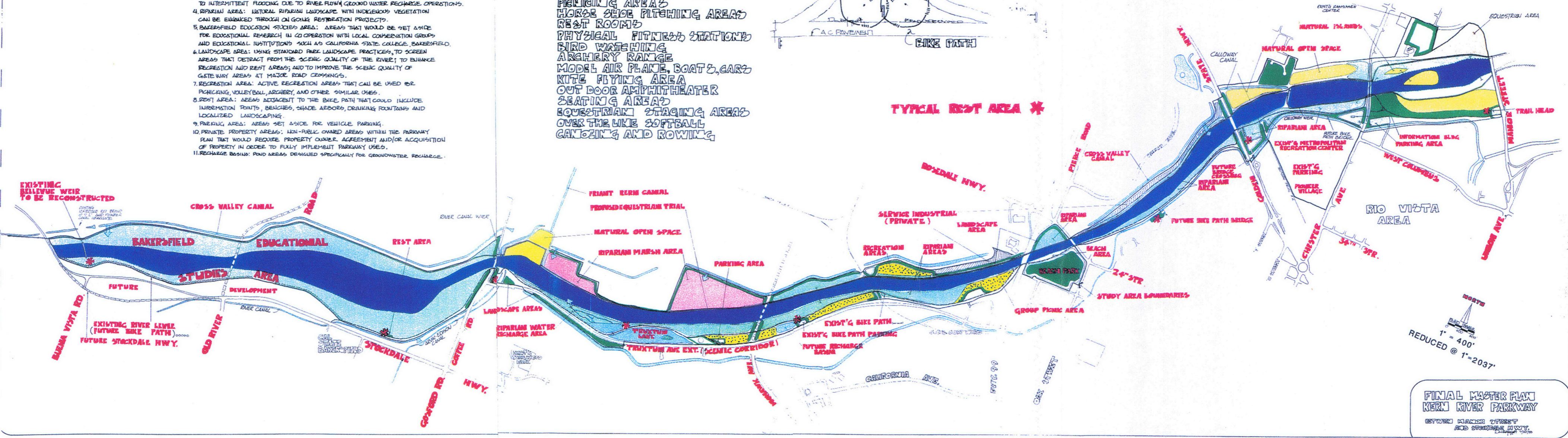
- ~~o The City should conduct preconstruction surveys for active kit fox dens prior to major construction. These surveys should ideally be undertaken within 60 days of planned initiation of construction. Dens located proximate to the construction site should be "flagged" to reduce the opportunity for their inadvertent destruction. Should kit fox dens also be discovered within the areas slated for modification, priority should be placed on modifying the boundaries of the area to avoid den disturbance or, subject to USFWS approval, careful excavation of the subject den should be undertaken by hand~~

- PARKWAY LAND USE DEFINITIONS:**
1. PRIMARY RIVER CHANNEL: THAT AREA LOCATED WITHIN THE STATES DESIGNATED FLOODWAY & THE KERN RIVER CHANNEL MAINT. PROGRAM.
 2. NATURAL OPEN SPACE: AREAS LEFT IN THEIR NATURAL STATE; ON GOING LITTER PROGRAM WOULD BE ESTABLISHED TO PREVENT ACCUMULATION OF TRASH & DEBRIS.
 3. RIPARIAN MARSH AREA: RIPARIAN AREAS WITH INDIGENOUS VEGETATION SUBJECT TO INTERMITTENT FLOODING DUE TO RIVER FLOW & GROUND WATER RECHARGE OPERATIONS.
 4. RIPARIAN AREA: NATURAL RIPARIAN LANDSCAPE WITH INDIGENOUS VEGETATION CAN BE ENHANCED THROUGH ON GOING RESTORATION PROJECTS.
 5. BAKERSFIELD EDUCATION STUDIES AREA: AREAS THAT WOULD BE SET ASIDE FOR EDUCATIONAL RESEARCH IN CO OPERATION WITH LOCAL CONSERVATION GROUPS AND EDUCATIONAL INSTITUTIONS SUCH AS CALIFORNIA STATE COLLEGE, BAKERSFIELD.
 6. LANDSCAPE AREA: USING STANDARD PARK LANDSCAPE PRACTICES, TO SCREEN AREAS THAT DETRACT FROM THE SCENIC QUALITY OF THE RIVER; TO ENHANCE RECREATION AND REST AREAS; AND TO IMPROVE THE SCENIC QUALITY OF GISTE WAY AREAS AT MAJOR ROAD CROSSINGS.
 7. RECREATION AREA: ACTIVE RECREATION AREAS THAT CAN BE USED FOR PICNICKING, VOLLEY BALL, ARCHERY, AND OTHER SIMILAR USES.
 8. REST AREA: AREAS ADJACENT TO THE BIKE PATH THAT COULD INCLUDE INFORMATION POINTS, BENCHES, SHADE ARBORS, DRINKING FOUNTAINS AND LOCALIZED LANDSCAPING.
 9. PARKING AREA: AREAS SET ASIDE FOR VEHICLE PARKING.
 10. PRIVATE PROPERTY AREAS: NON-PUBLIC OWNED AREAS WITHIN THE PARKWAY PLAN THAT WOULD REQUIRE PROPERTY OWNER AGREEMENT AND/OR ACQUISITION OF PROPERTY IN ORDER TO FULLY IMPLEMENT PARKWAY USES.
 11. RECHARGE BASINS: POND AREAS DESIGNED SPECIFICALLY FOR GROUNDWATER RECHARGE.

- LEGEND: RECREATION AREA'S SUCH AS:**
- VOLLEY BALL
 - WALKING PATHS/ Jogging
 - Picnicking Area
 - HORSE SHOE PITCHING AREAS
 - REST ROOMS
 - PHYSICAL FITNESS STATIONS
 - BIRD WATCHING
 - ARCHERY RANGE
 - MODEL AIR PLANE, BOAT, CARZ
 - KITE FLYING AREA
 - OUT DOOR AMPHITHEATER
 - SEATING AREAS
 - EQUESTRIAN STAGING AREAS
 - OVER THE LINE SOFTBALL
 - CANOEING AND ROWING






TYPICAL REST AREA *



REDUCED @ 1" = 2037'

**FINAL MASTER PLAN
KERN RIVER PARKWAY**
ETWEN MAKER STREET AND STOCKDALE HWY.

FINAL MASTER PLAN KERN RIVER PARKWAY EXISTING MAINLINE STREET AND STORAGE LAYOUT

- LEGEND**
- 2.5 FLOOD HAZARD (OVERLAY)
 - 3.1 PUBLIC OR PRIVATE RECREATION AREA
 - 7.1 LIGHT INDUSTRIAL
 - 7.2 SERVICE INDUSTRIAL
 - 8.5 RESOURCE MANAGEMENT (MINIMUM 20-ACRE PARCEL SIZE)
 - PKG PARKING AREA
 - PIC PICNIC AREA
 -  * INCONSISTENT WITH PARKWAY PLAN CONCEPTUAL PLAN MAP AND FINAL MASTER PLAN MAP DESIGNATIONS
 -  * CONSISTENT WITH PARKWAY PLAN CONCEPTUAL PLAN MAP; INCONSISTENT WITH FINAL MASTER PLAN MAP
 -  INCONSISTENT WITH PARKWAY PLAN CONCEPTUAL PLAN MAP; CONSISTENT WITH FINAL MASTER PLAN MAP

* Requires amendment to the KRPE

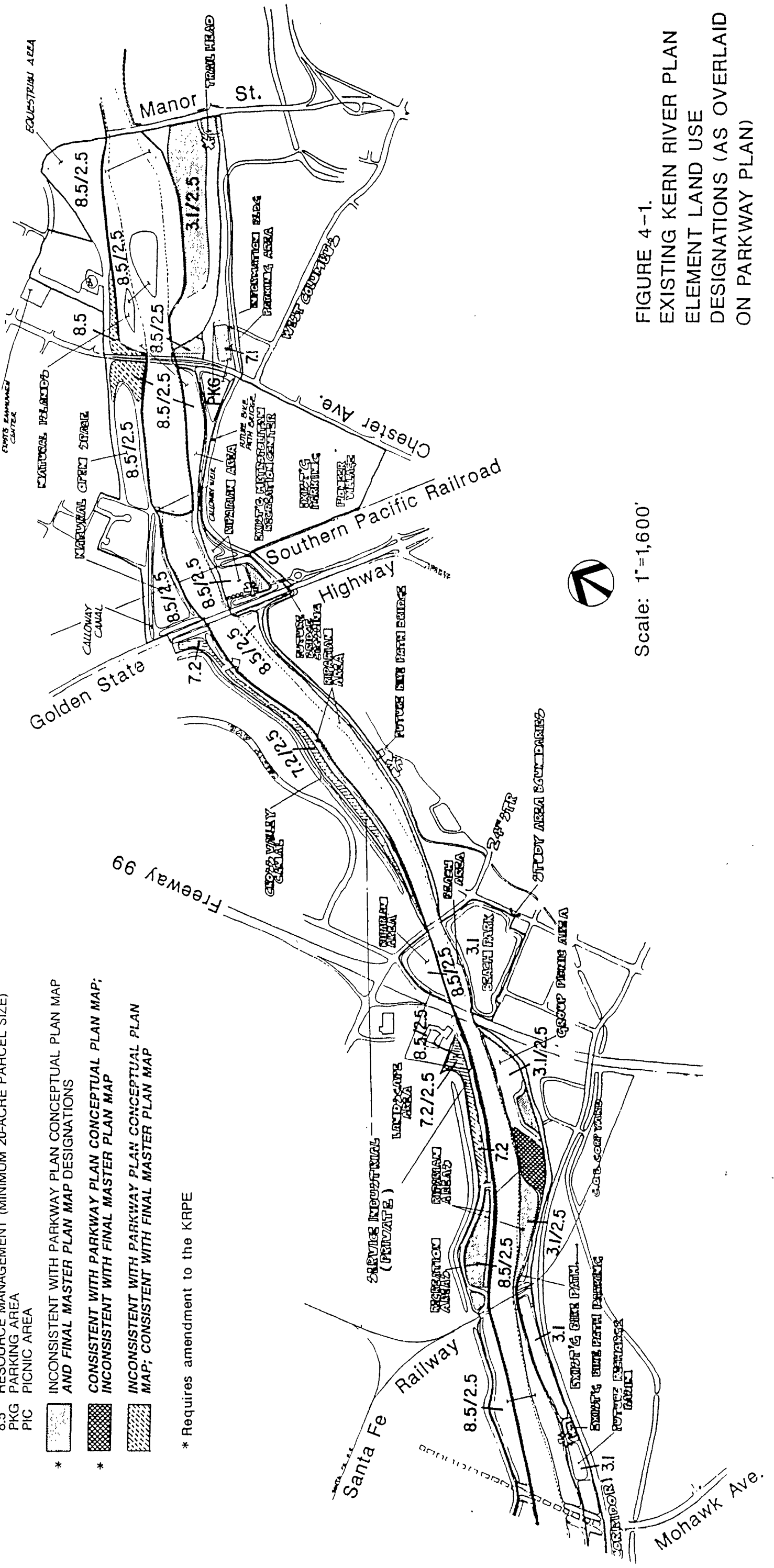
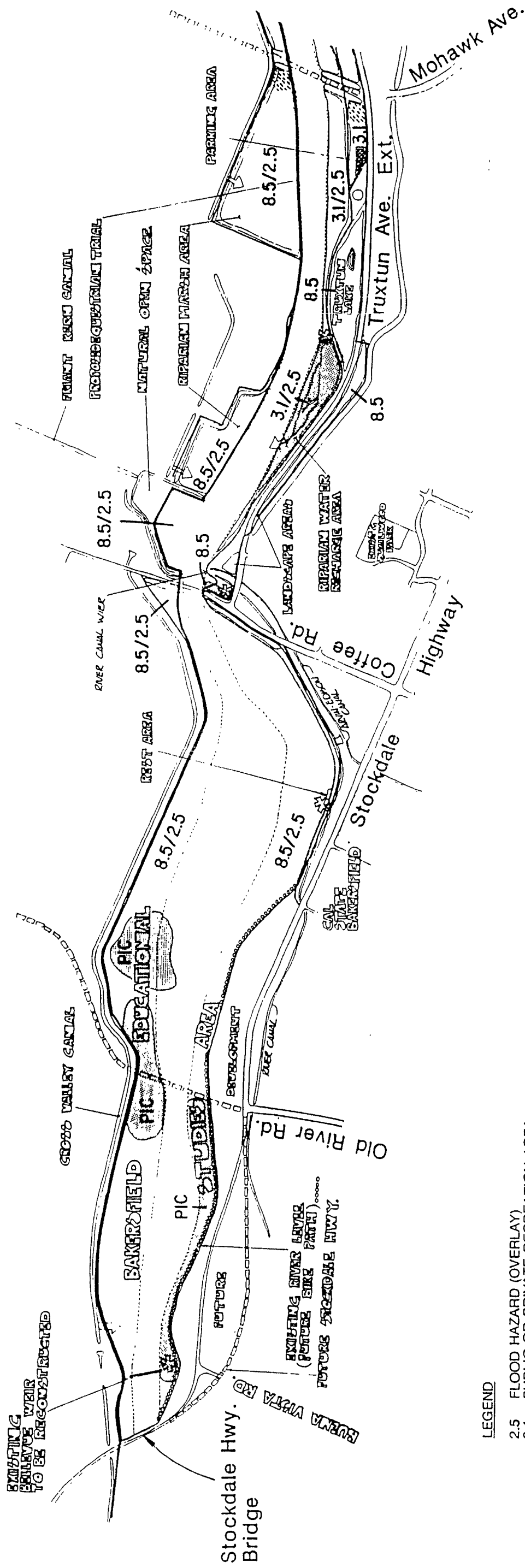


FIGURE 4-1.
EXISTING KERN RIVER PLAN
ELEMENT LAND USE
DESIGNATIONS (AS OVERLAID
ON PARKWAY PLAN)



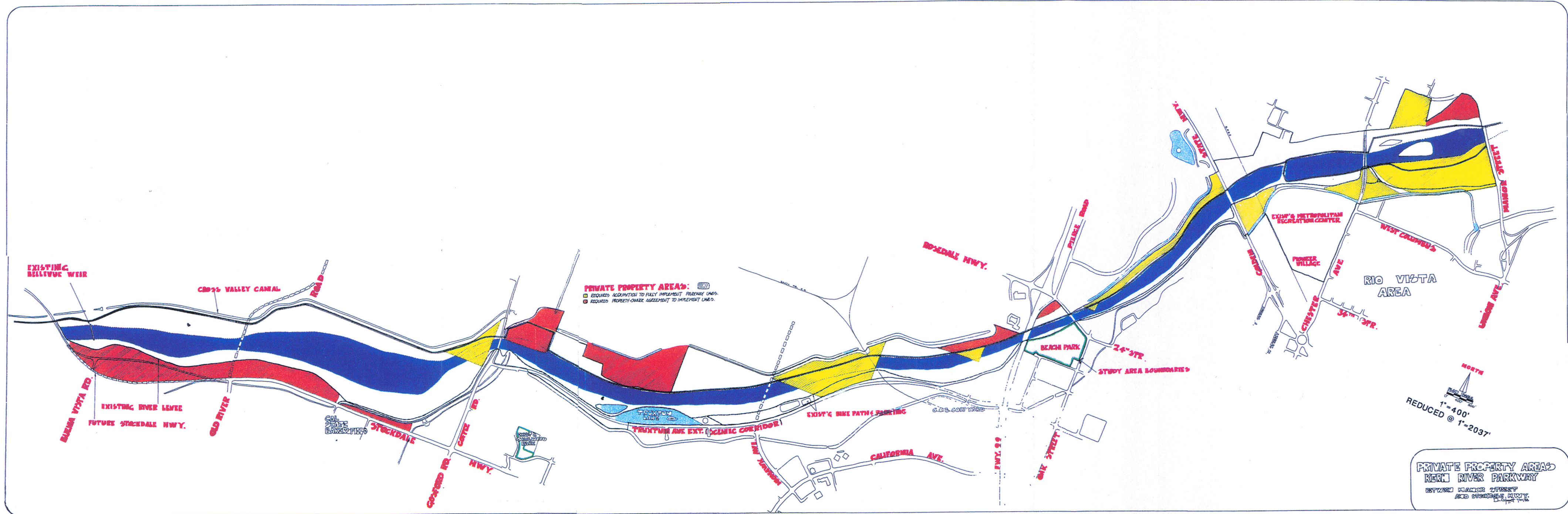
- LEGEND**
- 2.5 FLOOD HAZARD (OVERLAY)
 - 3.1 PUBLIC OR PRIVATE RECREATION AREA
 - 7.1 LIGHT INDUSTRIAL
 - 7.2 SERVICE INDUSTRIAL
 - 8.5 RESOURCE MANAGEMENT (MINIMUM 20-ACRE PARCEL SIZE)
 - PKG PARKING AREA
 - PIC PICNIC AREA
- * INCONSISTENT WITH PARKWAY PLAN CONCEPTUAL PLAN MAP AND FINAL MASTER PLAN MAP DESIGNATIONS
 - * CONSISTENT WITH PARKWAY PLAN CONCEPTUAL PLAN MAP; INCONSISTENT WITH FINAL MASTER PLAN MAP
 - INCONSISTENT WITH PARKWAY PLAN CONCEPTUAL PLAN MAP; CONSISTENT WITH FINAL MASTER PLAN MAP



Scale: 1"=1,600'

FIGURE 4-1. CONTINUED

* Requires amendment to the KRPE



PRIVATE PROPERTY AREA:

- REQUIRES ACQUISITION TO FULLY IMPLEMENT PARKWAY USES.
- REQUIRES PROPERTY-OWNER AGREEMENT TO IMPLEMENT USES.

NORTH

1"=400'

REDUCED @ 1"=2037'

PRIVATE PROPERTY AREA
KERN RIVER PARKWAY
 BETWEEN MANDOR STREET
 AND STOCKDALE HWY.

~~to ensure no fox entrapment, with construction of one or more artificial denning structures nearby as offsets. If the Bakersfield Metropolitan HGP is in place at the time of disturbance, mitigation measures outlined in the HGP should be implemented.~~

(Because the enhanced to converted lands ratio changed, resulting in a less-than-significant impact, this mitigation measure is hereby added to the impact, "**Potential Disturbance to Active Kit Fox Dens**," as shown in the revised Table 2-1 in Chapter 2, "Revised Summary Table," of this report.)

- o None required.

To further reduce the impact of converting 137 acres of native habitat to developed uses, implementation of the following measure could be considered:

- o The City should acquire the two privately owned parcels designated Service Industrial located immediately west of Golden State Highway and Freeway 99 to control the land uses on these parcels and then redesignate the Service Industrial designation on the ~~Conceptual~~ **Final Master Plan Map** to riparian as **recommended by the USFWS (Kobetich pers. comm.)**. This would provide increased habitat for wildlife and would limit permitted uses to those consistent with the riparian theme of the Parkway Plan. The addition of the 28 acres would increase the ratio of enhanced to converted lands to ~~3.1:1~~ **4.9:1**, a value that is consistent with DFG and USFWS recommendations. Such a redesignation would also require amendment of the KRPE's designation of the two affected parcels.

~~The 3.1:1 ratio is based on a "worst case" analysis that assumes that all landscaped areas would be planted with nonnative vegetation and would have no wildlife value. In fact, a portion of these areas is proposed for planting with native vegetation. Furthermore, if the recommended mitigation for landscaped areas is implemented as identified below, a larger portion of these areas would be landscaped with California natives having high wildlife value. Thus, the actual ratio will probably be greater than 3.1:1.~~



Chapter 4

RESPONSE TO COMMENTS

CHAPTER 1: INTRODUCTION

1-1 Comment: (California Office of Planning and Research)

This letter transmits agency comment letters received on the Draft EIR.

Response: No response necessary.

1-2 Comment: (California Department of Boating and Waterways)

If boating regulations are proposed, they must be prepared and submitted to our Department prior to adoption and at least 30 days before the effective date thereof, in accordance with the requirements as specified in Sections 660 and 662, Harbors and Navigation Code.

Response: Comment noted. No motorized boating would be permitted in the Parkway; therefore, no boating regulations are proposed. The only kinds of boating that would be permitted include windsurfing, kayaking, tubing, and rubber rafting. However, if problems arise in the future and boating regulations are required, the City would comply with the department's boating regulations.

1-3 Comment: (California Department of Boating and Waterways)

If the applicant determines waterway markers, e.g., signs or buoys, are necessary to warn or advise boaters, the markers must be placed or installed in accordance with the requirements as specified in Title 14, Article 6, California Code of Regulations.

Response: See response to Comment 1-2.

