

RECLAMATION

Managing Water in the West

Draft Environmental Assessment

Westside Parkway Bridge

EA-07-115



U.S. Department of the Interior
Bureau of Reclamation

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Acronyms

APE	Area of Potential Effects
BMP	Best Management Practices
City	City of Bakersfield
CNDDDB	California Natural Diversity Database
CWA	Clean Water Act
CVRWQCB	Central Valley Regional Water Quality Control Board
EA	Environmental Assessment
EIR	Environmental Impact Report
EPM	Environmental Protection Measures
FHWA	Federal Highway Administration
FKC	Friant-Kern Canal
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
FWUA	Friant Water Users Authority
HCP	Habitat Conservation Plan
HPSR	Historic Property Survey Report
ITA	Indian Trusts Asset
MBHCP	Metropolitan Bakersfield Habitat Conservation Plan
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
Reclamation	U.S. Bureau of Reclamation
ROW	Right of Way
Service	U.S. Fish and Wildlife Service
SHPO	State Historic Preservation Office
SWPPP	Storm Water Pollution Prevention Plan
RWQCB	Regional Water Quality Control Board
SWRCB	State Water Resources Control Board

1.0 PURPOSE OF AND NEED FOR ACTION

1.1 BACKGROUND

The City of Bakersfield (City) proposes to construct a new east-west freeway referred to as the Westside Parkway. The freeway would be approximately 8.1 miles long and extend from approximately Heath Road to State Route 99 in the City and an unincorporated portion of Kern County. The Westside Parkway is needed to reduce congestion on existing east-west arterials in west Bakersfield and is planned for an ultimate 8-lane build out, although fewer lanes would be required initially. The City, Caltrans, and the Federal Highway Administration (FHWA) prepared a joint Tier 2 Environmental Assessment/Environmental Impact Report (EA/EIR) that evaluated impacts of this Project and issued a Finding of No Significant Impact (FONSI) and Final EIR for the Project (City, 2006).

The Westside Parkway would cross the Friant-Kern Canal (FKC) and the U.S. Bureau of Reclamation's (Reclamation) 450-foot wide right-of-way (ROW) associated with the FKC. Because the planned clearance over the FKC would be insufficient to maintain the canal liner, Reclamation requested that the City reconstruct the canal liner beneath the Westside Parkway crossing. Project construction would necessitate relocation of utility lines including sewer, natural gas, and a Shell Oil line. The City requested permits from Reclamation for bridge and off-ramp crossings, canal liner replacement, and utility line relocation within Reclamation's ROW. Shell Oil will also require a permit from Reclamation to relocate their pipeline. Construction disturbances are expected to be about 2.6 acres.

The Project location is shown on Figures 1-1 and 1-2. The Westside Parkway Project site would cover about 4 acres of the FKC ROW as shown in Figure 1-3. The Project site encompasses a 406-foot length of the FKC within Reclamation's ROW and is located about 1,500 feet east of Coffee Road and extends north and south of the east end of Brimhall Avenue. The Project site ends about 200 feet north of the Kern River at the southern end of the FKC.

1.2 PURPOSE AND NEED

To complete the Westside Parkway Project the City must construct bridges and an off-ramp over the FKC and Reclamation's ROW. The purpose and need for the Westside Parkway are primarily to reduce congestion on existing east-west arterials in west Bakersfield and are documented in the Westside Parkway EA/EIR of which the Westside Parkway Bridge Project site was evaluated (City, 2006).

Reclamation's purpose and need for this EA are to document and delineate terms and conditions so no harm occurs to federally owned facilities.

1.3 SCOPE AND POTENTIAL ISSUES OF THIS ENVIRONMENTAL ASSESSMENT

1.3.1 Scope

Reclamation's approval is limited to the issuance of permits for the liner replacement, sewer, gas, and Shell Oil line relocation, and bridge and off ramp construction over the FKC and is the focus of this EA.