1-4 Comment: (U. S. Department of the Army)

Our comments on this project concerning the flood hazard aspect of the proposed plan remain the same as expressed in our letter dated March 29, 1988 to you, commenting on the Draft EIR for this project.

With regard to our regulatory responsibilities, if dredged or fill material, including concrete is to be placed below the ordinary high water mark of the Kern River or

into wetlands, a Department of the Army permit will be required under Section 404 of the Clean Water Act. Typical fill activities which may require permits include bank revetment, ramps, bridge approaches, bulkheads, building pads, and utility lines.

It is our understanding that any work done on the Kern River Parkway Plan will require the approval of the Kern County Water Agency, and a permit from the Reclamation Board.

Response: The following language is hereby added to follow paragraph 3, "Scope of EIR" (page 1-1 of the Draft EIR):

Agencies That Will Use This Report

As provided by the State CEQA Guidelines (Section 15231) several local and state agencies will be responsible agencies (public agencies other than the City of Bakersfield that have discretionary approval power over the project) or trustee agencies (state agencies having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California) for the proposed project.

Responsible agencies include:

- o **Kern County Department of Public Works - Roadway Improvements under County jurisdiction are the responsibility of Kern County.**

Trustee agencies include:

- o **California Department of Fish and Game - State law gives the agency responsibility for protecting the state's interest in a natural resource.**
- o **California Department of Transportation - An encroachment permit must be obtained prior to commencement of any work or improvements, such as trail crossings, landscaping, etc., within State Highway right-of-way (Freeway 99). All work or improvements within this right-of-way are required to conform to state standards and specifications.**
- o **Kern River Levee District - Work performed on or near Kern River levees will require approval from the Kern River Levee District.**
- o **California Reclamation Board - A permit must be obtained prior to commencement of any work or improvements within the primary floodway.**

In addition, the U. S. Department of the Army would require a Section 404 permit if dredged or fill material, including concrete, is to be placed below the

ordinary high water mark of the Kern River or into wetlands. Typical fill activities include bank revetment, ramps, bridge approaches, bulkheads, building pads, and utility lines."

CHAPTER 3: PROJECT DESCRIPTION

3-1 Comment: (Rosedale-Rio Bravo Water Storage District)

The District's main concern is regarding the operation of its headworks facility located just east of the Stockdale Highway Bridge in an area designated in the plan as riparian habitat. The operation of the facility requires periodic maintenance which may involve plant and animal control. The District's headworks facility has not been identified as an existing development along the Parkway nor have the maintenance requirements been addressed. We have suggested that a buffer zone be added around the District's facilities so that our maintenance operations may be performed as usual.

Response: The Final Master Plan Map recognizes the district's existing headworks facility located west of Stockdale Highway Bridge. Chapter 10, "Public Services and Facilities," of the Draft EIR explains that implementation of the Parkway Plan could result in potential conflicts with operation of existing river weirs, canals, and headworks. The Draft EIR identified the following mitigation measure to reduce this impact to a less-than-significant level: "The City should review the Parkway Plan with all water districts having water control facilities located within the Parkway prior to implementation of any project works to ensure that the districts can continue ongoing operation and maintenance of its facilities."

3-2 Comment: (California Department of Parks and Recreation)

The Department of Parks and Recreation has reviewed the subject document. The proposed project is in accord with the Department's program to provide hiking and riding trails for recreational use and to provide open space for resource preservation.

Response: Comment noted. No response necessary.

3-3 Comment: (North Bakersfield Recreation & Park District)

We appreciate the opportunity to review the river plan. The plan seems to address the issues from our point of view. Although this District is involved in much higher recreational intensity, the need for more natural experiences has been received from our residents.

During our survey for our Master Plan and subsequent surveys, many requests have been made regarding trail systems and preservation and land enhancement of the river experience for today and generations.

Response: Comment noted. No response necessary.

3-4 Comment: (Kern River Parkway Committee)

Following page 3-12 is an excellent map depicting areas that should be acquired. We heartily agree with this approach. The Parkway Plan should have an acquisition program for habitat as well as park areas.

Response: Acquisition of habitat areas may be considered as part of the Habitat Conservation Plan. (See response to Comment 3-5.) Currently, the City does not have an ongoing acquisition and funding program. The City, however, has established a Park Planner position with responsibilities that include investigating new funding sources for the improvement of parks, including those within the Parkway. See response to Comment 3-5 for a discussion of possible funding sources.

3-5 Comment: (Kern River Parkway Committee)

More detail is needed in the area of funding. The Habitat Conservation Plan (HCP) and the recently passed state bond issue on parks should also be discussed as potential sources in more detail.

Response: The text beginning in paragraph 1, page 3-7 of the Draft EIR is hereby revised:

~~Various federal, state, and local sources are available to finance the Parkway Plan and may be pursued by the City. Opportunities for private organization to sponsor enhancement projects may also be considered. The following is a list of potential funding sources for habitat acquisition and Parkway Improvements.~~

Federal Funding Sources

- o Land and Water Conservation Fund

State Funding Sources

- o Wildlife Conservation Board
- o Environmental License Plate Fund
- o California Parklands Act of 1980
- o California Wildlife, Coastal, and Parkland Conservation Act Initiative
- o Draft 1988 Park and Recreation Bond
- o Water Conservation and Water Quality Bond Law, 1986
- o Water Quality Bond Law, 1988, Draft
- o State Water Project, Kern Water Bank

Local and Private Funding Sources

- o Mitigation funds
- o City and County parks and recreation departments
- o Private donations
- o Conservation organizations

Alternative Strategies

- o Open space easements
- o Conservation easements
- o Transfer of development rights
- o Restrictive covenants

Alternatively, the City may be eligible for federal funds under the Endangered Species Act. Projects eligible for federal assistance include:

- o Surveys and Investigations. Research for the restoration, conservation and management of wildlife or their habitat; field inventories and surveys.
- o Land Acquisition. The purchase or lease of lands or waters or interests in lands or waters (e.g. conservation easements). Title to acquired interests is given to the state.
- o Development. Includes capital improvements such as dikes, roads, and trails, operation and maintenance of lands and facilities, the manipulation of habitat for wildlife, and the trapping and stocking of wildlife.
- o Coordination. Administrative activities conducted to ensure that state Pittman-Robertson projects are carried out in accordance with the act's requirements and with other applicable federal laws and regulations and that these projects do not duplicate or conflict with other state or federal programs.
- o Planning. The development and implementation of plans and management systems for wildlife programs. A state has the option of preparing "modular" conservation plans for district segments of its wildlife program or a "comprehensive" conservation plan that covers its entire activities. States also may design management systems through which planning, programming, budgeting, implementation, and evaluation activities are conducted in a uniform and integrated manner.
- o Technical Assistance. The provision of technical assistance to other state or federal agencies or to private landowners for the purpose of improving environmental conditions, protecting or creating habitat, or managing wildlife populations, areas, and habitats for increased production or for public use.

- o Hunter Education. Training programs for educating hunters in the safe handling and use of firearms and archery equipment, hunter ethics, responsibilities and outdoor survival, and basic wildlife management. Funds also may be used for the construction, operation and maintenance of public target ranges.

Other potential federal funding sources are:

- o Dingell-Johnson Act,
- o The Forsythe-Chafee Act, and
- o The Pittman-Robertson Act."

3-6 Comment: (Kern River Parkway Committee)

Something is needed to encourage an orderly program for development. For example, a series of Specific Plans within the Parkway Plan itself. Possibly begin with a Truxtun Avenue Specific Plan which would be completed within a period of time including the necessary acquisitions. Next could be the so-called Rio Vista Specific Plan, etc.

Response: Comment noted. The comment does not raise issues regarding the content of the EIR. The City Council will, however, consider the comment in making its decision on the Parkway Plan.

3-7 Comment: (Kern County Department of Planning and Development)

There appears to be a major omission in the Draft EIR. It fails to discuss the existence of at least four County drainage systems that utilize the Kern River for runoff disposal. They are:

- o Northeast Bakersfield Drain - Runoff discharged by open channel parallel to Manor Street (west side); proposed landscaping may impact channel use and flow rates.
- o North Chester/Hart Street Drain - No impacts noted.
- o Oildale Drain - No impacts noted.
- o Rosedale Highway/Freeway 99 Area Storm Drain - This system is part of an existing Storm Drain Plan. It is intended to discharge runoff on the north side of the river, west of Freeway 99. These proposed storm drain facilities may be negatively impacted by the recreation area proposed. In addition, the City storm drain in the area may also need further discussion.

Response: The following language is hereby added to page 3-12 of the Draft EIR to follow paragraph 6:

"Existing County Drainage Systems

The following four county drainage systems utilize the Kern River runoff disposal.

- o The Northeast Bakersfield Drain - discharges into an open channel immediately after it crosses under the Carrier Canal. This open channel then continues northward until it discharges into the Kern River Channel. As shown on the Final Master Plan Map, this area is designated as natural open space and would not be landscaped. The proposed parking area "Trailhead," would require a short portion of the open channel to be converted to pipeline.
- o North Chester/Hart Street Drain
- o Oildale Drain
- o Rosedale Highway/Freeway 99 Area Storm Drain - is inactive at this time. Once the Parkway Plan is implemented, allowance would be made for a pipeline easement to cross the recreation area located immediately east of the Santa Fe Railroad crossing on the north side of the river channel."

3-8 Comment: (Sierra Club, Kern-Kaweah Chapter)

Page 9-15 states that an automobile bridge will serve the parking lot adjacent to the amphitheater. A pedestrian tunnel under Chester Avenue is shown on the map between pages 3-2 and 3-3. If the amphitheater is not built, will we need these parking lots and this tunnel?

Response: As detailed in Chapter 3, "Changes to the Project Description," the pedestrian tunnel under Chester Avenue on the south side of the river has been eliminated from the Parkway Plan because of police department security concerns.

Although the amphitheater has been eliminated from the Parkway Plan, the parking areas and automobile bridge would still be required to serve anticipated recreationists in Reaches 1 and 2. These reaches contain Riverview and Metro Parks, a portion of the Kern River with a dependable water source, and an equestrian area. Implementation of the Parkway Plan would also provide an information center and turfing areas in these reaches. Therefore, heavy recreational use is anticipated. In addition to providing access to the river, consistent with the goals of the KRPE, the parking areas would decrease the number of people crossing Chester Avenue, decrease the amount of litter in the Parkway because people would not have to walk as far, and provide easy access to the river for all segments of the community including the elderly, families with small children, and the handicapped.

Page 9-14 of the Draft EIR indicates that an overall shortage of parking would result even with construction of the 10 proposed parking areas. As detailed in Chapter 3, "Changes to the Project Description," two parking areas on the north side of the river (west of Chester Avenue and west of the proposed Mohawk Avenue extension) have been eliminated from the Parkway Plan and the parking area west of Manor Street has been reconfigured to a smaller size. Therefore, the need for the parking lot proposed adjacent to the amphitheater would be increased with implementation of the Final Master Plan.

3-9 Comment: (Sierra Club, Kern-Kaweah Chapter)

We should not plan on having automobile bridges to access the Parkway. Parking lots in the Parkway should be used to serve handicapped people. To minimize the amount of habitat paved, the Final EIR should consider:

- o Parking near the proposed Mohawk and Old River Bridges. People using this parking could use pedestrian walks onto the bridge and then down into the Parkway.
- o Pedestrian bridges over streets bordering the Parkway connecting with existing parking for businesses that might be closed on weekends.
- o Limited time parking in the Parkway, so that picnic baskets, packages, and handicapped persons could be dropped off.
- o Constructing parking lots so they can become the ground floor of parking buildings.

Response: Because the Parkway resource is confined within a series of levees and canals, access to the river would require the construction of automobile bridges. The Draft EIR did not identify any significant adverse impacts resulting from construction of the automobile bridges. Significant impacts resulting from implementation of the parking lots have been mitigated to a less-than-significant level. (See Chapter 3, "Changes to the Project Description.") In addition to the handicapped, the parking lots are also intended to serve other user groups, such as the elderly and families with small children. See also response to Comment 3-8.

3-10 Comment: (Sierra Club, Kern-Kaweah Chapter)

The McIntosh EIR shows a freeway along the Cross Valley Canal, near the Bakersfield Educational Studies Area. Is there anything to be done now to mitigate such an event?

Response: The final highway alignment describing the site-specific location and detailed engineering design has not been identified. A final Route Adoption Study identifying the final alignment and an environmental document addressing impacts

will be completed prior to construction of the highway project. At this time, mitigation will be identified, if required. Appendix II contains a letter from the Kern County Council of Governments (COG) regarding the location and status of the Westside Highway Corridor Project.

The proposed Westside Corridor (Highway 58/178), as presently identified in the Westside Corridor Study (Barton-Aschman Associates, Inc. 1987). The corridor crosses the Kern River at the Santa Fe Railroad crossing located in Reach 4 of the Parkway. Once the corridor crosses the river, it follows the river channel on the north side for approximately 3 miles to Calloway Road and eventually transitioning into Stockdale Highway.

The Westside Corridor Study was conducted by the Kern County COG, in conjunction with Caltrans, to identify the need for improvements to SR 58 and SR 178 between I-5 and SR 99.

3-11 Comment: (Dennis Fox)

SAFETY

Unfortunately this is usually considered in a prohibitive manner, but throughout my discussion is a thread of proactive safety; however the following restrictions are deemed desirable:

A bottle ordinance.

Camping restricted to designated campgrounds.

Open fires and fireworks disallowed.

Bike path speed limit is regulated to 15 MPH with event exemption as on the American River Parkway and should be adopted here.

Barbed hook lured should be prohibited.

Further: Bridges including equestrian, should have allowance in the downstream, wester, side for pedestrian, bicycle and fishing activity.

Response: Comment noted. The City will consider adopting a bottle ordinance and prohibiting open fires and fireworks and the use of barbed hook lures, if problems arise. Predicting the usage pattern of recreationists is difficult at this time; therefore, adoption of such ordinances would be premature.

Appendix III contains a copy of an ordinance which was adopted on September 14, 1988 by the City of Bakersfield relative to sleeping in public places.

- o Alternative sites, including nearby City-owned land just west of the City's corporation yard.
- o Restoring the area proposed for the pistol range as nearly as possible to its historic appearance, rather than continuing to commit it to active recreation.

Response: Comment noted. As detailed in Chapter 3, "Changes to the Project Description," the police pistol range has been eliminated from the Final Master Plan.

4-6 Comment: (John Sweetser)

Increased recreational use of the Parkway could lead to conflicts with sand extraction. The deep pits that these operations create in otherwise shallow areas of the streambed have led to several drowning deaths in years past.

Response: As described on page 3-11 of the Draft EIR, flood control is the major priority of the Parkway Plan. This priority is met through the Kern River Channel Maintenance Program (Channel Maintenance Program). The Channel Maintenance Program involves the phased removal of river run sand. Since this use is recognized on the KRPE and the Parkway Plan as a priority use with precedence over recreational use, this activity is not considered a conflict. Furthermore, the City does not allow the creation of deep pits from sand extraction. For further information, the Channel Maintenance Program guidelines and regulations are on file at the City of Bakersfield Water Resources Department, 4101 Truxtun Avenue, Bakersfield, California.

4-7 Comment: (Dennis Fox)

AMPHITHEATER

All discussion pro or con seems somewhat redundant as no need is shown especially when facilities exist across the street and elsewhere.

Floating stages and band shells are common parkway items and cause no significant impact.

The City has a portable stage already, though in need of aesthetic improvement.

Response: Comment noted. See response to Comment 4-4.

4-8 Comment: (Public hearing - City of Bakersfield Planning Commissioner Milazzo)

Commissioner Milazzo referred to Chapter 6 regarding the amphitheater and referred to a statement made regarding seating for 300 and asked if the theater were successful and needed to grow should the affects of a larger theater be taken into account as opposed to something of 300 seats.

Commissioner Milazzo asked if other alternative locations will be considered within the Parkway that could potentially house the amphitheater or is it the feeling that the theater and Parkway are not compatible.

Commissioner Milazzo asked that some consideration be given to an overview of whether there is another location that would be compatible within the Parkway.

Commissioner Milazzo suggested that the idea of relocating the amphitheater in the Pioneer Village/Metropolitan Recreation Center area be looked at.

Response: As detailed in Chapter 3, "Changes to the Project Description," the amphitheater has been eliminated from the Final Master Plan because of land use, biological, and visual impacts. Public comments solicited during community surveys conducted by the City in November 1987 (Technical Appendix of the Draft EIR), and comments received on the Draft EIR support removal of the amphitheater.

No other location within the Parkway except for Metro Park is large enough or contains compatible adjacent uses to support the amphitheater complex. As indicated in the community surveys, there was not much support to provide an amphitheater as part of the Parkway Plan. However, if further surveys indicate community interest for an amphitheater, and funding is available, the City and County should consider possibly relocating the amphitheater to Metro Park.

As discussed in response to Comment 4-4, California State University, Bakersfield is tentatively proposing a 13,000-seat grass-terraced amphitheater, as part of a landscaping plan for the front of the campus. Although the vice-president of California State University, Bakersfield indicated that the amphitheater may not be available for public use (Secor pers. comm.), the City should work with the university in an effort to make the amphitheater, if constructed, available for public use, at least on a reservation basis controlled by the university.

CHAPTER 5: HYDROLOGY AND WATER QUALITY

5-1 Comment: (Kern River Parkway Committee)

Putting a parking lot in the secondary floodplain will set a bad precedent and will negatively impact water quality.

Response: The following language is hereby added to the bottom of page 5-15 of the Draft EIR:

"Discharge of Pollutants Into the Kern River from Development of Parking Lots in the Secondary Floodway

Impact. Implementation of the Parkway Plan would result in the development of 3 paved parking lots in the secondary floodway. Paved parking lots accumulate petroleum hydrocarbons, heavy metals, sediments, and other potential pollutants of surface water. Discharge of these pollutants varies greatly with the size and duration of the storm and the elapsed time since the previous storm. Because of the small area proposed for parking lots within the secondary floodway (2 acres total), however, pollutant discharges from parking lots within the Parkway are not expected to result in a significant adverse impact on the water quality of the Kern River. Therefore, discharge of pollutants into the Kern River is considered less than significant.

Mitigation Measures

- o None required.

To further reduce this impact, implementation of the following mitigation measure should be considered:

- o The City should surface parking lots with a porous foundation material such as porous concrete or foundation bricks."

5-2 Comment: (U. S. Department of the Army)

The existing channel flow capacity of approximately 8,000 cubic feet per second should be maintained.

Response: As stated on page 5-3 of the Draft EIR, the objective of the City's Channel Maintenance Program is to maintain a channel flow capacity of 15,000 cubic feet per second in the Kern River through Metropolitan Bakersfield.

5-3 Comment: (Kern County Water Agency)

We are concerned with the discharge from the Manor Street Storm Drain and the possibility of contamination of the River. This contamination could lead to treatment plant shutdowns for periods when the drain discharges heavily into small river flows. A possible mitigation would be to isolate the Manor Street Drain from the Kern River flows. The county's method of handling the North Chester Drain effluent would satisfy our needs.

Response: The City does not have full jurisdiction over discharge from the Manor Street Drain due to the fact that the storm drain system serves both City and County areas. Since the facility was completed in 1974, prior to the operation of the existing water treatment plant, Improvement District No. 4, the City, and the

County should begin an investigation to reduce or isolate the flows to the Kern River Channel from the Manor Street Storm Drain.

5-4 Comment: (Kern County Water Agency)

You have addressed possible impact of contact recreation above the Calloway Weir and the possible future regulation of such contact recreation. In view of the ever tightening environmental rules which govern our water treatment function, it would be prudent to eliminate body contact recreation in the pool above the Calloway Weir.

Response: Due to the recreational benefits of allowing swimming in the pool above Calloway Weir, the following mitigation measures would be implemented by the City (pages 5-11 and 5-13 of the Draft EIR):

- o "In conjunction with Improvement District No. 4 of the Kern County Water Agency, the City should implement a monitoring program to assess trends in coliform bacteria levels in the Calloway Weir pool in relation to variables such as streamflow, water temperature, and number of people engaged in contact recreation; monitoring results should be analyzed to determine conditions likely to result in the formation of trihalomethanes in levels exceeding federal drinking water standards as a basis for possible future regulation of contact recreation at Calloway Weir pool; and

When monitoring results indicate that coliform levels at Calloway Weir pool are so high as to require the treatment of drinking water with concentrations of chlorine expected to produce trihalomethane levels that exceed the EPA's drinking water standard, the City should prohibit contact recreation at Calloway Weir pool."

- o "The City Water Department and the Kern County Health Department should jointly develop and implement a Parkway water quality monitoring program to determine when the coliform bacteria standard for contact recreation established by the California Department of Health Services is exceeded; and

The City Water Department and Kern County Health Department should post signs at ponded water areas warning users of health risks whenever the coliform bacteria standard for contact recreation is exceeded."

In addition, the City should discourage swimming through reducing the ponded area behind Calloway Weir during periods of minimum flow.

5-5 Comment: (Sierra Club, Kern-Kaweah Chapter)

The number of swimmers in the river may increase as local population increases, especially if there is more water in the river. Could the discharge from the Hawthorne Drain and the five pumping plants, mentioned on page 5-13, be filtered or treated before release into the Kern? Could water behind Calloway Weir be

because a plant grows somewhere in California does not necessarily justify its inclusion in the master list.

For shrubs and groundcovers, a plant list restricted to just California natives excludes a whole range of plants that are also drought-tolerant, have good wildlife value, and may even in some cases have similar appearance to natives. I have no problem with a limited use of non-native species around elements that are artificial-looking anyway, such as structures, parking lots, or turfed areas. Often, the native shrubs are among the most difficult plants to grow in cultivation. What should be avoided is use of some of the most common landscape plants. It would not be desirable for parts of the Parkway to look little different than people's front yards.

Response: As stated in the Draft EIR, revegetation efforts in the designated riparian areas would include only plants native to the lower Kern River, such as cottonwoods, willows, and sycamores. Landscaped areas (with the exception of the proposed turfed area in Reach 1) would be planted with California natives (but not necessarily native plants of the lower Kern River). Some of the plants listed in the revised Table 8-3, "List of Recommended Native Plant Species for Landscaped Areas" (in Chapter 5 of this report), particularly those native to coastal or high mountain areas, were included as accent plants or colorful groundcovers near bridges, roads, and other facilities; such plants would be used in small numbers. Plants with limited availability would also be used in small numbers. Plants that take on a "wild" appearance or that are sensitive to overwatering would be used in relatively unmanicured and unirrigated portions of the Parkway. See also response to Comment 8-16.

8-20 Comment: (John Sweetser)

Apparently, for the list on Pg. 8-19, few criteria were considered in its preparation, except perhaps for drought-tolerance and wildlife value. A proper list would consider the following additional criteria:

- o Availability - Some of the plants listed may not be available anywhere. Others can be found at only one or two native plant nurseries in California, which often are small-scale operations, so obtaining large quantities may be difficult.
- o Adaptability to this climate - Some listed plants are coastal or woodland species and may do poorly in the difficult conditions found in this area. Others may grow here, but their performance is unproven.
- o Tolerance to ordinary landscape watering - Many California natives, such as Fremontia, simply cannot stand excessive or even normal watering.
- o Appearance - Some of the shrubs become very large and wild-looking, limiting their landscape use.

- o Compatibility with the existing native landscape - Some will look out of place, such as the incense cedar previously mentioned.
- o Maintenance requirements - Plants with special needs should be avoided.
- o Longevity - Some natives are very short-lived.

Specific comments about plants on the list:

- o Blue elderberry (Sambucus caerulea) - This species is so similar to Sambucus mexicana, which is native to the area, that I don't see any reason to include it on the list.
- o California buckeye (Aesculus californica) - Loses its leaves by late summer.
- o California juniper - Limited availability. Very slow growing.
- o Live oaks - Interior live oak (Quercus wislizenii) is found along the Kern upstream and would be a more appropriate choice than coast live oak (Q. agrifolia). Canyon live oak (Q. chrysolepis) is slow growing (20' in 20-30 years).
- o Chinquapin (Castanopsis spp.) Limited availability. May not be adapted to local climate (in Kern County, this species is found above 7,000').
- o Flannelbush (Fremontia californica) - Very difficult to grow under ordinary cultivation.
- o Lingleaf mahonia (Mahonia nervosa) - Woodland species, questionable whether it will stand full sun exposure in this climate. Limited availability.
- o Lupine (Lupinus albifrons) - Limited availability. Usually planted by seed.
- o Manzanitas (Arctostaphylos spp.) - Susceptible to overwatering.
- o Matilija poppy (Romneya coulteri) - Can be invasive. Limited landscape use (slope stabilization, along roads, marginal areas).
- o Mulefat (Baccharis glutinosa) - This particular species is not available anywhere that I know of.
- o Quailbush (atriplex lentiformis) - Good wildlife plant but limited landscape value. Can become too large and wild-looking.
- o Santa Cruz Island buckwheat (Eriogonum arborescens) - Coastal species, questionable adaptability to this area.
- o Shrubby monkey flower (Mimulus aurantiacus) - Short-lived perennial shrub. May have limited availability.

- o Western service berry (Amelanchier alnifolia) - Performance in this area unknown.
- o Carmel creeper (Ceanothus griseus) - Can be short-lived in this area (as little as three years).
- o Navarro ceanothus (C. gloriosos) - Coastal species, cannot take heat well.
- o Penstemons - Tends to be short-lived.
- o Madrone (Arbutus menziesii) - Difficult if not impossible to grow in the central valley.

Response: The primary criteria for selecting landscaping plants included the following: 1) potential for propagation in Bakersfield, 2) drought tolerance, 3) visual attractiveness, 4) wildlife habitat value, 5) local availability, and 6) educational value. Thus, the list of criteria was similar to the one you suggested. However, tolerance of ordinary landscape watering was not considered because the landscaped areas would be irrigated by a drip system (or other water conserving methods). Similarly, longevity was not a selection criteria as many native species such as cottonwoods have relatively short life spans. Further, many of the plantings are annual species.

The City appreciates your comments on specific plant species; they will be consulted in refining the landscaping plans for different portions of the Parkway. Before these plans are implemented, other experts (e.g., staff at CALM, native plant nurseries, and Central Valley arboretums) will be consulted to determine the best mix of plant species for landscaping.

After consulting with additional botanists, the City agrees with your comments on the following plants: bladder pod, California scrub oak, and Engelmann oak. The City will further review the following species: chinquapin, manzanitas, western service berry, and Navarro ceanothus.

The City continues to feel, however, that the other species are appropriate for use for the following reasons:

- o Blue elderberry - The nomenclature and taxonomy of this group is currently subject to revision, but the locally native elderberry is probably most likely to grow well in Bakersfield.
- o Flannelbush - This plant has been propagated easily in Davis and would probably do well in Bakersfield.
- o Lupine - Seeds can be collected from plants and they are relatively easy to propagate.
- o Penstemons - This genus was included to provide some showy, colorful plants in areas of high visibility.

- o Live oaks - Many different live oaks can be grown in Bakersfield including Quercus wislizenii and Q. Agrifolia. Despite its coastal origins, the latter species grows well at CALM.
- o Santa Cruz Island buckwheat - Surprisingly, several island plant species (including this one) have been successfully propagated at CALM.
- o Shrubby Monkeyflower - This species is locally available and is very showy and attractive.
- o Carmel creeper - This species grows well at CALM and was recommended by their staff.
- o California buckeye - This species is considered appropriate for the less-manicured portions of the Parkway. It retains its foliage for long periods under the appropriate watering regime.
- o Quailbush - This species is considered appropriate for less-manicured portions of the Parkway and it has especially high wildlife value.

8-21 Comment: (John Sweetser)

I would add the following to the list of recommended native species:

- o Bladder pod (Isomeris arborea) - Native to this area, can survive on little water.
- o California scrub oak (Quercus dumosa) - Small tree, often multi-trunked, becomes picturesque with age. Does well in this area.
- o Engelmann oak (Quercus engelmannii) - Striking medium to large evergreen tree. Does well in this area.

Response: See "Errata" to pages 8-19 and 8-20.

8-22 Comment: (John Sweetser)

Regarding the proposed parking lots, their impacts are mentioned on Pg. 8-17 under "Direct and Indirect Conflicts Between Recreation Areas/Parking Lots and Biological Resources." This is a rather euphemistic way to state this. This should properly be stated as: "Removal of Riparian Habitat from Construction of Recreation/Parking Lots" because this describes what will actually happen.

Response: The header "Removal of Riparian Habitat from Construction of Recreation/Parking Lots" would describe only a portion of the impact discussion on page 8-11 of the Draft EIR. In addition to the possible removal of mature cottonwoods from establishment of the recreation area west of Freeway 99, the Parkway Plan could also result in the disturbance of a mapped active kit fox den and a potential natal den and possibly result in the discharge of oils and other

contaminants into the riparian marsh area west of Mohawk Avenue. Therefore, the header "Direct and Indirect Conflicts Between Recreation Areas/Parking Lots" better describes these impacts.

8-23 Comment: (John Sweetser)

Under mitigation measures (page 8-18), alternatives such as off-site parking should be considered. The parking area near the proposed police pistol range could be relocated just outside the Parkway in the lot where the City now stores paving materials. This area is largely unused. The proposed parking lot northwest of the intersection of Truxtun and Mohawk Avenues is right where one of the few stands of trees along Truxtun Avenue Extension is (including trees planted by citizen groups). This lot should if possible be placed within the fenced area next to the water storage tank. Any lot further away from Lake Truxtun will make the carrying of boats to the lake difficult. The lot on the north side of the river near the proposed Mohawk Avenue extension should be placed on the north side of the Cross Valley Canal. I realize this would entail the purchase of additional land, but construction of an expensive vehicle bridge across the canal would not be necessary (just a cheaper pedestrian bridge). A parking lot immediately adjacent to the river channel is unacceptable from an aesthetic and pollution viewpoint. The parking area proposed at the southwest corner of the Chester Avenue bridge once had the largest stand of buttonwillow I have seen along the Kern. Consideration should be given to restoring some of this stand.

Response: The lot located south of the Parkway west of Freeway 99, currently used for storing City equipment, is being sold by the City to a private developer who intends to develop offices.

As indicated on page 8-17 of the Draft EIR, establishment of the proposed recreation area west of Freeway 99, not the proposed parking area, could result in the removal of or disturbance to the existing stand of mature cottonwoods. As detailed in Chapter 3, "Changes to the Project Description," the recreation area has been reconfigured to avoid the stand of cottonwoods. Also as detailed in Chapter 3, the parking lot west of Mohawk Avenue has been relocated to the area immediately east of City Pump Station No. 13 to decrease the distance from the parking lot to Truxtun Lake, and the lot on the north side of the river west of Mohawk Avenue has been eliminated from the Parkway Plan because of water quality impacts to the proposed riparian marsh area.

See response to Comment 5-1 for impacts resulting from parking lots located within the secondary floodway.

See response to Comment 8-12 for a discussion of why the information center has been relocated to the privately owned parcel west of Chester Avenue.

8-24 Comment: (Dennis Fox)

REVEGETATION

Previous attempts at planting have dismally failed. These and current schemes at mass planting are attempts by urban means which require wildland and riparian protocols. Urban methods of water systems and chemical use are not practical, necessary or environmentally sound. Exhibiting neither experience nor expertise at wildland revegetation, but rather precipitous enthusiasm, current plans are but a compounding of error.

A same age or monoculture riparian forest is not only visually weird, but also an invitation to disease, insect infestation and wildlife.

Much of the current climax vegetation is exotic grasses of high water competition.

Imported trees will not be hardened off to local conditions. Such as do survive, will exhibit growth at a lessened rate and poor health.

Response: It is likely that the revegetation efforts for the Parkway would be successful because they would be coordinated with members of CNPS and staff of CALM who have vast experience in native plant propagation in the Bakersfield area. It is unlikely that a "monoculture riparian forest" would result from these plantings because a variety of species would be used and each has a different appearance and growth rate. Similarly, the revegetation program would take many years to complete. Trees would be planted at different times. The objective of the revegetation program would be to recreate a diverse, multitiered forest with a well-developed herbaceous and shrub understory beneath a canopy of mature native trees. See response to Comments 8-15 and 8-16 for further information.

8-25 Comment: (Dennis Fox)

Recommendation:

Follow standard re-vegetation practices:

Utilize non-scarifying fire management to remove exotics and regenerate native vegetation.

Plant trees on a continuing basis.

Replant native grasses and species where not naturally reseeded.

Participate in the California Riparian Restoration Conference (September, 1988).

Leave all existing trees, snags and deadfalls.

Utilize the County's chippers and seek State and Federal professional input.

Re-activate the nursery at Lerdo, growing deep-rooted trees in PVC pipe.

Utilize native trees from the Fish and Game and Nature Conservancy nurseries at Kernville.

Response: All existing trees in the Parkway (with the possible exception of the invasive, exotic tamarisk) would be retained, and planting of new trees would occur over a period of several years. Fire management is probably an impractical suggestion in the context of an urban parkway because oil and gas facilities are located nearby. Members of CNPS and CALM will be providing the City with a list of nurseries where suitable native plant material can be obtained for revegetation.

8-26 Comment: (Dennis Fox)

WILDLIFE

Oxygen sampling being done at high level times of January, February, and June; I would submit that a significant difference will occur in later, hot months and in a large pool; hence comes the problem of aquatic weed control and less wildlife.

Monofilament line and fishing gear is a major source of inadvertent wildlife kill.

The problem of exotics, feral and domestic predation, is not fully addressed.

Enough has been said and emotions stirred concerning toxic effects of chemicals on wildlife and humans that I would prefer, only to discuss their interruption of the food chain only. Recreational fisherfolk attempt to "match the hatch"--an impossibility when there is no hatch. The targets of chemicals are prey species for desirable wildlife.

Recommendation:

Aeration riffles or baffles on all river weirs.

Tubing-boating ways on the weir sides.

Commence with fishing regulations of fly only and barbless hooks.

Rock all scourable areas for habitat and breeding.

Donut-hole islands should be constructed; chicken wire screening should be installed for habitat protection.

Leash laws should be enacted and enforced throughout the County.

Such exotics, pig, opossum and white bass, etc., should be eliminated and monitored for return to the corridor.

I reiterate that toxics (except organics such as Rotenone) and all chemicals should be banned.

Retain all trees, snags, and deadfalls.

Adjacent screen planting should also be native with habitat capability.

Response: It may be practical to add aeration riffles or baffles to river weirs, and such structures may be beneficial to fisheries that may develop in the Kern River. However, most wildlife species currently living in the Parkway are adapted to arid environments and have few demands for free water. If a viable fishery is created in the river, fishing regulations and enhancement activities (possibly including the use of dry flies and barbless hooks, as well as rocking portions of the stream bottom to provide spawning habitat) would be developed in consultation with the California Department of Fish and Game and the USFWS.

The recommendation for leash laws throughout the County should be directed to the Kern County Board of Supervisors; it is clearly beyond the scope of this EIR.

Field surveys did not reveal the occurrence of feral pigs in the Kern River, and it is unlikely that white bass occur there, either. Similarly, opossum were not observed in the study area during the field surveys. This nocturnal marsupial is known to prey on bird's nests (as well as noxious insects); however, it is unlikely to displace any native mammal species.

8-27 **Comment:** (United States Department of the Interior Fish and Wildlife Service)

Surveys conducted of the project area for federally listed and candidate species documented the widespread occurrence of the San Joaquin kit fox. The species could be affected by proposed actions, in effect "taken" by harm, mortality, or harassment, or through the loss of habitats necessary for cover, foraging, denning, and raising of young. Measures proposed in the Draft EIR to reduce and/or offset these anticipated effects include acquisition of important parcels of privately owned lands necessary to maintain continuity of habitats and dispersal corridors for kit foxes and other species, removal or redesigning of proposed Parkway structures, using preconstruction surveys to locate and protect kit fox denning areas, restricting incompatible uses such as off-road vehicle "free-play," and enhancing on-site areas to offset the loss of habitats from proposed development.

Regardless of the mitigative value of these measures designed to reduce "incidental take" of the kit fox, the proposed actions affecting such take must be permitted pursuant to Section 10 of the Endangered Species Act prior to implementation of the Parkway Plan. The ongoing effort for metropolitan Bakersfield by the City and County likely would provide the appropriate vehicle under Section 10. Absent using the future Bakersfield HCP, a separate incidental take permit should be sought for the actions proposed in the Parkway Plan.

"Changes to the Project Description," the approximate ratio of enhanced to converted lands is 3.7:1.

8-33 Comment: (United States Department of the Interior Fish and Wildlife Service)

Mitigation lands (specifically two private parcels immediately west of Golden State Highway and Highway 99) should be acquired expeditiously. They have been proposed for acquisition and protection to partially offset proposed Parkway developments.

Response: See response to Comment 8-14. Once acquired, the 19.9-acre privately owned parcel west of Golden State Highway would be restored with native vegetation.

8-34 Comment: (United States Department of the Interior Fish and Wildlife Service)

Provisions in the Parkway Plan should provide sufficient flexibility to allow for future adjustments in planned actions consistent with a more regional conservation plan currently being developed by the City and County for federally listed species. The Parkway Plan appears to complement the more regional plan at this time.

Response: Comment noted. No response necessary.

8-35 Comment: (United States Department of the Interior Fish and Wildlife Service)

The San Joaquin kit fox and San Joaquin antelope squirrel are listed as threatened by the State of California. You should review any obligations that your agency may have under the California Endangered Species Act with the California Department of Fish and Game. The agency contact representative is Dr. Larry Eng, 916/445-1383.

Response: Comment noted. No response necessary.

8-36 Comment: (Kern County, California Native Plant Society)

Use of native plants will be both educational to the community and also will make it an authentic Bakersfield park. Hopefully the species used will be indigenous to this area. Use of natives will require less water and since they already grow in this area quite successfully they will not need any fertilization or insect control. Also, native plants will be beneficial to local native wildlife which forage and live in the floodplain.

Response: Comment noted. See responses to Comments 8-15 and 8-16.

8-37 Comment: (Public hearing - Lorraine Unger)

We are pleased with Chapter 8 pertaining to biological resources and were also pleased with the EIR's emphasis of the use of native plants and do not find any fault with the adequacy of the Draft EIR.

Response: Comment noted. No response necessary.

8-38 Comment: (Public hearing - Arthur Unger)

See Comment 8-37.

Response: See response to Comment 8-37.

8-39 Comment: (Rick Hewett)

Page 5-12: Potential Increase in Contaminant Levels in the Kern River from Proposed Applications of Landscaping Chemicals. I can endorse and agree with the mitigation measures for fertilizers, but have serious problems with the application of herbicides and pesticides. As has been recently shown in the Educational Studies Area north of Cal State Bakersfield, application of rodenticides can have deadly impacts on non-target species, i.e., the San Joaquin kit fox. Since the Kern River Parkway has been identified to have high biological value, especially for select endangered species, I would strongly recommend that no pesticides and/or herbicides be used in the area. Many native species of plants that would be appropriate to plant in the Parkway are remarkably immune to pest damage. Their use should be encouraged.

Response: See response to Comment 8-30.

CHAPTER 9: TRAFFIC AND CIRCULATION

9-1 Comment: (Kern County Department of Public Works)

It does not appear concerns and comments contained in this department's April 4, 1988 letter were considered on the Conceptual Master Plan Map, on page 3-6, bridge crossings, or page 9-13, bikeways.

Response: The Kern County Department of Public Works April 4 letter was not responded to in the Draft EIR for the following reasons:

- The 30-day review and comment period for the Parkway Notice of Preparation (NOP) (as provided for under CEQA) terminated on March 1, 1988. The April 4 letter was received 38 days after the comment period had ended, and the scope of work had been established.

- Within the NOP review period, the City received a letter (dated February 17, 1988) from the Kern County Department of Public Works stating that no impacts on your agency were foreseen.

Responses to Comments 9-2, 9-3, 9-4, and 9-5 address the April 4 letter.

9-2 Comment: (Kern County Department of Public Works)

As you are aware, Section 5.3, Implementation Standards and Specific policies of the KRPE stipulates in part that bicycle paths will be further defined by a "Specific Trails Plan." Kern COG has funded a RFP to conduct a study which, upon completion, will recommend a system of bicycle paths within the KRPE. It is this department's opinion that the paths should be those indicated on the approved Metropolitan Bakersfield Bikeway Master Plan. The City has approved the map and the County intends to include a compatible system in the General Plan Circulation Element currently being prepared. Furthermore, your Public Works Department was made aware of the need to provide for the bike path under the bridge you intend to construct across the Kern River at China Grade Loop by letter October 1, 1987 and again by letter in response to that project's environmental assessment March 25, 1988.

Response: This comment refers to other projects and is noted. No response necessary.

9-3 Comment: (Kern County Department of Public Works)

Please revise the conceptual master site plan for the Kern River corridor and include appropriate text in the document that will identify paths, lanes, and routes within the river plan and adjacent facilities that provide continuity. (The recommended system is described in Kern County Public Works Department's comment letter in Chapter 6, "Copies of Written Comments and a Summary of Public Testimony.")

Response: Of the routes listed, the following should be recognized by the City for future connection to the Parkway Plan bicycle path.