Figure 1-1. Westside Parkway Bridge Project Location

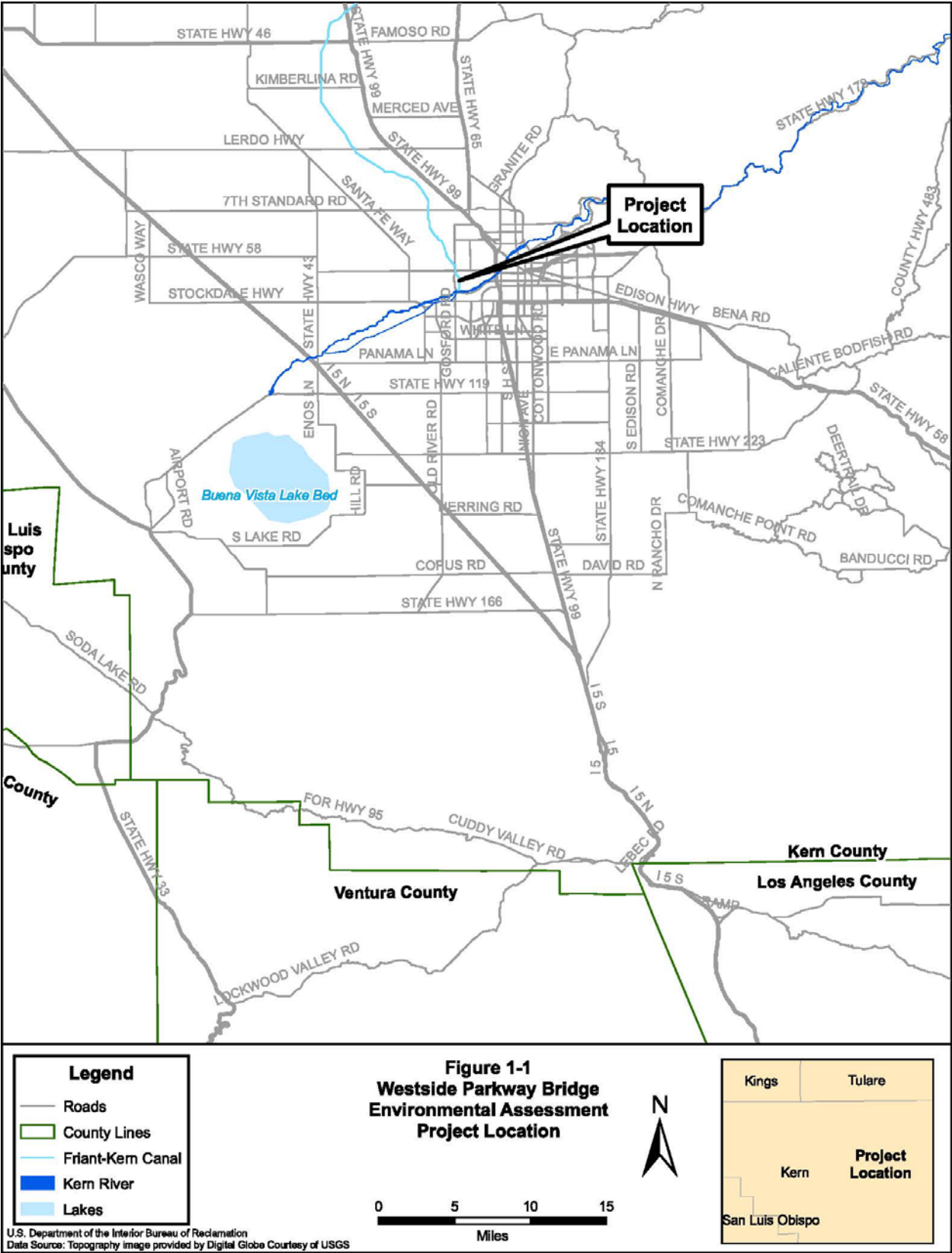


Figure 1-2. Westside Parkway Topographic Map