<u>Road Name</u>	<u>Limits</u>
Mohawk Avenue (would be accommodated when Mohawk Street bridge is designed)	Truxtun Avenue to Gilmore Avenue
Calloway Canal	Standard Street to Calloway Weir
Willow Drive	Oildale Drive through Riverview Park to Calloway Weir

<u>Road Name</u>	<u>Limits</u>
North Chester Avenue	30th Street to Beardsley Avenue
Lower River Crossing	Calloway Weir at Riverview Park
Pierce Road	River path at future Oak Street bridge crossing to Calloway Canal
Golden State Highway Frontage Road	H Street to bicycle path

The other routes that are listed are located outside of the Parkway area.

The Kern River bicycle path is depicted on the Final Master Plan Map.

9-4 Comment: (Kern County Department of Public Works)

The need for bicycle paths along the Kern River extends to Stockdale Highway Bridge to the west and to the Rancheria Road bridge to the east, requiring an additional system within the Parkway Plan and a compatible system outside the Plan. (The recommended system is described in Kern County Public Works Departments comment letter in Chapter 6, "Copies of Written Comments and Summary of Public Testimony.")

Response: Comment noted. No response necessary.

9-5 Comment: (Kern County Department of Public Works)

Please note that the Parkway Plan contains certain features that are not compatible with the proposed bikeway system.

- o A. Future bike path bridge midway between Beach Park and Golden State Highway does not serve any facility.
- o B. Future bridge crossing at Golden State Highway is on the wrong side of the highway.
- o C. Future bike path bridge downstream from Chester Avenue does not serve any facility.

Response:

- A. The bicycle path bridge located midway between Beach Park and Golden State Highway serves the Westchester residential neighborhood. Providing such access is consistent with KRPE access goals and policies requiring safe,

convenient access to the river corridor from a substantial residential neighborhood.

- B. The bridge crossing at Golden State Highway is an automobile bridge to a proposed parking lot for those who would drive to the river, park their car, and enter the bicycle path from that point.

Land is not available on the west side of Golden State Highway to accommodate this use. This purpose of the proposed use is not dependent on the bicycle path referenced on the west side of Golden State Highway.

- C. The proposed bridge structure would provide pedestrian and bicycle access between two prominent recreational resources, the Metropolitan Recreational Center and the Kern River. It would allow pedestrians and bicycle path users to obtain direct access to and from the Metropolitan Recreational Center. It is likely that such direct access between recreational resources would complement both resources.

9-6 Comment: (California Department of Transportation)

We wish to reiterate our comments made during the Notice of Preparation contained in the attached letter dated March 17, 1988, which were not incorporated or addressed in the Draft EIR.

- A. This plan will affect State Routes 99, 58/178 and 204. Caltrans has already issued permits for a bicycle path under State Route 99 and an access from 178. No access will be allowed to State Route 99 and further access from State Route 178 is unlikely because of extremely heavy traffic in that area and the fact that park areas can be easily reached from City streets.
- B. Depending on the design and orientation of the pistol range site, we question the location designated adjacent to State Route 99.

Response:

- a. The following language is hereby added to follow paragraph 1: "Proposed Bicycle Path is Consistent with the Metropolitan Bakersfield Bikeway Master Plan."

"No Bicycle Access Would be Allowed to SRs 99 and 178"

Impact. According to Caltrans (Smith pers. comm.), implementation of the Parkway Plan would affect SRs 99, 58/178, and 204. Caltrans has already issued permits for the bicycle path under SR 99 and access from SR 178. No access would be allowed to SR 99, and further access from SR 178 is unlikely because of extremely heavy traffic in the area and because existing and proposed recreation areas are easily accessible from City streets. This impact is considered less than significant.

Mitigation Measures

o None required."

b. Comment noted. See response to Comment 4-5.

9-7 Comment: (California Department of Transportation)

We would like to add the following comments:

Trail crossing, landscaping, drainage facilities, or any other work proposed within State highway right-of-way will require Caltrans approval. An Encroachment Permit must be obtained before work may commence. All work within the right-of-way will be performed to State standards and specifications at no cost to the State.

Response: See response to Comment 1-4.

9-8 Comment: (Kern County Department of Planning and Development Services)

We suggest that the document be reviewed by Kern County Public Works regarding possible traffic impacts. Note that any improvements to the North Chester Avenue/Roberts Lane intersection will require action by the County, not the City as noted.

Response: See "Errata" to page 9-11.

9-9 Comment: (Dennis Fox)

CIRCULATION

I read the 2010 Circulation Element while using an environmental check list. It is to laugh. It is unfortunate that such concerns were not a program factor:

Air quality does not consider the prevailing winds, the bridges required, or the sprawl induced.

Noise will make the Parkway an echo chamber.

Visual deterioration will be great.

This document makes the same myopic error regarding circulation: People do not drive to intersections in order to become stalled--not by desire anyway. They have destinations. Intersections correction and expressways are but band-aids for planning injuries.

The last bypass crippled the downtown and moved what remained ambulatory to Oak Street and the Southwest.

The proposed bypassing will install strip malls and sprawl to the western Parkway with their attendant evils.

This will, of course, increase crosstown traffic.

The benefit of development attracted to the Parkway will be offset by the concurrent congestion.

I do not accept the 2010 consultant's apparent orientation of the downtown Los Angeles River as an ideal Parkway model. Neither should this document.

Recommendation:

Since the circulation model used a flawed and insufficient data model, and the conclusions often do not follow from even this data, rejection is justified. A corrected element utilizing more data and considering all factors should be done.

Since the Kern River does not begin or end at the Parkway boundaries, regional and specific local factors should be considered.

Response: The network assumed in the Draft EIR traffic analysis was based on planned transportation improvements expected to be built by 2010, as identified by the City Department of Public Works.

9-10 **Comment:** (Public hearing - Arthur Unger)

Chapter 9, "Traffic and Circulation" makes comments with regard to non-existent roads that are not addressed in the EIR.

Response: The Circulation and the Kern River Plan Elements of the Bakersfield Metropolitan Area General Plan designate planned river roadway crossings at Mohawk Avenue and Old River Road to improve and facilitate traffic circulation within the metropolitan area by 2010. Therefore, the Conceptual Plan Map must also designate these planned improvements to ensure consistency between the two maps. The identification of impacts associated with construction of these roadway crossings is, however, beyond the scope of this EIR due to the timing of improvements, unidentified funding, and lack of site-specific engineering design. It is anticipated that the Mohawk Avenue extension would be constructed after buildout of the Parkway Plan. The Old River Road extension could, however, be constructed prior to buildout of the Parkway Plan, depending on development pressures on the west side of the City. Due to these uncertainties, associated impacts would be highly speculative.

Separate environmental review will be prepared to address the impacts of these projects prior to their construction.

9-11 Comment: (Public hearing - Dennis Fox)

The Circulation Element will cause a severe negative impact and should be addressed.

Response: See response to Comment 9-9.

CHAPTER 10: PUBLIC SERVICES AND FACILITIES

10-1 Comment: (Rickett, Ward, Delmarter and Deifel)

In my opinion, the Draft EIR adequately describes the potential impact of the Levee District's emergency operations on the Parkway facilities. The Levee District will work with the City to minimize the effect of maintenance operations on the Parkway facilities while still insuring the integrity of the Levee for flood protection. As mentioned in my previous correspondence, the Levee District's responsibility is protecting the people of Bakersfield from the flood hazard posed by the Kern River.

Response: Comment noted. No response necessary.

10-2 Comment: (Kern County Health Department)

The Kern County Health Department has no objection to the proposed methods of water supply and sewage disposal as outlined in the Draft EIR. If, in the future, there is a need to provide other methods of sewage disposal, i.e., by septic tank systems, the Health Department would want to review such methods prior to implementation.

Response: Comment noted. No other methods of sewage disposal are currently proposed. However, if in the future there is a need to provide septic systems, the City will review any proposals with the Kern County Health Department prior to the installation of such systems.

CHAPTER 12: VISUAL QUALITY

12-1 Comment: (John Sweetser)

Under visual quality, Chapter 12, page 12-9, the report basically states that the degradation of visual quality due to parking lots will be because of the removal of mature native trees. My position is that the degradation of visual quality will be because of the parking lots themselves. Modern trends call for heavy landscaping in parking areas, often with planted berms to shield views of parking lots from adjacent streets. Such mitigation measures should be considered.

Response: See "Errata" to page 12-10.

12-2 Comment: (John Sweetser)

While it is desirable to remove ugly concrete rubble from Parkway areas (page 12-12), this may not always be possible due to flood protection considerations. Alternatives would be covering the rubble with clean fill or replacement by cobble rock. Generally though, there is probably more rubble than is really necessary, because the river area has always been a convenient place for contractors to dispose of their waste materials.

Response: Page 12-12 of the Draft EIR states: "The City should maintain an ongoing program to remove concrete rubble that is not essential for erosion and flood protection from the Parkway" Therefore, concrete rubble would not be removed if it is essential for erosion and flood protection.

Alternatives such as replacing the concrete rubble with cobble rock would be economically infeasible due to transportation and purchase costs. Concrete rubble is the most economically feasible material available. Current practices include the placement of sized material along areas in need of protection with consideration given to the aesthetic impact.

12-3 Comment: (Dennis Fox)

Recommendation:

Remove current graffiti at the de facto rest stops at bridge undercrossings.

Through local historical associations, schools, etc., replace with historical interpretive murals.

Seal with a clear anti-graffiti coat.

Response: See "Errata" to page 12-12.

CHAPTER 17: FEASIBILITY FOR THE ESTABLISHMENT OF A MINIMUM
ANNUAL FLOW IN THE KERN RIVER BETWEEN MANOR STREET
AND STOCKDALE HIGHWAY

17-1 Comment: (Albert Franklin)

Because water is in short supply in the Bakersfield area, any action that encourages people in Bakersfield to use less water for their landscaping will be beneficial. The riparian area where the Kern passes through Bakersfield would benefit greatly if flows were allowed to reach Bakersfield on a regular basis. Water conservation might make this goal more feasible.

Response: The second priority of the Parkway Plan, consistent with the KRPE, is water conservation and groundwater recharge. This priority is recognized in the Parkway Plan through the construction of two additional groundwater recharge basins, the use of California native vegetation in all landscaped areas, and the establishment of minimal turfed areas.

17-2 Comment: (Sierra Club, Kern-Kaweah Chapter)

The discussion of current surface water sources on page 17-3 makes it clear that the Kern River can flow during most of the year only if it receives water from the Sacramento-San Joaquin Delta or the tributaries thereof. The impact to the Delta should be discussed. Could the water added to the Kern be used to spare a like volume of water now taken from the Delta for some other purpose?

Response: Page 17-5 of the Draft EIR calls for water exchanges, not additional water from the Sacramento-San Joaquin Delta. Therefore, no significant impacts would occur to the Delta.

17-3 Comment: (John Sweetser)

The year-round flow study of Chapter 17 is totally inadequate. The most that can be concluded from this report is that with ideal circumstances, which may or may not happen, there is merely the possibility for greater flows 30 years from now. Few concrete proposals are given for increasing minimum flows. For this report to say (page 17-2) that one of the major reasons for today's intermittent river flows is "legal ownership of the water" is not really telling it like it is. The present flow patterns of the Kern through Bakersfield are of fairly recent origin. Completion of the River Canal in 1962 substantially reduced river flows downstream from the Calloway Weir. Increased use of the Carrier Canal between Manor Street and the Calloway Weir by 1969 led to the elimination of the continuous flows under the Chester Avenue bridge that existed prior to that time. Just simple changes in the operation of the canal system through Bakersfield may make it possible to have increased water in the river channel. There would be costs involved in doing this, primarily because less surface water would be available to downstream users due to seepage losses. All of these issues need to be addressed in this report.

Response: Though the statement is not entirely factual, the comment on flow patterns is generally correct. It was because of the reduction in river flows through Bakersfield that the City began discussions with Tenneco West, Inc. regarding the loss of Kern River water through the urban area. With the completion of the river channel, an enlarged carrier canal system through Bakersfield was diverting water out of the river above Calloway Weir for direct use by agriculture.

These discussions were unsuccessful and resulted in a lawsuit being filed by the City of Bakersfield against Tenneco West, Inc. on September 29, 1970. As a result of extensive negotiations with Tenneco West relative to the City's claim to Kern River water rights, a settlement was reached in February 1975. The City agreed

to a purchase price of \$17.9 million for acquisition of Kern River water rights and facilities held by Tenneco West. Financing of this purchase and the 35-year contract for delivery operations for this water are explained in Chapter 17 of the Draft EIR.

17-4 Comment: (Dennis Fox)

WATER QUANTITY

The levels of water projected do not account for:

- A. An increased swath lumbering and subsidized overgrazing which creates less snowpack retention and an earlier runoff.
- B. Storage is then in Lake Isabella, which is notorious for heat and winds which cause a high evaporation factor, and thus is less efficient than underground recharge.
- C. Watershed degradation is occurring in much of the Sierra, reducing amounts available for import.
- D. Northern concerns regarding Delta salinity may also cause less availability for the Kern.

Recommendation:

Support scientific watershed management, adjust projections as feasible and plan accordingly.

Response: Comment noted. Comments A, B, C, and D were considered in Chapter 17, "Feasibility for the Establishment of a Minimum Annual Flow in the Kern River Between Manor Street and Stockdale Highway" of the Draft EIR in projecting future flows in the Kern River.

Watershed management is the responsibility of the U. S. Forest Service.



Chapter 5

ERRATA

Introduction

This chapter shows all changes to all chapters of the Draft EIR with the exception of Table 2-1, which is shown in Chapter 2, "Revised Summary Table," and added text, which is shown in Chapter 3, "Responses to Comments." Text in standard print is original text from the Draft EIR; text in bold is added language; text that has been struck out is deleted language.

The chapters are ordered as they appear in the Draft EIR.

References to Paragraph # (such as 1, 2, 3. . .) are complete paragraphs.

CHAPTER 8: BIOLOGICAL RESOURCES

Pages 8-19 and 8-20

Table 8-3, "List of Recommended Native Plant Species for Landscaped Areas," is hereby revised (see following page).

CHAPTER 9: TRAFFIC AND CIRCULATION

Page 9-11

The text of the mitigation measure under "Drop in Existing LOS from B to E in 1998 at the Intersection of Roberts Lane/Chester Avenue" is hereby revised:

- *o The City County should replace the shared through/right-turn lane with a through lane, add an exclusive right-turn lane at all approaches, and add an exclusive left-turn lane to the northbound approach to the intersection."

Table 8-3. List of Recommended
Native Plant Species for Landscaped Areas

LARGE TREES

Arizona ash (Fraxinus velutina)
Bigleaf maple (Acer macrophyllum)
Black cottonwood (Populus trichocarpa)
Blue elderberry (Sambucus caerulea)
California bay (Umbellularia californica)
California buckeye (Aesculus californica)
California fan palm (Washingtonia filifera)
California juniper (Juniperus californica)
California sycamore (Platanus racemosa)
Coast redwood (Sequoia sempervirens)
Digger pine (Pinus sabiniana)
Engelmann oak (Quercus engelmannii)
Foothill ash (Fraxinus dipetela)
Fremont cottonwood (Populus fremontii)
Incense cedar (Calocedrus decurrens)
Live oaks (Q. agrifolia, Q. wislizenii, and Q. chrysolepis)
~~Madrone, madrone~~ (Arbutus menziesii)
Oregon ash (Fraxinus latifolia)
Tree willow (Salix gooddingii)
Valley oak (Quercus lobata)
White alder (Alnus rhombifolia)

SHRUBS AND SMALL TREES

Apache plume (Fallugia paradoxa)
Bishop pine (Pinus muricata)
Black sage (Salvia mellifera)
Bladder pod (Isomeris arborea)
Blue blossom (Ceanothus thrysiiflorus)
Blue palo verde (Cercidium floridum)
Bush poppy (Dendromecon rigida)
Buttonwillow (Cephalanthus occidentalis)
California bush sunflower (Encelia californica)
California grape holly (Mahonia pinnata)
Ceanothus (Ceanothus spp.)
Chinquapin (Castanopsis spp.)
Cliff rose (Cowania mexicana stansburiana)
Coastal sage (Artemisia californica)
Coffeeberry (Rhamnus californica)
Coyote bush (Baccharis pilularis ssp. consanguinea)

Table 8-3. Continued

SHRUBS AND SMALL TREES (Continued)

- Curl-leaf mountain-mahogany (Cercocarpus ledifolius)
 Desert encelia (Encelia farinosa)
 Desert rose (Rosa woodsii ultramontana)
 Desert willow (Chilopsis linearis)
 Elderberry (Sambucus mexicana)
 Fernleaf ironwood (Lyonothamnus floribundus asplenifolium)
 Flannelbush (Fremontia californica)
 Holly leaf ceanothus (Ceanothus purpureus)
 Holly-leaf cherry (Prunus ilicifolia)
 Island cherry (Prunus lyonii)
 James roof silktassel (Garrya elliptica)
 Jojoba (Simmondsia chinensis)
 Lemonadeberry (Rhus integrifolia)
 Lingleaf mahonia (Mahonia nervosa)
 Lupine (Lupinus albifrons)
 Manzanitas (Arctostaphylos spp. including A. densiflora, A. manzanita,
A. parryi, A. glauca)
 Matilija poppy (Romneya coulteri)
 Mesquite (Prosopis juliflora)
 Monkey flowers (Diplacus species)
 Mountain-mahogany (Cercocarpus betuloides)
 Mulefat (Baccharis glutinosa)
 Nevin's barberry (Mahonia nevini)
 Oregon grape (Mahonia aquifolium)
 Pinyon pine (Pinus edulis)
 Princes plume (Stanleya pinnata)
 Purple nightshade (Solanum xantii)
 Purple sage (Salvia leucophylla)
 Quailbush (Atriplex lentiformis)
 Redbud (Cercis occidentalis)
 San Diego sage (Salvia clevelandii)
 Santa Cruz island buckwheat (Eriogonum arborescens)
 Scrub oak (Quercus dumosa)
 Shrubby monkey flower (Mimulus aurantiacus)
 Sugar bush (Rhus ovata)
 Tecate cypress (Cupressus forbesii)
 Toyon (Heteromeles arbutifolia)
 Tree anemone (Carpenteria californica)
 Western service berry (Amelanchier pallida)
 Western spice bush (Calycanthus occidentalis)
 White sage (Salvia apiana)
 Wild grape (Vitis californica, V. girdiana)
 Willows (Salix species)

Table 8-3. Continued

FLOWERING HERBS AND GROUNDCOVERS

California fuchsia (Zauschneria californica, Z. cana)
Carmel creeper (Ceanothus griseus)
Conejo buckwheat (Eriogonum crocatum)
Coast iris (Iris douglasiana)
Dwarf coyote bush (Baccharis pilularis 'Twin Peaks')
Island alum root (Heuchera maxima)
Navarro ceanothus (Ceanothus gloriosos)
Penstemons (Penstemon heterophyllus, P. pseudospectabilis, P. palmeri, P. eatonii, P. centranthifolius, P. spectabilis, P. azureus)
Woolly blue curls (Trichostema lanatum)

Page 12-10

The text of the second bullet is hereby revised:

- "o The City should, to the extent possible, screen from view all structures in the proposed rest and recreation areas **and screen from view proposed parking areas** with native landscaping, **berms**, or other naturally occurring features. **The revised Table 8-3 lists recommended California native species.**"

Page 12-12

Paragraph 1 is hereby revised:

"Degradation of Visual Quality from Existing Oil Pumping Units, Cyclone Fencing, and Concrete Rubble, and Graffiti"

Impact. Protective cyclone fencing along the canals and around productive oil pumping units would be retained with implementation of the Parkway Plan (Figure 12-2). The Parkway Plan does not propose visual treatment of fencing or pumping units. In addition, concrete rubble **and graffiti is are** prevalent throughout portions of the Parkway (Photo 1 in Figures 12-1 and 12-5)."

In addition, the text of the second bullet under "Mitigation Measures" is hereby revised:

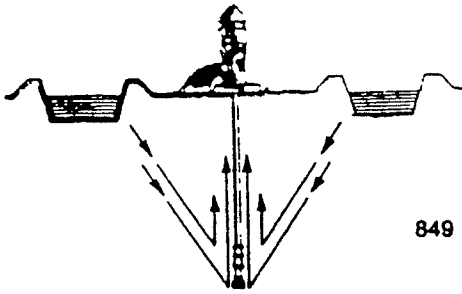
- "o The City should maintain an ongoing program to remove concrete rubble that is not essential for erosion and flood protection from the Parkway. Included in this program should be the removal of unsightly scattered debris within the Parkway. **Graffiti should also be removed from the Parkway.**"



Chapter 6

**COPIES OF WRITTEN COMMENTS
AND A SUMMARY OF
PUBLIC TESTIMONY RECEIVED**

Written Comments Received During the
Draft EIR Public Review Period



ROSEDALE - RIO BRAVO

WATER STORAGE DISTRICT

849 Allen Road • P.O. Box 867 • Bakersfield, California 93302-0867 • 589-6045

CITY OF BAKERSFIELD
PLANNING DEPARTMENT
1501 Truxtun Avenue
Bakersfield, CA 93301

RECEIVED

July 8, 1988

JUL 13 1988

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Attention Mr. Jim Movius

Kern River Parkway Plan-Draft EIR

The Rosedale-Rio Bravo Water Storage District has reviewed the Draft EIR for the proposed Kern River Parkway Plan. The District has previously expressed concerns regarding the plan in letters dated January 5, 1988 and February 15, 1988.

The District's main concern is regarding the operation of its headworks facility located just east of the Stockdale Highway bridge in an area designated in the plan as riparian habitat. The operation of the facility requires periodic maintenance which may involve plant and animal control. The District's headworks facility has not been identified as an existing development along the Parkway nor have the maintenance requirements been addressed. We have suggested that a buffer zone be added around the District's facilities so that our maintenance operations may be performed as usual.

3-1

If you have any questions or would like to discuss this further, please do not hesitate to contact either myself or Monique Ansolabehere at Boyle Engineering.

ROSEDALE-RIO BRAVO WATER STORAGE DISTRICT

Mary E. Collup
Mary E. Collup
Manager

lc

cc:BEC

BK-R01-002-88

KERN COUNTY MUSEUM

3801 Chester Avenue
Bakersfield, California 93301
(805) 861-2132

CAROLA G. RUPERT
Director, Curator
JEFF COOMBER
Asst. Director, Curator



RECEIVED
JUL 14 1988

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

July 12, 1988

Mr. James Movius, Acting Principal Planner
City of Bakersfield
1501 Truxtun Avenue
Bakersfield, CA 93301

Dear Mr. Movius:

We have examined the Draft Environmental Impact Report on the Kern River Parkway Plan, and while a number of Points of Historic Interest are in proximity to the project which are not enumerated in the text of Chapter 7, we believe the mitigation measures and surface survey are adequate to protect any cultural resources which may be disturbed during construction.

Further, the plan is very exciting to the Kern County Museum, as it should enhance our visibility as a cultural resource for the community and tourists using the Kern River Parkway.

Sincerely,

A handwritten signature in cursive script that reads "Carola G. Rupert".

Carola G. Rupert
Director

CGR:wjw

Memorandum

Date : August 1, 1988

To : Gordon F. Snow, Ph.D.
Project Coordinator
Resources Agency

From : Department of Parks and Recreation

Subject: Kern River Parkway Plan
Draft Environmental Impact Report
SCH# 88020119

The Department of Parks and Recreation has reviewed the subject document. The proposed project is in accord with the Department's program to provide hiking and riding trails for recreational use and to provide open space for resource preservation.

3-

We support the recommendations to remove the pistol range and to relocate, or scale down, the amphitheater.

4-

Please keep us apprised of the progress of the project. Our contact is Mr. James M. Doyle, Supervisor, Environmental Review Section, P.O. Box 942896, Sacramento, CA 94296-0001, telephone (916) 324-6421.



Richard G. Rayburn, Chief
Resource Protection Division

L. DALE MILLS

Director of Public Works
County Surveyor
County Road Commissioner



Department of
PUBLIC WORKS
2700 "M" Street, Suite #500
Bakersfield, CA 93301
(805) 861-2481

RECEIVED
AUG 03 1988

August 1, 1988

Ref: 7-2.1b Kern River Plan
CITY OF BAKERSFIELD
PLANNING DEPARTMENT

City of Bakersfield
Planning Department
1501 Truxtun Avenue
Bakersfield, CA 93301

Attn: Jim Movius, Associate Planner

Gentlemen:

This department has reviewed the June, 1988 draft EIR for the Kern River Parkway. It does not appear concerns and comments contained in this department's April 4, 1988 letter were considered on the Conceptual Master Site Plan map, on Page 3-6, Bridge Crossings, or Page 9-13, Bikeways.

Very truly yours,

MV Taylor
Martin V. Taylor

MVT:ab

cc: Fred Simon - PADS

L. DALE MILLS
 Director of Public Works
 County Surveyor
 County Road Commissioner



Department of
PUBLIC WORKS

April 4, 1988

Ref: 7-2.1b Kern River Plan

City of Bakersfield
 Planning Department
 1501 Truxtun Avenue
 Bakersfield, CA 93301

RECEIVED
 APR 08 1988

Attn: Jim Movius, Associate Planner

CITY OF BAKERSFIELD
 PLANNING DEPARTMENT

Gentlemen:

This department has reviewed the January 25, 1988 environmental assessment form for the Kern River Parkway Plan.

As you are aware, Section 5.3, Implementation Standards and Specific Policies of the Kern River Plan stipulates in part that bicycle paths will be further defined by a "Specific Trails Plan". Kern COG has funded a RFP to conduct a study which, upon completion, will recommend a system of bicycle paths within the Kern River Plan. It is this department's opinion that the paths should be those indicated on the approved Metropolitan Bakersfield Bikeway Master Plan. The City has approved the map and the County intends to include a compatible system in the General Plan Circulation Element currently being prepared. Furthermore, your Public Works Department was made aware of the need to provide for the bike path under the bridge you intend to construct across the Kern River at China Grade Loop by letter October 1, 1987 and again by letter in response to that project's environmental assessment March 25, 1988.

Please revise the conceptual master site plan for the Kern River corridor and include appropriate text in the document that will identify paths, lanes, and routes within the river plan and adjacent facilities that provide continuity. The following system is recommended:

<u>Road Name</u>	<u>Limits</u>	<u>Type</u>
* Stockdale Hwy.	CSB to Calif. Ave.	Class II
* Calif. Ave.	Stockdale Hwy to Mohawk St.	Class II
* Mohawk St.	Calif. Ave. to Truxtun Ave.	Class II
* Mohawk St.	Truxtun Ave. to Gilmore Ave.	Future
* Gilmore Ave.	Mohawk St. to Standard St.	Future

* Standard St. Calloway Canal	Gilmore Ave. to Calloway Canal Standard St. to the weir	Future Future
* Willow Dr.	Oildale Dr. thru Riverview Park to weir	Class I, II
* Oildale Dr.	Beardsley Ave. to Willow Dr.	Class II
* Beardsley Ave.	Oildale Dr. to N. Chester Ave.	Class II
* N. Chester Ave. Lower River Crossing	30th St. to Beardsley Ave. Weir @ Riverview Park	Class II Class I
* Pierce Rd.	River Path @ Future Oak St. Bridge to Calloway Canal	Class II
* Golden State Frontage Rd.	"H" St. to Bike Path	Class II
* So. "H" St.	30th St. to Golden State Frontage Rd.	Class II
* 30th St. Kern River Bike Path	Chester Ave. to So. "H" St. CSB to Manor St.	Class II Class I

*Bike facilities adjacent to the Kern River Plan that provide continuity.

Please note that the preceeding list only includes the site plan included in the document being reviewed. The need for bike paths along the Kern River extends to the Stockdale Highway bridge to the west and to the Rancheria Road bridge to the east. This will require the following additional system within the plan and a compatible system outside of the plan.

<u>Road</u>	<u>Limits</u>	<u>Type</u>
Kern River Bike Path	Stockdale Hwy. to CSB	Class I
* Stockdale Hwy.	Kern River to CSB	Class II
Kern River Bike Path	Manor St. to Hart Park	Class I
* Manor St.	BikePath to China Grade Loop	Class II
* China Grade Loop	Manor St. to Round Mtn. Rd. & south to Bike Path	Class II
* Round Mtn. Rd.	China Grade Loop to where it leaves the Kern River	Class II
* "Future Road"	Round Mtn. Rd. to Rancheria Rd.	Future
* Alfred Harrell Rd.	Hart Park to S.H. 178	Class II

City of Bakersfield
 Planning Department
 April 4, 1988
 Page three

<u>Road</u>	<u>Limits</u>	<u>Type</u>
* S.H. 178	Alfred Harrell Hwy. to Rancheria Rd.	Future
* Rancheria Rd.	S.H. 178 to "Future Rd."	Future
Hart Park River Crossing	Alfred Harrell Hwy. to Round Mtn. Rd. @ weir below Hart Park	Class I

The system, as described, will provide the following river crossings and access locations.

<u>Description</u>	<u>River Crossing</u>	<u>Bike Path Access Point</u>
Stockdale Hwy. @ Kern River	X	X
CSB		X
Coffee Rd. @ Kern River	X	X
Mohawk Rd. @ Kern River	X	X
Parking Site @ Truxtun Ave.		X
Beach Park		X
Oak St. @ Kern River (New Bridge)	X	X
Golden State Frontage Rd.		X
Pierce Rd. @ Calloway Canal		X
Calloway Canal @ weir	X	X
Chester Ave. @ Kern River	X	X
Manor St.	X	X
China Grade Loop @ Kern River	X	X
Round Mtn. Rd. @ weir below Hart Park	X	X
Round Mtn. Rd. @ Kern River	X	X
Fairfax Rd. @ Kern River		X

Please note that the site plan contains certain features that are not compatible with the proposed bikeway system.

1. Future bike path bridge midway between Beach Park and Golden State Highway doesn't serve any facility.
2. Future bridge crossing at Golden State Highway on wrong side of highway.

9
C

City of Bakersfield
Planning Department
April 4, 1988
Page four

3. Future bike path bridge downstream from Chester Avenue doesn't serve any facility.

9-5

Very truly yours,

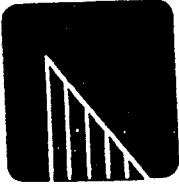
L. DALE MILLS
Director

By MV Taylor
Martin V. Taylor

LDM:MVT:ab

Attachment

cc: PADS - Fred Simon



North Bakersfield Recreation & Park District
405 Galaxy Avenue, Bakersfield California 93308 (805) 392-2000

August 3, 1988

RECEIVED

AUG 08 1988

Jim Movius, Acting Principal Planner
City of Bakersfield
Planning Department
1501 Truxtun Avenue
Bakersfield, CA 93301

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Re: Draft Environmental Impact
Report Kern River Parkway Plan

Dear Jim:

We appreciate the opportunity to review the river plan. The plan seems to address the issues from our point of view. Although this District is involved in much higher recreational intensity, the need for more natural experiences has been received from our residents.

During our survey for our Master Plan and subsequent surveys many requests have been made regarding trail systems and preservation and land enhancement of the river experience for today and future generations.

Hopefully this study will give the needed direction for preservation and enhancement of this most important element in the Bakersfield Metropolitan Landscape.

We are pleased with the study.

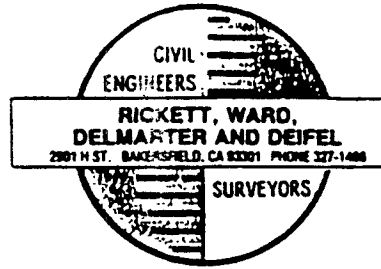
Sincerely,

Colon G. Bywater

Colon G. Bywater
Superintendent Planning
and Construction

CGB/fc

3-3



Job No. 12036

August 3, 1988

City of Bakersfield
Planning Department
1501 Truxtun Ave.
Bakersfield, CA 93301

RECEIVED
AUG 05 1988
CITY OF BAKERSFIELD
PLANNING DEPARTMENT

ATTN: Jim Movius

RE: Kern River Parkway Draft EIR

Dear Mr. Movius:

I have reviewed the above referenced document on behalf of the Kern River Levee District.

In my opinion, the Draft EIR adequately describes the potential impact of the Levee District's emergency operations on the Parkway facilities. The Levee District will work with the City to minimize the effect of maintenance operations on the Parkway facilities while still insuring the integrity of the Levee for flood protection. As mentioned in my previous correspondence, the Levee District's responsibility is protecting the people of Bakersfield from the flood hazard posed by the Kern River.

Very truly yours,

RICKETT, WARD, DELMARTER & DEIFEL

A handwritten signature in cursive script that reads 'Joseph A. Rickett'.

Joseph A. Rickett
RCE#25006/Exp. 12/31/89

JAR:jh

cc: Kern River Levee Dist.

Memorandum

To : (1) Dr. Gordon F. Snow
The Resources Agency

(2) City of Bakersfield
1501 Truxtun Avenue
Bakersfield, CA 93301

Date : AUG 4 1988


Subject: SCH#88020119: Kern
River Parkway Plan

From : Department of Boating and Waterways

The Department of Boating and Waterways has reviewed subject Draft Environmental Impact Report (DEIR) to provide recreational opportunities and habitat preservation and enhancement for the Kern River Parkway and would like to offer the following comments:

1. If boating regulations are proposed, they must be prepared and submitted to our Department prior to adoption and at least 30 days before the effective date thereof, in accordance with the requirements as specified in Sections 660 and 662, Harbors and Navigation Code (copy enclosed).
2. If the applicant determines waterway markers, e.g., signs or buoys, are necessary to warn or advise boaters, the markers must be placed or installed in accordance with the requirements as specified in Title 14, Article 6, California Code of Regulations (copy enclosed).

Thank you for the opportunity to review this document.


WILLIAM H. IVERS
Director

Enclosures

CALIFORNIA BOATING LAW

person or persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. The department may establish rules and regulations governing the operation of any such watercraft, which rules and regulations shall provide the greatest degree possible for the safety of persons and vessels.

(b) No person shall operate a vessel on any waters of this state towing a person or persons on water skis or aquaplane or similar device nor shall any person engage in water skiing, aquaplaning, or other similar activity at any time between the hours from sunset to sunrise; provided, that such hours shall not apply to such waters of this state as to which prohibited hours for such activities are fixed by local ordinances, laws, or regulations enacted pursuant to this chapter.

(c) The provisions of subdivisions (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in any one of the following authorized activities on any waters of this state: a regatta, vessel or water ski race, or other marine event authorized pursuant to the provisions of Section 268.

(d) No person shall operate or manipulate any vessel, towrope, or other device by which the direction or location of water skis, an aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any person thereon, to collide with, or strike against, any object or person. The provisions of this subdivision do not apply to collisions of two or more persons on water skis, aquaplanes, or similar devices being towed by the same vessel.

(e) No person shall operate water skis, an aquaplane, or similar device in such a manner as to endanger the life, limb, or property of any person.

659. Uniform navigational marking of waters. The department may make rules and regulations for the uniform navigational marking of the waters of this state. Such rules and regulations shall not be in conflict with markings prescribed by the United States Coast Guard. No city, county, or person shall mark the waters of this state in any manner in conflict with the markings prescribed by the department.

660. Application of chapter to all waters; local boating regulations. (a) The provisions of this chapter, and of other applicable laws of this state, shall govern the use, equipment, and all other matters relating thereto whenever any boat or vessel shall be used on the waters of this state, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority, district or state agency; provided, however, that such measures relating to boats or vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control, the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the department. Such measures shall be submitted to the department prior to adoption and at least 30 days prior to the effective date thereof.

(b) The department is authorized to make special rules and regulations with reference to the use of any boats or vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the department may determine (1) are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

(c) Any entity, including but not limited to any city, county, city and county, port authority, district or state agency, otherwise authorized by law to adopt measures governing the use and equipment, and matters relating thereto, of boats or vessels, may adopt emergency rules and regulations which are not in conflict with the general laws of the state relating to boats and vessels using any waters within the jurisdiction of the entity if such rules and regulations are required to insure the safety of persons and property, because of disaster or other public calamity. Such emergency rules and regulations shall become effective immediately upon adoption and may remain in effect for not to exceed 60 days thereafter. Upon submission of such emergency rules and regulations to the department, the department may authorize the entity to make the emergency rules and regulations effective for such period of time greater than 60 days as is necessary in view of the disaster or circumstances.

6697. Prima-facie Evidence of Negligent Operation.

Pursuant to the provisions of Section 653 of the Harbors and Navigation Code, the following described acts endanger life, limb or property and constitute evidence of reckless or negligent operation:

(a) Riding on the bow, gunwale or transom of a vessel propelled by machinery underway when such position is not protected by railing or other reasonable deterrent to falling overboard, or riding in a position or manner which is obviously dangerous. These provisions shall not apply to a vessel's crewmen in the act of anchoring, mooring or making fast to a dock or another vessel, or the necessary management of a sail.

(b) Maneuvering towed skiers, or other devices, so as to pass the towline over another vessel or its skier.

(c) Navigating a vessel, skis or other devices between a towing vessel and its tow or tows.

NOTE: Authority cited: Sections 652 and 653, Harbors and Navigation Code. Reference: Sections 650, 653 and 653.1, Harbors and Navigation Code.

HISTORY:

1. New section filed 10-13-72; effective thirtieth day thereafter (Register 72, No. 43).
2. Editorial correction of NOTE filed 10-11-83 (Register 83, No. 41).

Article 6. Waterway Marking System

7000. Scope.

Pursuant to the authority vested in it by Section 659, Harbors and Navigation Code, the Department adopts rules and regulations for a uniform system for marking the State's waters; such rules and regulations to establish, (a) a system of regulatory markers for use on all waters of the State to meet needs not provided for by the U.S. Coast Guard system of navigational aids, and (b) a system of navigational aids for use on the waters of the State not marked by the U.S. Coast Guard and/or not determined to be United States navigable waters; provided that such rules and regulations shall not be in conflict with the markings prescribed by the U.S. Coast Guard.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Amendment of Article 6 (Sections 7000 through 7008) filed 5-11-71; effective thirtieth day thereafter (Register 71, No. 20). For prior history see Registers 66, No. 43 and 69, No. 44.
2. Editorial correction of NOTE filed 10-11-83 (Register 83, No. 41).

7001. Definition (as used in this article).

(a) **Waterway marker** is any device designed to be placed in, on or near the water to convey an official message to a boat operator on matters which may affect health, safety, or well being, except that such devices of the United States or an agency of the United States are excluded from the meaning of this definition.

(b) **Regulatory Marker** is a waterway marker which has no equivalent in the U.S. Coast Guard system of navigational aids.

(c) **State Aid to Navigation** is a waterway marker which is the equivalent of a U.S. Coast Guard aid to navigation.

(d) **Buoy** is any device designed to float which is anchored in the water and which is used to convey a message.

CALIFORNIA BOATING LAW

(e) Sign is any device for carrying a message which is attached to another object such as a piling, buoy, structure or the land itself.

(f) A Display Area is the area on a sign or buoy needed for display of a waterway marker symbol.

(g) Symbols are geometric figures such as a diamond, circle, rectangle, used to convey a basic message.

(h) "Department" means the Department of Boating and Waterways.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Amendment filed 2-16-79 as procedural and organizational; effective upon filing (Register 79, No. 7).

2. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7002. Waterway Markers Used on the Waters of This State Shall Be as Follows.

(a) State Aids to Navigation.

(1) A red buoy or sign shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body or when proceeding upstream; a green buoy or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.

These buoys or signs shall normally be used in pairs and only for the purpose of marking a clearly defined channel.

(2) A red and white vertically striped buoy or sign shall indicate the center of a navigable waterway.

(3) A red and green horizontally striped buoy or sign shall indicate a junction in the channel, or a wreck or obstruction which may be passed on either side. If the top band is red, the preferred channel is to the left when proceeding upstream or leaving the main water body. If the top band is green the preferred channel is to the right when proceeding upstream or leaving the main water body.

(4) White buoys shall indicate anchorage areas.

(5) The shapes of state aids to navigation shall be compatible with the shapes established by Coast Guard regulations for the equivalent Coast Guard aids to navigation.

(6) When lights are placed on buoys as an aid to navigation, their characteristics shall be compatible with those designated by Federal Regulations for federal aids to navigation. Red lights for this purpose shall be used only on red buoys and green lights only on green buoys.

(b) Regulatory Markers.

(1) A diamond shape of international orange with white center shall indicate danger. The nature of the danger may be indicated by words or well-known abbreviations in black letters inside the diamond shape, or above and/or below it on white background.

(2) A diamond shape of international orange with a cross of the same color within it against a white center without qualifying explanation shall indicate a zone from which all vessels are excluded.

(3) A circle of international orange with white center will indicate a control or restriction. The nature of the control or restriction shall be indicated by words, numerals, and/or well-known abbreviations in black letters inside the circle. Additional explanation may be given above and/or below it in black letters on white background.

(4) A rectangular marker shall indicate information, such as a hazard to health, safety, or property. The marker shall be a rectangle in black on a white background.

(c) Letters or numbers.

(1) Numbers.

marker shall be placed on the bow of a vessel approaching or passing a narrow channel as large as the available space. The backgrounds shall be black.

(2) State aids to navigation. Red buoys and signs and green buoys and signs, the numbers on the buoys and signs at a junction shall be used to identify the channel.

(d) Reflectors. A reflector will be used on white reflectors, orange reflectors, and yellow reflectors.

NOTE: Authority cited: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Amendment filed 2-16-79 as procedural and organizational; effective upon filing (Register 79, No. 7).

2. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7002.1. Special Markers

Special markers shall be used to indicate a special hazard, such as dredging, fish nets, or a chart or other information not shown on a chart or other information.

(a) Aids used to indicate a special hazard.

NOTE: Authority cited: Sections 650, 655.3, and 659, Harbors and Navigation Code.

HISTORY:

1. New section filed 10-11-85 (Register 85, No. 41).

7003. Authority

(a) No waterway marker shall be used on the waters of the State unless such marker is authorized by the State or the U.S. Coast Guard.

(b) Such age-appropriate placement, obstruction, or clearance with the marker shall be as large as the available space.

(4) A rectangular shape of international orange with white center will indicate information, other than a danger, control or restriction, which may contribute to health, safety or well-being. The message will be presented within the rectangle in black letters.

(c) Letters or Numbers on Waterway Markers.

(1) Numbers, letters or words on a state aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching or passing vessel. They shall be block style, well proportioned and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black.

(2) State aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or proceeding upstream. Buoys and signs indicating the center of a waterway or a channel junction shall be identified by letters of the alphabet. All numbers and letters used to identify state aids to navigation shall be preceded by the letters "CF."

(d) Reflectorized Material. Where reflectorized materials are used, a red reflector will be used on a red buoy, a green reflector on a green buoy, and white reflectors only will be used on all other waterway markers, except that orange reflectors may be used on orange portions of regulatory markers, and yellow reflectors may be used on Special Markers, as defined in Section 7002.1.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Amendment filed 3-15-85; effective thirtieth day thereafter (Register 85, No. 11).
2. Editorial correction of NOTE filed 10-11-85 (Register 85 No. 41).

7002.1. Special Markers.

Special markers are not primarily intended to assist navigation, but are used to indicate a special area or feature (i.e., traffic separation, anchorage areas, dredging, fish net areas, etc.) whose nature may be apparent from reference to a chart or other nautical document.

(a) Aids used to mark these areas or systems will be all yellow.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650, 655.3, and 659, Harbors and Navigation Code.

HISTORY:

1. New section filed 3-15-85; effective thirtieth day thereafter (Register 85, No. 11).

7003. Authority to Place Markers.

(a) No waterway marker shall be placed on, in, or near the waters of the State unless such placement is authorized by the agency or political subdivision of the State having power to give such authorization, except that the provisions of this section shall not apply to private aids to navigation under the jurisdiction of the U.S. Coast Guard.

(b) Such agency or political subdivision of the State will, prior to authorizing placement, obtain the necessary clearances of any federal and state agencies concerned. Nothing herein contained shall be construed to require such prior clearance with the Department.

(c) The agency or political subdivision of the State authorizing the placement of a waterway marker will inform the Department of the following:

(1) Exact location of the marker, expressed in latitude and longitude, or in distance and direction from one or more fixed objects whose precise location is known.

(2) The description and purpose of the marker, including its identifying number, if any, as required by Section 7002(a)(5), above.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7004. Maintenance of Waterway Markers.

Waterway markers shall be maintained in proper condition, or be replaced or removed.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7005. Display of Waterway Markers.

(a) A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

(b) When a buoy is used to carry a symbol on its surface, it will be white, with a band of international orange at the top and a band of international orange above the water line at the bottom.

(c) A buoy whose sole purpose is to carry a sign above it will be marked with three bands of international orange alternating with two bands of white, each band occupying approximately one-fifth of the total area of the buoy above the water line, except where the sign itself carries orange bands; however, nothing in these regulations will be construed to prohibit the mounting of a sign on a buoy which has been placed for a purpose other than that of carrying a sign.

(d) When symbols are placed on signs, a suitable white background may be used outside the symbol.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7006. Specifications for Waterway Markers.

(a) The size, shape, material, and construction of all markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid will be recognizable in time to avoid danger.

(b) Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7007. Other Waterway

(a) Mooring aids to navigation, clearly visible above the water, shall not apply to established moorings.

(b) Placement of mooring markers will be determined by the Department.

(c) Such moorings which could result in any state regulation of navigation, cause a violation of this Code.

NOTE: Authority cited: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction.

7008. The Division of

(a) A red flag shall be placed to the lower right of the flag known as the "Red Flag" in the presence of a "Red Flag" sign.

(b) Recognition of any rights or privileges shall be construed in favor of the operator.

(c) Operators shall operate with conditions of safety.

(d) This flag shall be used in a water area where a violation of this Code is likely to occur.

NOTE: Authority cited: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction.

7009. The Sky

(a) A red flag shall be used to indicate a vessel getting ready to depart from a vessel.

(b) Recognition of any rights or privileges shall be construed in favor of the operator.

(c) Operators shall operate with conditions of safety.

(d) This flag shall be used in a water area where a violation of this Code is likely to occur.

NOTE: Authority cited: Sections 650, 655, and 659, Harbors and Navigation Code.

HISTORY:

1. New section.

TITLE 14. EXCERPTS

7007. Other Waterway Marking Devices.

(a) Mooring Buoys. In order that mooring buoys shall not be mistaken for aids to navigation or regulatory markers, they shall be white, with a blue band clearly visible above the waterline, provided that the provisions of this section shall not apply until July 1, 1965 to such devices located within an officially established mooring area.

(b) Placement of markers such as mooring buoys and permanent race course markers will be processed in the same manner as waterway markers.

(c) Such markers shall not be of a color, shape, configuration or marking which could result in their confusion with any federal or state aid to navigation or any state regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion, or constitute a hazard.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7008. The Divers Flag.

(a) A red flag with a white diagonal running from the upper left hand corner to the lower right hand corner (from masthead to lower outside corner) and known as the "Divers Flag" shall when displayed on the water, indicate the presence of a person engaged in diving in the water in the immediate area.

(b) Recognition of this flag by regulation will not be construed as conferring any rights or privileges on its users, and its presence in a water area will not be construed in itself as restricting the use of the water area so marked.

(c) Operators of vessels will, however, exercise precaution commensurate with conditions indicated.

(d) This flag shall be displayed only when diving is in progress, and its display in a water area when no diving is in progress in that area will constitute a violation of this regulation and of Section 659 of the Harbors and Navigation Code.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

HISTORY:

1. Editorial correction of NOTE filed 10-11-85 (Register 85, No. 41).

7009. The Ski Flag.

(a) A red flag, known as the "ski flag," shall indicate a downed skier, a skier getting ready to ski, a ski line out, or a ski in the immediate area when displayed from a vessel involved in towing a skier.

(b) Recognition of this flag by regulation will not be construed as conferring any rights or privileges on its users, and its display will not be construed in itself as restricting the use of the water in the vicinity of the vessel displaying the flag.

(c) Operators of vessels will, however, exercise precaution commensurate with conditions indicated.

(d) This flag shall be displayed only when one or more of the conditions listed in (a) above exists, and display of the flag on a vessel when none of such conditions exists, will constitute a violation of this regulation.

NOTE: Authority cited: Sections 658 and 659, Harbors and Navigation Code. Reference: Sections 650, 655.3 and 659, Harbors and Navigation Code.

HISTORY:

1. New section filed 1-28-83; effective thirtieth day thereafter (Register 83, No. 5).

DEPARTMENT OF TRANSPORTATION

52 West Olive Avenue
P. BOX 12616
SANTA ANA, CA 92778



(916) 488-4095
(916) (209) 488-4066

March 17, 1988

Mr. J. Dale Hawley, Manager
Department of Public Works
City of Bakersfield
1501 Truxtun Avenue
Bakersfield, CA 93301

KER-GEN
NOP of DEIR
Kern River Parkway Plan

Dear Mr. Hawley:

We have reviewed the Notice of Preparation of a draft Environmental Impact Report for the proposed Kern River Parkway Plan in the City of Bakersfield.

This plan will affect State Routes 99, 58/178 and 204. Caltrans has already issued permits for a bicycle path under State Route 99 and an access from 178. No access will be allowed to State Route 99 and further access from State Route 178 is unlikely because of extremely heavy traffic in that area and the fact that park areas can be easily reached from the city streets.

Depending on the design and orientation of the pistol range site, we question the location designated adjacent to State Route 99.

The transportation/circulation impacts of this project will be better analyzed based on the findings and proposals made in the DEIR.

Sincerely,

ORIGINAL SIGNED BY
NATHAN M. SMITH

NATHAN M. SMITH
District 6 Transportation Planner

LM:ah

cc: DAM

RANDALL L. ABBOTT
DIRECTOR
David Price III
Assistant Director

2700 M Street
Suite 100
Bakersfield, CA 93
(805) 861-261

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

August 11, 1986

City of Bakersfield, Planning Department
Attn: Jim Movius
1501 Truxtun Avenue
Bakersfield, CA 93301

File: Agency
City of Bakersfield

Re: Draft Environmental Impact Report (DEIR), Kern River Parkway Plan

Ladies and Gentlemen

Thank you for the opportunity to comment upon the above noted project. The various sections of this office have reviewed the draft EIR and offer the following comments:

Plan Implementation (contact Jim Ellis)-Suggest the document be reviewed by Kern County Public Works-Roads regarding possible traffic impacts. Note that any improvements to intersection 1 study area (North Chester Avenue/Roberts Lane) will require action by the County, not the City as noted.

Plan Development (contact Marc Gauthier)-Proposal appears to result in minor change from existing, primarily an enhancement of existing conceptual plans. The major land use proposals which may conflict with the riparian concept (i.e. pistol range; Amphitheater) are discussed as concerns in the DEIR. There are major problems are foreseen; map code change to the General Plan will be required.

Flood Plain Management (contact Clark Farr)-There appears to be a major omission in the DEIR. It fails to discuss the existence of at least four County drainage systems that utilize the Kern River for runoff disposal. They are:

- a. Northeast Bakersfield Drain-Runoff discharged by open channel parallel to Manor Street (west side); propose landscaping may impact channel use and flow rates.
- b. North Chester/Hart Street Drain-No impacts noted.
- c. Oildale Drain-No impacts noted.
- d. Rosedale Highway/Freeway 99 area Storm Drain-This system is part of an existing Storm Drain Plan. It is intended to discharge runoff on the northside of the River, west of Highway 99. These proposed Storm Drain facilities may be negatively impacted by the recreation area proposed. In addition, any City Storm Drain in the area may also need further discussion.

Environmental Analysis (contact Fred Simon)-The DEIR appears to adequately address other areas of environmental effect. These concerns mentioned under Plan Development's comments are supported: Strong consideration should be given to relocation of the Police Pistol Range outside the Parkway Plan area; reduction in the size of the Amphitheater as suggested in the DEIR, or perhaps the planning of 2-3 smaller facilities (50 seats) at various locations along the River may be more appropriate.

Should you have any questions concerning these comments, please contact the individual noted under the section on which your question pertains.

Very truly yours

RANDALL L. ABBOTT, Director
Planning and Development Services

By: Fred Simon
Principal Planner

FS:pj

cc: Plan Implementation
Plan Development
Flood Plain Management

KERN COUNTY WATER AGENCY
Bakersfield, California 93302



Telephone (805) 393-6200

Directors.

Fred L. Starr	Division 1
Terry Rogers	Division 2
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Address mail to
P O Box 58
93302-0058

August 11, 1988

RECEIVED

AUG 16 1988

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Jim Movius
City of Bakersfield
Planning Department
1501 Truxtun Avenue
Bakersfield, CA 93301

RE: Kern River Parkway Plan

Dear Mr. Movius:

We have reviewed the proposed Kern River Parkway Plan and support the concept. However, there are potential conflicts with our use of the river as a raw water source for the treatment plant which should be addressed more fully.

We are concerned with the discharge from the Manor Street Storm Drain and the possibility of contamination of the River. This contamination could lead to treatment plant shutdowns for periods when the drain discharges heavily into small river flows. A possible mitigation would be to isolate the Manor Street Drain from the Kern River flows. The county's method of handling the North Chester Drain effluent would satisfy our needs.

You have addressed possible impact of contact recreation above the Calloway Weir and the possible future regulation of such contact recreation. In view of the ever tightening environmental rules which govern our water treatment function, it would be prudent to eliminate body contact recreation in the pool above the Calloway Weir.

These comments are in addition to those included in our previous letter dated March 9, 1988.

Thank you for the opportunity to comment on this plan.

Very truly yours,

Stuart T. Pyle

for
Stuart T. Pyle
General Manager

cc: City of Bakersfield Water Dept.

OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814Jim Movius
City of Bakersfield
1501 Truxtun Avenue
Bakersfield, CA 93301RECEIVED
AUG 16 1988

August 12, 1988

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Subject: Karn River Parkway Plan - SCH# 88020119

Dear Mr. Movius:

The State Clearinghouse submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is closed and the comments of the individual agency(ies) is(are) enclosed. Also, on the enclosed Notice of Completion, the Clearinghouse has checked which agencies have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the package is not in order, please notify the State Clearinghouse immediately. Your eight digit State Clearinghouse number should be used so that we may reply promptly.

Please note that recent legislation requires that a responsible agency or other public agency shall only make substantive comments on a project which are within the area of the agency's expertise or which relate to activities which that agency must carry out or approve. (AB 2583, Ch. 1514, Stats. 1984.)

These comments are forwarded for your use in preparing your final EIR. If you need more information or clarification, we suggest you contact the commenting agency at your earliest convenience.

Please contact John Keene at 916/445-0613 if you have any questions regarding the environmental review process.

Sincerely,

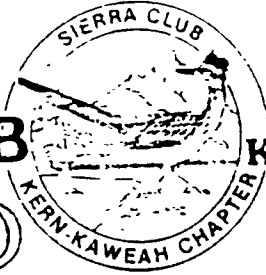
A handwritten signature in black ink, appearing to read "David C. Nunenkamp".

David C. Nunenkamp
Chief
Office of Permit Assistance

Enclosures

cc: Resources Agency

SIERRA CLUB



KERN-KAWEAH CHAPTER

RECEIVED

AUG 15 1988

Arthur Unger
Conservation Chair
P.O. Box 3357
Bakersfield, CA 93385

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

August 14, 1988

James Movius, Associate Planner
City of Bakersfield

Dear Mr. Movius:

Here are our comments on the DEIR on the Kern River Parkway.

The KRP, exclusive of the primary floodway, Lake Truxtun and existing developed parks, consists of 716 acres (page 4-4). This represents almost the only opportunity for wildlife viewing and similar passive recreation in metropolitan Bakersfield. All of these 716 acres should be devoted to habitat for the native species they contain, and have historically contained. None of the 716 acres should be covered with concrete, and some restoration should be done, and some adjacent acreage should be added. There is no room here for amphitheater, pistol range, information center, more active recreation than already exists, or much more parking.

Near the top of page 4-8, the DEIR states an argument against allowing an AMPHITHEATER in the KRP and refers to several other good reasons not to have it here. If it is still being considered, the FEIR should list other similar facilities in the community and discuss the need for having such seats in the KRP. There is an amphitheater at Bakersfield College, there are small ones at CALM and Beale Park. There is tentative financial approval for a 13,000 seat grass terraced amphitheater at California State University Bakersfield.

Page 9-15 states that an automobile bridge will serve the parking lot adjacent to the amphitheater. A pedestrian tunnel under Chester Avenue is shown on the map between p.3-2 and 3-3. If the amphitheater is not built, will we need these parking lots and this tunnel?

Page 8-17 justifies not having the INFORMATION CENTER in the KRP. It is suggested that a certain private parcel be acquired. This property is not visually incompatible with the goals of the KRP, as to deserve top priority for acquisition. Since this property is separated from the River only by the levee and bike path, it should eventually be acquired and returned to a natural state. Alternative sites, which the FEIR should discuss include:

1. A storefront on Chester Avenue
2. Any of the buildings within the three parks located in the KRP, including the Economic Development Corporation building in Beach Park,
3. The northeast corner of Chester and Columbus

Page 8-17 states that the PISTOL RANGE is "out of character". Page 5-10 mentions the mitigations that buildings in the secondary floodway require. Page 4-6 speaks of adverse visual impact, and public opposition. The FEIR should discuss:

1. Increased public acceptance if the range is sited where it can be enlarged to allow increased public use.
2. Extra cost of building in secondary floodway
3. Impact of parking lots and traffic required by range users.
4. Alternative sites, including nearby City owned land just west of the City's corporation yard.
5. Restoring the area proposed for the pistol range as nearly as possible to its historic appearance, rather than continuing to commit it to active recreation.

We should not plan on having AUTOMOBILE BRIDGES to access the KRP. PARKING lots in the KRP should be used only to serve handicapped people. To minimize the amount of habitat paved, the FEIR should consider:

1. Parking near the proposed Mohawk and Old River bridges. People using this parking could use pedestrian walks onto the bridge and then down into the KRP.
2. Pedestrian bridges over streets bordering the KRP, connecting with existing parking for businesses that might be closed on week-ends.
3. Limited time parking in the KRP, so that picnic baskets, packages and handicapped persons could be dropped off.
4. Constructing parking lots so they can become the ground floor of parking buildings.

The number of SWIMMERS in the KRP may increase as local population increases, especially if there is more water in the River. Could the discharge from the Hawthorne Drain and the five pumping plants, mentioned on p. 5-13, be filtered or treated before release into the Kern? Could water behind Calloway Weir be treated or circulated through a filter to permit large numbers of swimmers to use the area?

The discussion of CURRENT SURFACE WATER RESOURCES on page 17-3 makes it clear that the Kern River can flow during most of the year only if it receives water from the Sacramento-San Joaquin Delta or the tributaries thereof. The impact to the Delta should be discussed. Could the water added to the Kern be used to spare a like volume of water now taken from the Delta for some other purpose?

Questions of KIT FOX HABITAT, FINANCING and LAND ACQUISITION are interwoven. Some biologists think it takes about 640 acres to almost guarantee enough riparian habitat for one breeding pair of foxes, and that most of those acres should not be strung out in ribbon like parcels, as much of the KRP acreage is. The biggest "chunk" of land in the KRP is the Bakersfield Educational Studies Area, at 261 acres excluding primary floodway (4-4). Would the chances of having Kit Fox here forever increase if the land between this area and Stockdale Highway were added to the KRP? Mitigation measures when finding a Kit Fox den are discussed on page 8-15. It should be noted that the effectiveness of artificial dens is controversial. By minimizing construction, we minimize disturbance. To obtain more space for athletics and PARKING, consider acquiring adjacent land, including the parcel just east and south of the Rasmussen Center, near the northeast end of the KRP.

To further obtain habitat, the City should acquire the two parcels immediately west of Golden State Highway and Freeway 99. Financing should be coordinated with the Metropolitan Bakersfield Habitat Conservation Plan, as mentioned on page 4-3.

8-

Chapter 8 discusses PLANTS in the KRP. We appreciate pages 3 & 4 where the possible reintroduction of some species is discussed. Has the City already decided to exclude vegetation not native to California? If not, the DEIR should have emphasized the adverse impact of such plants more fully. Why should exotic specimens not be removed, as suggested on p. 21? Is there any Tamerisk in the KRP?

8-

If PLANTS native to California, but not native to this reach of the Kern River, are planted, the FEIR should discuss their maintenance, invasiveness and benefit to wildlife. Would locally native plants require less fertilizer, herbicides and pesticides? If the Kern does not here approach it's historic flora, where will we find such restoration?

8

Will the REST AREA shown on the norhtwest shore of Truxtun Lake obstruct Kit Fox migration?

8

The McIntosh EIR shows a freeway along the Cross Valley Canal, near the Bakersfield Educational Studies Area. Is there anything to be done now to mitigate such an event?

3

Thank you for your attention to our comments and questions.

Arthur Unger
Arthur Unger
Conservation Chair
Kern-Kaweah Chapter
Sierra Club

Apparently, for the list on Pg. 8-19, few criteria were considered in its preparation, except perhaps for drought-tolerance and wildlife value. A proper list would consider the following additional criteria:

Availability- Some of the plants listed may not be available anywhere. Others can be found at only one or two native plant nurseries in California, which often are small-scale operations, so obtaining large quantities may be difficult.

Adaptability to this climate - Some listed plants are coastal or woodland species and may do poorly in the difficult conditions found in this area. Others may grow here, but their performance is unproven.

Tolerance to ordinary landscape watering - Many California natives, such as *Fremontia*, simply cannot stand excessive or even normal watering.

Appearance - Some of the shrubs become very large and wild-looking, limiting their landscape use.

Compatibility with the existing native landscape - Some will look out of place, such as the incense cedar previously mentioned.

Maintenance requirements - Plants with special needs should be avoided.

Longevity - Some natives are very short-lived.

Specific comments about plants on the list:

Blue elderberry (*Sambucus caerulea*) - This species is so similar to *Sambucus mexicana*, which is native to the area, that I don't see any reason to include it on the list.

California buckeye (*Aesculus californica*) - Loses its leaves by late summer.

California juniper - Limited availability. Very slow growing.

Live oaks - Interior live oak (*Quercus wislizenii*) is found along the Kern upstream and would be a more appropriate choice than coast live oak (*Q. agrifolia*). Canyon live oak (*Q. chrysolepis*) is slow growing (20' in 20-30 years).

Chinquapin (*Castanopsis* spp.) Limited availability. May not be adapted to local climate (in Kern County, this species is found above 7000').

Flannelbush (*Fremontia californica*) - Very difficult to grow under ordinary cultivation.

Lingleaf mahonia (*Mahonia nervosa*) - Woodland species, questionable whether it will stand full sun exposure in this climate. Limited availability.

Lupine (*Lupinus albifrons*) - Limited availability. Usually planted by seed.

Manzanitas (*Artocostaphylos* spp.) - Susceptible to overwatering.

Matilija poppy (*Romneya coulteri*) - Can be invasive. Limited landscape use (slope stabilization, along roads, marginal areas).

Mulefat (*Baccharis glutinosa*) - This particular species is not available anywhere that I know of.

Quailbush (*Atriplex lentiformis*) - Good wildlife plant but limited landscape value. Can become too large and wild-looking.

Santa Cruz Island buckwheat (*Eriogonum arborescens*) - Coastal species, questionable adaptability to this area.

Shrubby monkey flower (*Mimulus aurantiacus*) - Short-lived perennial shrub. May have limited availability.

Western Service berry (*Amelanchier alnifolia*) - Performance in this area unknown.

Carmel creeper (*Ceanothus griseus*) - Can be short-lived in this area (as little as three years).

Navarro ceanothus (*C. gloriosos*) - Coastal species, cannot take heat well.

Penstemons - Tends to be short-lived.

Madrone (*Arbutus menziesii*) - Difficult if not impossible to grow in the central valley.

I would add the following to the list of recommended native species:

Bladder pod (*Isomeris arborea*) - Native to this area, can survive on little water.

California scrub oak (*Quercus dumosa*) - Small tree, often multi-trunked, becomes picturesque with age. Does well in this area.

Engelman oak (*Quercus engelmannii*) - Striking medium to large evergreen tree. Does well in this area.

Other comments:

Regarding the proposed parking lots, their impacts are mentioned on Pg. 8-17 under "Direct and Indirect Conflicts Between Recreation Areas/Parking Lots and Biological Resources." This is a rather euphemistic way to state this. This should properly be stated as: "Removal of Riparian Habitat from Construction of Recreation/Parking Lots" because this describes what will actually happen.

Under mitigation measures (Pg. 8-18), alternatives such as off-site parking should be considered. The parking area near the proposed police pistol range could be relocated just outside the Parkway in the lot where the City now stores paving materials. This area is largely unused. The proposed parking lot northwest of the intersection of Truxtun and Mohawk Avenues is right where one of the few stands of trees along Truxtun Avenue Extension is (including trees planted by citizen groups). This lot should if possible be placed within the fenced area next to the water storage tank. Any lot further away from Lake Truxtun will make the carrying of boats to the lake difficult. The lot on the north side of the river near the proposed Mohawk Ave. extension should be placed on the north side of the Cross-Valley Canal. I realize this would entail the purchase of additional land, but construction of an expensive vehicle bridge across the canal would not be necessary (just a cheaper pedestrian bridge). A parking lot immediately adjacent to the river channel is unacceptable from an aesthetic and pollution viewpoint. The parking area proposed at the southwest corner of the Chester Avenue bridge once had the largest stand of buttonwillow I have seen along the Kern. Consideration should be given to restoring some of this stand.

8-23

Under visual quality, Chapter 12, Pg. 12-9, the report basically states that the degradation of visual quality due to parking lots will be because of the removal of mature native trees. My position is that the degradation of visual quality will be because of the parking lots themselves. Modern trends call for heavy landscaping in parking areas, often with planted berms to shield views of parking lots from adjacent streets. Such mitigation measures should be considered.

12-1

While it is desirable to remove ugly concrete rubble from Parkway areas (Pg. 12-12), this may not always be possible due to flood protection considerations. Alternatives would be covering the rubble with clean fill or replacement by cobble rock. Generally though, there is probably more rubble than is really necessary, because the river area has always been a convenient place for contractors to dispose of their waste materials.

12-2

Finally, increased recreational use of the parkway could lead to conflicts with sand extraction. The deep pits that these operations create in otherwise shallow areas of the streambed have led to several drowning deaths in years past

4-6

Sincerely,



John Sweetser

August 14, 1958

To: James D. Movius, Associate Planner
Planning Department
1501 Truxtun Avenue
Bakersfield, Ca. 93301

RECEIVED

AUG 15 1958

From: Dennis Fox

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Subject: Kern River Parkway E.I.R.

Bakersfield is fortunate in possessing one of the few rivers in the West that never became a repository of sewage, slums, or salvage yards. The E.I.R. does it justice, but it must be remembered that an ounce of prevention beats a pound of mitigation and both beat a ton of mandated retro-fit. Thus, all comments will suggest an alternate recommendation.

CIRCULATION

I read the 2010 Circulation element while using an environmental check list. It is to laugh. It is unfortunate that such concerns were not a program factor:

Air quality does not consider the prevailing winds, the bridges required or the sprawl induced.

Noise will make the parkway an echo chamber.

Visual deterioration will be great.

This document makes the same myopic error regarding circulation: People do not drive to intersections in order to become stalled-- not by desire anyway. They have destinations. Intersections correction and expressways are but band-aids for planning injuries.

The last bypass crippled the downtown and moved what remained ambulatory to Oak Street and the Southwest.

The proposed bypassing will install strip malls and sprawl to the western Parkway with their attendant evils.

This will, of course, increase crosstown traffic.

The benefit of development attracted to the Parkway will be offset by the concurrent congestion.

I do not accept the 2010 consultant's apparent orientation of the downtown Los Angeles River as an ideal parkway model. Neither should this document.

Recommendation

Since the circulation model used a flawed and insufficient data model, and the conclusions often do not follow from even this data, rejection is justified. A corrected element utilizing more data and considering all factors should be done.

9-9
Con't

Since the Kern River does not begin or end at the Parkway boundaries, regional and specific local factors should be considered..

WATER QUANTITY

The levels of water projected do not account for:

An increased swath lumbering and subsidized overgrazing which creates less snowpack retention and an earlier runoff.

Storage is then in Lake Isabella, which is notorious for heat and winds which cause a high evaporation factor, and thus less efficient than underground recharge.

Watershed degradation is occurring in much of the Sierra, reducing amounts available for import.

Northern concerns regarding Delta salinity may also cause less availability for the Kern.

Recommendation

Support scientific watershed management, adjust projections as feasible and plan accordingly.

WATER QUALITY

Signs warning "Swim at your own risk" are not true mitigations-- just poor attempts to give fair warning.

Oxygen level sampling was done upstream and in cool weather. These levels would decrease in summer heat and a pool situation.

This oil producing region has had many seismic surveys over the years. The shot holes often permeated the aquifer and thus can transport unfiltered contaminants directly, thus the river may be a transporter of Giardia and other waterborne diseases and contaminants from:

Subsidized overgrazing.

Lack of sewage systems upstream.

Backflushing of treatment plants.

Untreated street runoff.

Increased floodplain housing of animals and man.

Crossvalley transport may carry undesirable elements such as selenium and other elements on a loop trip resulting in a Kesterson on the Kern.

Recommendation

Shot holes should be found and capped with no assumption that all have been found.

Monitoring should consider cumulative effects.

Removal of horses from the river bed.

An equestrian bridge near Manor Street
Three watering troughs/rest. areas to be adjacent to the
Pierce Road coffee shops area and equidistant to the
parkway boundaries.

Restriction of camping to designated campgrounds.

Elimination of chemical and non organic toxic usage in the
primary and secondary floodplains.

Re-oxygenate by use of weir riffles or baffles or recreational
flumes.

Address street runoff on both immediate and long term basis.

Consider diversion to canals.

Consider diversion to oil field sumps for later water
or steam flooding.

The practice of diversion to sumps as playfields is
questionable.

Assume treatment eventually will be mandated anyway and
plan new infrastructure accordingly.

REVEGETATION

Previous attempts at planting have dismally failed. These and
current schemes at mass planting are attempts by urban means which
requires wildland and riparian protocols. Urban methods of water
systems and chemical use are not practical, necessary or environ-
mentally sound. Exhibiting neither experience nor expertise at
wildland revegetation, but rather precipitous enthusiasm, current
plans are but a compounding of error.

A same age or monoculture riparian forest is not only visually
weird, but also an invitation to disease, insect infestation and
wildlife.

Much of the current climax vegetation is exotic grasses of
high water competition.

5-7
Con'

8-

Imported trees will not be hardened off to local conditions. Such as do survive, will exhibit growth at a lessened rate and poor health.

8-24
Con't.

Recommendation

Follow standard re-vegetation practices:

Utilize non-scarifying fire management to remove exotics and regenerate native vegetation.

Plant trees on a continuing basis.

Replant native grasses and species where not naturally reseeded.

Participate in the California Riparian Restoration Conference (September, 1988).

8-25

Leave all existing trees, snags and deadfalls.

Utilize the County's chippers and seek State and Federal professional input.

Re-activate the nursery at Lerdo, growing deep-rooted trees in PVC pipe.

Utilize native trees from the Fish and Game and Nature Conservancy nurseries at Kernville.

WILDLIFE

Oxygen sampling being done at high level times of January, February, and June; I would submit that a significant difference will occur in later, hot months and in a large pool; hence comes the problem of aquatic weed control and less wildlife.

Monofilament line and fishing gear is a major source of inadvertant wildlife kill.

The problem of exotics, feral and domestic predation, is not fully addressed.

8-2

Enough has been said and emotions stirred concerning toxic effects of chemicals on wildlife and humans that I would prefer, only to discuss their interruption of the food chain only. Recreational fisherfolk attempt to "match the hatch"--an impossibility when there is no hatch. The targets of chemicals are prey species for desirable wildlife.

Recommendation

Aeriation riffles or baffles on all river weirs.

Tubing-boating ways on the wier sides.

Commence with fishing regulations of fly only and barbless hooks.

Rock all scourable areas for habitat and breeding.

Donut-hole islands should be constructed; chicken wire screening should be installed for habitat protection.

Leash laws should be enacted and enforced throughout the County.

Such exotics; pig, opossum and white bass, etc., should be eliminated and monitored for return to the corridor.

I reiterate: that toxics (except organics such as Rotenone) and all chemicals should be banned.

Retain all trees, snags, and deadfalls.

Adjacent screen planting should also be native with Habitat capability.

AMPITHEATER

All discussion pro or con seems somewhat redundant as no need is shown especially when facilities exist across the street and elsewhere.

Floating stages and band shells are common parkway items and cause no significant impact.

The city has a portable stage already, though in need of esthetic improvement.

HISTORICAL/VISUAL

The historical element ceases at the century's turn ignoring the river's "Hooverville" era of the Depression. This had:

National policy impact.

Regional character influence.

Recommendation

Remove current graffiti at the de facto rest stops at bridge undercrossings.

Through local historical associations, schools, etc., replace with historical interpretive murals.

Seal with a clear anti-graffiti coat.

SAFETY

Unfortunately this is usually considered in a prohibitive manner, but throughout my discussion is a thread of proactive safety; however the following restrictions are deemed desirable:

A bottle ordinance.

Camping restricted to designated campgrounds.

Open fires and fireworks disallowed.

Bike path speed limit is regulated to 15 MPH with event exemption, on the American River Parkway and should be adopted here.

Barbed hook lures should be prohibited.

Proactively, the proposed boating/tube runs such as the Denver Greenway Foundation built on the Platte wiers and canals, would attract recreational usage to the parkway which will be definitely safer than that upstream as the current annual body count attests.

Further: Bridges including equestrian, should have allowance in the downstream, wester, side for pedestrian, bicycle and fishing activity.

Consideration should be given to a ranger system of patrol co-incident with adjoining regional park and recharge areas.

While the 2010 Circulation Element portrays a passe', grandiose mind-set, this E.I.R. proves that those measures which are most cost effective and involve the least maintenance and manicuring will have the least environmental damage.

3-11

3-12

3-1
Cor

3-1

TIMBER WARS

Montana Wilderness Bill sparks a community crisis.

For almost a decade there has been a heated, on-going debate swirling around the proposed Montana Wilderness Bill. It's no wonder, since the Congressional decision, expected this year, will determine the fate of six million acres of roadless woodlands, up to 1.3 million of which could become Wilderness.

But nowhere in the state have the issues been as hotly contested as they have in Wisdom (pop. 100). The community, located in the Big Hole Valley in the southwestern part of the state, has been bitterly divided over use of the land, and neighbor has been pined against neighbor.

On one side are businessmen and loggers, who fear Wisdom will become a ghost town without the timber industry jobs. "If that timber was managed right, you could grow a harvestable tree every 100 years," says John Wilke, whose sawmill cuts 700,000 board feet per year and employs six residents. "Problem is that timber never has been properly logged. There's no future for my son here now. If the wilderness bill passes, it's going to move a lot of people out." Wilke's family has been



Ranchers fear clearcuts destroy watersheds.

in the Big Hole since 1881.

On the other side are ranchers and environmentalists, who want to end commercial logging in the Big Hole Valley. "They [the Forest Service] are cutting trees faster than they'll grow back," says J.B. Anderson, a member of the Big Hole Ranchers' Association. "A lot of these folks used to be my friends, but they won't speak to me any more."

A lot of people realize that even the final decision won't resolve the split. "It'll be over on paper," says Wisdom Market owner Norman Focher,

"but it'll never be over in the valley. There'll be hard feelings whichever way it goes. The Big Hole Valley is going to make a giant leap from 1900 to 1990 all at once and it's going to tear everyone apart."

The land that has split Wisdom is a 200,000-acre tract in the Beaverhead National Forest. As an incentive for the timber companies to cut the virtually worthless Beaverhead timber, the Forest Service makes available large tracts at a low price and includes logging roads—paid with Congressional appropriations—in the

sale. The Beaverhead National Forest makes available 10 million board feet of 10 pole pine per year in a tract that has never made a profit on timber. In fact, three million dollars a year is lost to the U.S. Government on net timber sales here.

In the past, ranchers supported Forest Service timber policies. Now, they fear clearcutting will destroy watersheds by exposing snowcover to sun. The snow will melt quickly in the spring and there will be no water irrigation later in the season. They also worry about logging activity bringing in species like knapweed, which sterilizes the soil.

"The ranchers forced me to sue when they decided to sue with the environmentalists," says Darryl Jacobson, owner of the Antlers Saloon. "The problem is that the logging runs a deficit, but I'd rather them spend it here than let it go to the Contras. We've got a paycheck in Montana. We've run out of steady jobs there is. The people who use wilderness are generally from out-of-state and get on granola bars."

—Perry

MURDER ON THE APPALACHIAN TRAIL

How safe are the forests?

On Friday the 13th of May, two women out for a few days of hiking on the Appalachian Trail (AT) were shot in Michaux State Forest in southern Pennsylvania. One was killed and the other wounded.

Within two weeks of the incident, a suspect was apprehended and the trail was once again considered safe to walk. Unfortunately, the publicity sent many hikers packing for home.

Brian King, public relations

director of the Appalachian Trail Conference (ATC), is encouraging hikers to keep a balanced perspective. "There are between three and four million people who hike the trail every year, for periods ranging from a few hours to a six-month through-hike from Georgia to Maine. There have only been three murders on the AT in the past 15 years, that's one out of every 17.5 million trail visitors.

The harassment and crimes

that occur on the AT are almost always committed by local residents, King says. Campsites and shelters near roads are often the scenes of beer parties and hell-raising. (The most recent murder occurred a quarter-mile from a road.) The ATC is attempting to move the trail away from roads and onto publicly owned lands.

Still, people need to take precautions, King says. The ATC suggests the following guidelines, which can apply to any trail or trip:

1. Don't hike alone
2. Inform others

3. Dress conservatively
4. Avoid all provocation
5. Be cautious with strangers
6. Don't broadcast your itinerary
7. Camp away from roads and motor vehicles
8. Don't carry firearms
9. Eliminate opportunistic theft
10. If you witness, or are the victim of, harassment, report it promptly

For more detailed hiking guidelines, contact: Appalachian Trail Conference, Box 807, Harpers Ferry, 25425-0807, (304) 335-2222.

—Cindy Ross



United States Department of the Interior

FISH AND WILDLIFE SERVICE

SACRAMENTO ENDANGERED SPECIES OFFICE
2800 Cottage Way, Room E-1823
Sacramento, California 95825-1846

AUG 16 1988

RECEIVED

AUG 19 1988

In Reply Refer To:
TAR/1-1-88-TA-232

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Mr. James D. Movius
Acting Principal Planner
City of Bakersfield
Planning Department
1501 Truxtun Avenue
Bakersfield, California 93301

Subject: Draft Kern River Parkway Plan Environmental Impact
Report

Dear Mr. Movius:

This responds to your June 28, 1988, request for review and comment on the subject document. Prior correspondence relating to this project has been conveyed to the City of Bakersfield (City) Planning Department in letters dated May 27, 1987, and February 11, 1988. The Kern River Parkway (Parkway) forms a natural corridor connecting remaining wildlands in the eastern and western portions of the San Joaquin Valley. Maintenance of this corridor is important for providing a route for dispersal and gene exchange among increasingly isolated populations of the federally listed, endangered San Joaquin kit fox (Vulpes macrotis mutica).

Surveys conducted of the project area for federally listed and candidate species documented the widespread occurrence of the San Joaquin kit fox. The species could be affected by proposed actions, in effect "taken" by harm, mortality, or harassment, or through the loss of habitats necessary for cover, foraging, denning, and raising of young. Measures proposed to reduce and/or offset these anticipated effects include acquisition of important parcels of privately owned lands necessary to maintain continuity of habitats and dispersal corridors for kit foxes and other species, removal or redesigning of proposed Parkway structures, using preconstruction surveys to locate and protect kit fox denning areas, restricting incompatible uses such as off-road vehicle "free-play", and enhancing on-site areas to offset the loss of habitats from proposed development (Jones and Stokes Associates 1988).

8-27

Regardless of the mitigative value of these measures designed to reduce "incidental take" of the kit fox, the proposed actions affecting such take must be permitted pursuant to Section 10 of the Endangered Species Act prior to implementation of the Parkway plan. The ongoing effort for metropolitan Bakersfield by the City and County of Kern (County) likely would provide the appropriate vehicle under Section 10. Absent using the future Bakersfield conservation plan, a separate incidental take permit should be sought for the actions proposed in the Parkway plan.

8-
Co

The draft document logically and concisely outlines the proposed project actions and provides measures to mitigate for adverse effects to the kit fox associated with these actions. We concur that implementation of these mitigation measures is necessary for the species. We recommend that proposed structures or facilities be re-sited outside of currently extant habitats for this species, where feasible. Protection of the Parkway for endangered species and sensitive habitats also compliments a regional conservation plan being developed pursuant to Section 10 of the Endangered Species Act for the Bakersfield metropolitan area.

As a means of affording the San Joaquin kit fox additional protection during future use, we recommend that the following measures be incorporated as project actions in the final environmental impact report:

- (1) Specific measures to rehabilitate previously degraded habitats on-site should be clearly stated in the text. These measures should include, for example, removing trash, recontouring disturbed surface profiles and re-seeding grass and shrubs, eliminating noxious "weedy" species such as Russian thistle [Salsola australis (=iberica)], monitoring success of restoration efforts, restricting incompatible uses to maximize restoration rates and success, and, if necessary, repeating these processes until restoration has been achieved.
- (2) The City, as an enhancement measure for the San Joaquin kit fox, should also consider placement of additional artificial denning structures along the Parkway in areas containing seemingly favorable habitats where biological surveys indicated a paucity of denning sites. The placement of such structures could serve to provide important predator (i.e., dogs and coyote) escape cover, sites for rearing young, and increased continuity of usable habitat along the Kern River channel. Although the current intent in the draft environmental impact report is to replace kit fox dens

8

8

unavoidably lost with such structures, additional undocumented denning sites may well also be lost during proposed construction actions.

- (3) The document should discuss effects on the San Joaquin kit fox of future vegetation manipulation and rodent control activities. More detailed discussion is available in our prior correspondence of February 11, 1986. The proposed channel bank stabilization measures, including vegetation with grasses and shrubs, apparently will also benefit the San Joaquin kit fox. 8-31
- (4) Timing of implementation of various specified mitigation measures relative to the impacting projects is crucial, and not clearly specified in the document. The following recommendations relate to this aspect of your project:
- (a) Pre-construction surveys for San Joaquin kit fox dens should be conducted within 60 days of planned date of construction. This action will maximize the opportunity for locating and protecting dens prior to onset of construction. 8
 - (b) Restoration work should precede or be undertaken concurrently with planned development. Prolonged delays in restoration work start-up will increase the negative effects of planned developments to the San Joaquin kit fox and the candidate species, San Joaquin antelope squirrel (Ammospermophilus nelsoni). 8
 - (c) Mitigation lands (specifically two private parcels immediately west of Golden State Highway and Highway 99) should be acquired expeditiously. They have been proposed for acquisition and protection to partially offset proposed Parkway developments. 8
- (5) Provisions in the Parkway plan should provide sufficient flexibility to allow for future adjustments in planned actions consistent with a more regional conservation plan currently being developed by the City and County for federally listed species. The Parkway plan appears to compliment the more regional plan at this time. 8

The San Joaquin kit fox and San Joaquin antelope squirrel are listed as threatened by the State of California. You should review any obligations that your agency may have under the California Endangered Species Act with the California Department of Fish and Game. The agency contact representative is Dr. Larry Eng, 916/445-1383. 8

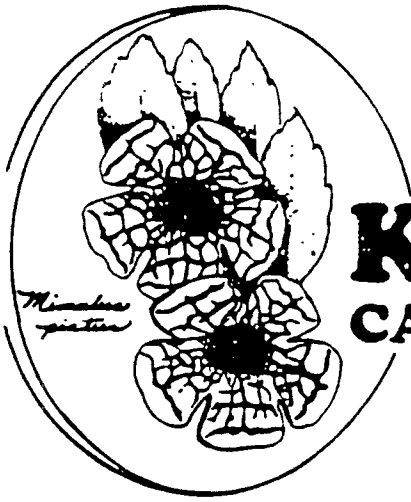
Thank you for the opportunity to provide comments at this time. We have appreciated the continued close coordination among our respective staffs during the development of this project. If we may be of further assistance, please contact Ted Rado of my staff at 916/978-4866.

Sincerely,

Gail C. Kobetich

Gail C. Kobetich
Field Supervisor

cc: Chief, Endangered Species, Portland, OR (FWE-SE; Attn: Ralph Swanson)
Field Supervisor, Ecological Services, Sacramento, CA (ES-S)
Dr. Larry Eng, California Department of Fish and Game, 1416 Ninth Street, Sacramento, CA 95814
Mr. Ron Rempel, California Department of Fish and Game, 1234 E. Shaw Ave., Fresno, CA 93710



KERN CO. CNPS

CALIFORNIA NATIVE PLANT SOCIETY

2815 La Cresta Dr.
Bakersfield, Ca 93305
Aug. 20, 1988

RECEIVED

AUG 15 1988

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

James Movius
City of Bakersfield
Planning Department
1501 Truxtun Ave.
Bakersfield, CA 93301

Dear Mr. Movius:

We are pleased with the work done by Jones & Stokes Associates on the Draft EIR on the Kern River Parkway Plan. Especially we like their recommendations for planting native plants in the Parkway and considering the reintroduction of some of the "special-status" plants that are no longer found along the Kern River.

Use of native plants will be both educational to the community and also will make it an authentic Bakersfield park. Hopefully the species used will be indigenous to this area. Use of natives will require less water and since they already grow in this area quite successfully they will not need any fertilization or insect control. Also, native plants would be beneficial to local native wildlife which forage and live in the floodplain.

We will be available if any assistance is needed on local suitable sources of native plants and also our organizational members have much expertise in the requirements for successful planting of local natives.

Sincerely,

Lorraine L'Herrou Unger
Lorraine L'Herrou Unger
Treasurer

Comments Received at the Planning
Commission Hearing on the Kern River
Parkway Plan Draft EIR (August 4, 1988)

KERN RIVER PARKWAY PLAN DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) -
ADEQUACY HEARING

Planning Director Hardisty introduced Mr. Jim Movius, Principal Planner for the Planning Department who was responsible for coordinating the environmental review of the Kern River Parkway Plan and Mr. Gene Bogart who is the primary coordinator of the plan.

The consultants were also present who were contracted to write the EIR on the plan.

Mr. Hardisty informed Commission that the purpose of this action is to consider the adequacy of the EIR only.

Mr. Jim Movius reviewed for Commission the plan area. He then introduced Ms. Debbie Loh, project planner for Jones & Stokes who prepared the DEIR and the biologist Dr. Ted Beedy who worked on the project.

Public hearing was opened.

Mrs. Lorraine Unger, an officer of the Kern County Chapter of the California Native Plant Society stated they are pleased with Chapter 8 pertaining to biological resources and were also pleased with Jones & Stokes report with the emphasis of the use of native plants and do not find any fault with the adequacy of the DEIR. She also thanked Mr. Movius and the consultants for their work on this.

8-37

Mr. Arthur Unger representing the Sierra Club echoed Mrs. Unger's comments. He referred to Chapter 9, Traffic and made comment with regard to non-existent roads that are not addressed in the DEIR.

8-38

9-10

Mr. Dennis Fox was in agreement with the DEIR, but was concerned with up stream water qualities. He felt that for public safety a camping ordinance and bottle ordinance should be addressed. He also stated that the Circulation Element will cause a severe negative impact and should be addressed.

5-8

3-14

9-11

Public hearing was closed.

Commissioner Milazzo referred to Chapter 6 regarding the amphi-theater and referred to a statement made regarding seating for 300 and asked if the theater were successful and needed to grow should the affects of a larger theater be taken into account as opposed to something of 300 seats.

4-8

Ms. Loh replied that the standards that were used for the recreational analysis were taken from the National Recreation and Parks Commission and they don't have standards for amphi-theaters and because of that that particular activity was not looked at in a quantitative way as with the other activities that are being proposed.

NOTICE OF PUBLIC HEARING
BEFORE THE PLANNING COMMISSION
OF THE CITY OF BAKERSFIELD

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Planning Commission of the City of Bakersfield at 5:30 p.m., or as soon thereafter as the matter may be heard on THURSDAY, AUGUST 4, 1988, in the City Council Chamber of City Hall, 1501 Truxtun Avenue, Bakersfield, California, for the purpose of hearing public testimony on the adequacy of the Kern River Parkway DEIR.

The Draft Environmental Impact Report (DEIR) has been prepared for a proposed amendment to the Kern River Plan Element of the Bakersfield Metropolitan Area General Plan to accommodate the proposal generally described below:

KERN RIVER PARKWAY PLAN

The project is located in and along the Kern River west of Manor Street to the Stockdale Highway Bridge. The proposal involves a plan to provide passive recreational opportunity and habitat preservation along the river corridor. Uses proposed include equestrian and bike trails, recreation areas, amphitheater, riparian areas and water recharge facilities. Various amendments to the Kern River Plan Element are necessary to accommodate proposed changes in land use.

Copies of the DEIR are available for public review or purchase in the City of Bakersfield Planning Department, 1501 Truxtun Avenue (Annex Building), Bakersfield, California during normal work day hours 8 a.m. to 5 p.m. Copies of the DEIR are also available at Beale Memorial Library located at 701 Truxtun Avenue.

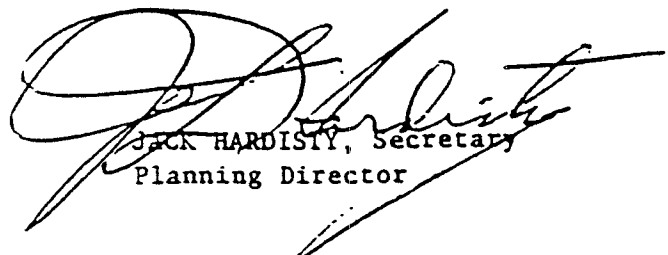
The focus of hearing will be on the objectivity and adequacy of the DEIR in discussing possible impacts on the environment, ways in which adverse effects might be minimized, and alternatives to the project in light of the intent of the California Environmental Quality Act, to provide decision-makers with useful information about such factors.

Anyone wishing to speak on the adequacy of the DEIR may do so at the public hearing. Written testimony on the adequacy of the DEIR may also be submitted at the hearing or to the City of Bakersfield Development Services Department, 1501 Truxtun Avenue, Bakersfield, California, 93301 to the attention of James Movius (805) 326-3733 no later than August 14, 1988.

Any person challenging in court the decision made at the conclusion of such public hearing may be limited to raising only those issues raised at such hearing or in correspondence delivered to the City of Bakersfield prior to the close of such hearing.

DATED: July 22, 1988

n/nkrpp


JACK HARDISTY, Secretary
Planning Director

AGENDA

REGULAR MEETING OF THE
PLANNING COMMISSION
OF THE CITY OF BAKERSFIELD

Council Chamber, City Hall

Thursday, August 4, 1988

5:30 p.m.

Study meeting: 12 noon

Monday, August 1, 1988

South Wing Basement Conference
Room

1. ROLL CALL

COMMISSIONERS:

DAVID K. COHN, Chairman
TERI BJORN, Vice Chairperson
DENNIS M. GRONBECK
RON JARRETT
DAVID MILAZZO
BARBARA PATRICK
KATE ROSEN LIEB

It is the policy of the Planning Commission
to adjourn each meeting by 9 p.m., or as soon
thereafter as the item at hand is completed.

2. PUBLIC STATEMENTS

ANY PERSON WISHING TO SPEAK BEFORE THE COMMISSION SHALL FILL OUT A
SPEAKER'S CARD AND PRESENT IT TO THE SECRETARY PRIOR TO
COMMENCEMENT OF THE MEETING. ANY PERSON WHOSE NAME APPEARS ON THE
AGENDA OR WISHES TO SPEAK REGARDING A PUBLIC HEARING NEED NOT FILL
OUT A SPEAKER'S CARD.

NOTICE OF RIGHT TO APPEAL

Planning Commission decisions on Zone Changes, Site Plan Reviews,
Parcel Maps and Tentative Subdivision Maps are subject to appeal by
any person aggrieved. No permit shall be issued for any use
involved in an application until after the final acceptance date of
appeal.

Such appeal must be filed in writing within 10 days from date of
hearing, addressed to the City Council, c/o Office of the City
Clerk, 1501 Truxtun Avenue, Bakersfield, CA 93301. A \$105 filing
fee must be included with appeals.

If no appeal is received within the specified time period, the
action of the Planning Commission shall become final.

3. PUBLIC HEARING - ZONE CHANGE

- 1) FILE 4781 -- Time set for public hearing on an application by the CITY OF BAKERSFIELD PLANNING COMMISSION to amend the zoning boundaries of said properties from an R-1 (One Family Dwelling); R-2-D (Limited Multiple Family Dwelling-Design Overlay); C-O (Commercial and Professional Office); C-2-D (Commercial-Design Overlay); M-1 (Light Industrial); M-1-D (Light Industrial-Design Overlay); A (Agricultural); OS (Open Space); FP-P (Floodplain Primary); FP-S (Floodplain Secondary); to an R-1-FP-S (One Family Dwelling-Floodplain Secondary); R-2-D-FP-S (Limited Multiple Family Dwelling-Floodplain Secondary); C-O-FP-S (Commercial and Professional Office-Floodplain Secondary); C-2-D-FP-S (Commercial-Design Overlay-Floodplain Secondary); M-1-FP-S (Light Industrial-Floodplain Secondary); M-1-D-FP-S (Light Industrial-Design Overlay-Floodplain Secondary); A-FP-S (Agricultural-Floodplain Secondary); OS-FP-S (Open Space-Floodplain Secondary); FP-S (Floodplain Secondary); and FP-P (Floodplain Primary) Zones, of those certain properties in the City of Bakersfield located within the city limits along the Kern River. (Negative declaration on file)

Roll call vote

4. PUBLIC HEARING - DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT COMMONLY KNOWN AS THE KERN RIVER PARKWAY PLAN LOCATED ALONG THE KERN RIVER WEST OF MANOR STREET TO THE STOCKDALE HIGHWAY BRIDGE

Time set for the purpose of receiving input on the adequacy of the Draft Environmental Impact Report (DEIR), prepared for the Kern River Parkway Plan.

5. CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (FSEIR) FOR THE BAKERSFIELD AIRPARK EXPANSION MASTER PLAN UPDATE.

Roll call vote

6. STAFF REPORT

- 1). PRESENTATION OF THE WESTSIDE CORRIDOR STUDY

Motion to refer to General Plan Committee.

7. ADJOURNMENT



JACK HARDISTY, Secretary
Planning Director

STAFF REPORT
PLANNING COMMISSION

Meeting of August 4, 1988

AGENDA ITEM # 4

SUBJECT: Kern River Parkway Plan Draft Environmental Impact
Report (DEIR) - Adequacy Hearing.

PROJECT LOCATION: Kern River Corridor west of Manor Street to
Stockdale Highway Bridge.

PROJECT DESCRIPTION:

The DEIR considers implementation of the proposed Kern River Parkway Plan (Parkway Plan). The plan would provide recreational opportunities and habitat preservation and enhancement for the 1,400-acre study area at the above-described location. The Parkway Plan, as outlined in the Conceptual Plan Map, would allow continuation of the Parkway's current flood control and water conservation uses. It would also bring recreational areas, greenbelts, and walking and riding trails to the Parkway and provide open space for the long-term preservation of native habitat.

The Kern River Plan Element (KRPE), adopted in 1985, is the primary document currently controlling land use within the Parkway. The KRPE calls for development of a plan for the Kern River to provide recreational opportunities and habitat preservation and enhancement. The Parkway Plan responds to numerous KRPE policies, including those calling for:

- preparation of a biological resources inventory,
- preparation of a year-round flow study,
- development of a master list of plant species suitable for park and recreational landscaping,
- preparation of a specific trails plan,
- improved access to the Parkway,
- continuation of current channel maintenance and flood control activities in the Parkway, and
- continuation of existing groundwater recharge activities.

Adoption of the Parkway Plan as an appendix to the Kern River Plan Element would require amendments to the element as displayed in DEIR Figure 4-1.

Kern River Parkway Plan DEIR (continued)

BACKGROUND:

In accordance with the California Environmental Quality Act (CEQA), staff determined that the Parkway project had the potential to significantly effect the environment and required the preparation of an EIR.

A draft document was prepared with the assistance of Jones and Stokes Associates (consulting firm) and delivered to the city on June 22, 1988. Copies of the document have been distributed to decision-makers, various state and local agencies, interest groups and individuals for the required 45-day review period which began on July 1, 1988 and will end on August 14, 1988.

After the review period, all comments must be responded to. The DEIR plus responses to comments make up the Final EIR which will be considered for compliance with CEQA by the Planning Commission. At that time, the Planning Commission will also take action on the proposed amendments to the Kern River Plan Element and Parkway Plan adoption. Planning Commission recommendations regarding EIR certification and General Plan Amendment will be transmitted to the Kern County Board of Supervisors for review and recommendation (Kern River Plan Element requirement), then to the City Council for final action.

PURPOSE OF AUGUST 4TH HEARING:

Council Resolution 107-86 requires that the Planning Commission hold a public hearing to receive input on the adequacy of the DEIR in discussing possible impacts upon the environment, mitigation measures and project alternatives. Testimony should focus on the adequacy of the DEIR to satisfy the requirements of CEQA and provide any additional information which may be valuable for determining environmental impacts. This hearing and the availability of the DEIR has been advertised in the Bakersfield Californian. Additionally, everyone receiving a copy of the DEIR was notified of the opportunity for comment.

The consultant, Jones and Stokes Associates, will be at the meeting to address questions or make clarifications as directed by the Commission.

At the end of the hearing, all comments will be collected for responses during preparation of the Final EIR. It is not necessary nor suggested that all comments receive responses at the August 4th hearing, as many may require further analysis.

Kern River Parkway Plan DEIR (continued)

SUGGESTED ACTION:

Open the public hearing regarding adequacy of the DEIR to receive verbal or written comments from the audience. It is recommended that the Commission organize the taking of testimony by subject. The following outline provides the list of topics analyzed in the DEIR in consecutive order.

<u>CHAPTER</u>	<u>SUBJECT</u>	<u>DEIR PAGE</u>
		1-1
1	Introduction	2-1
2	Summary of Findings	3-1
3	Project Description	4-1
4	Land Use	5-1
5	Hydrology, Drainage and Water Quality	6-1
6	Recreational Facilities	7-1
7	Cultural Resources	8-1
8	Biological Resources	9-1
9	Traffic & Circulation	10-1
10	Public Services & Facilities	11-1
11	Soils and Geology	12-1
12	Visual Quality	13-1
13	Noise	14-1
14	Air Quality	15-1
15	Impacts of Project Alternatives	16-1
16	Cumulative Impacts	17-1
17	Feasibility of Establishment of Minimum Annual Flow	

N/A

Technical Appendix

After comments are received, close the public hearing and inform the audience that comments will be responded to in the final document to be available in September. In accordance with the California Environmental Quality Act, those who provided comments will receive a copy of the Final EIR.

p/s=krpp



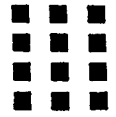
Appendix II

Appendix II contains the following:

- o Letter from Kern County COG on the status of the Westside Highway Corridor (SR 58/178 Corridor)

KERN COG

KERN COUNCIL OF GOVERNMENTS



August 17, 1988

RECEIVED

AUG 19 1988

Jack Hardisty, Planning Director
City of Bakersfield
1501 Truxtun Avenue
Bakersfield, California 93301

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

SUBJECT: KERN RIVER PARKWAY PLAN DEIR

Dear Mr. *Hardisty*:

This letter is in response to an inquiry from Mr. Jim Movius concerning the location and status of the Westside Highway Corridor Project and its relationship to the Kern River. As you are aware, during the past four years state and local transportation agencies have been addressing the transportation needs of the metropolitan Bakersfield area. Special emphasis has been directed to the Highway 58/178 Corridor.

The third and final phase of this program was the development of the Westside Highway Corridor Study. The Westside Highway Corridor, as presently identified, crosses the Kern River at the Santa Fe Railroad Crossing. The proposed corridor then follows the river channel, on the north side, for approximately three miles to Calloway Road and then turns in a westerly direction.

Prior to the construction of a transportation project, such as the Westside Highway, a final Route Adoption Study and Environmental Document must be completed. These studies will address the environmental impacts of the final project. The responsible agency for implementing the final project will be the California State Department of Transportation.

Once the final highway alignment is identified, the environmental issues must be addressed.

Sincerely,

Bart.

BARTON R. MEAYS,
EXECUTIVE DIRECTOR

BRM:dc



Appendix III

Appendix III contains the following:

- o Ordinance relative to sleeping in public places (adopted September 14, 1988)

ORDINANCE NO. _____ NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY
OF BAKERSFIELD ADDING CHAPTER 9.70 TO
TITLE 9 OF THE BAKERSFIELD MUNICIPAL
CODE RELATIVE TO SLEEPING IN PUBLIC
PLACES.

BE IT ORDAINED by the Council of the City of Bakersfield
as follows:

SECTION 1.

Chapter 9.70 is hereby added to Title 9 of the Bakersfield
Municipal Code to read as follows:

Chapter 9.70

SLEEPING IN PUBLIC PLACES

Sections:

- 9.70.010 Sleeping in public places.
- 9.70.020 Violation - Penalty.

9.70.010 Sleeping in public places.

Except as otherwise authorized by permit issued pursuant
to section 12.56.020 J. of this Code, it is unlawful for any person:

A. To camp, or to place, erect, or maintain for the
purpose of camping or sleeping, any tent, house trailer, motor-
home, camper, or any other camping facility or shelter of any
kind whatsoever on any public property of this City; or

B. To sleep out of doors on any public property, includ-
ing City parks, sidewalks, or City owned parking lots and parking
structures, between sunset and sunrise.

9.70.020 Violation - Penalty.

Any person who violates any of the provisions in this
chapter shall be guilty of a misdemeanor and upon conviction shall
be punishable by a fine not to exceed five hundred dollars (\$500.00)
or by imprisonment in the County jail for not more than six (6)
months, or by both such fine and imprisonment.

SECTION 2.

This ordinance shall be posted in accordance with the City Charter Provisions and shall become effective on December 1, 1989.

-----o0o-----

I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on _____, by the following vote:

CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED _____

MAYOR of the City of Bakersfield

APPROVED as to form:

CITY ATTORNEY of the City of Bakersfield

AJS/meg

O ORD 5
SLEEP.1
8/31/88