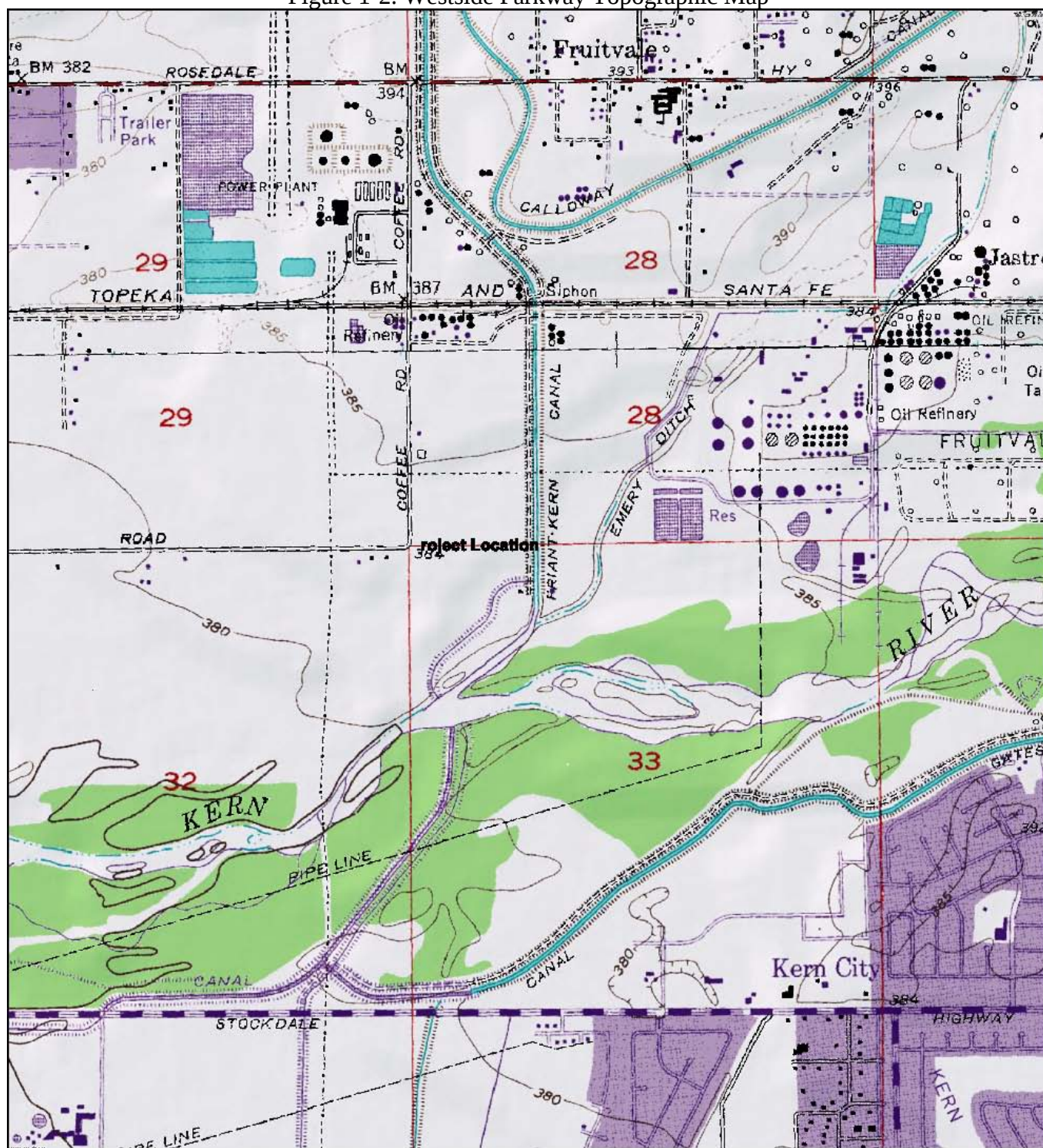
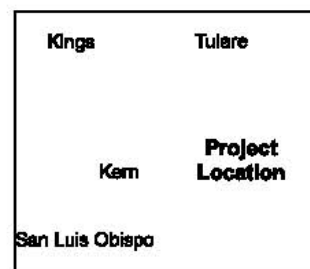
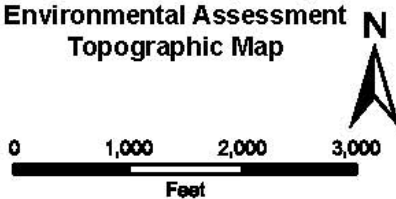
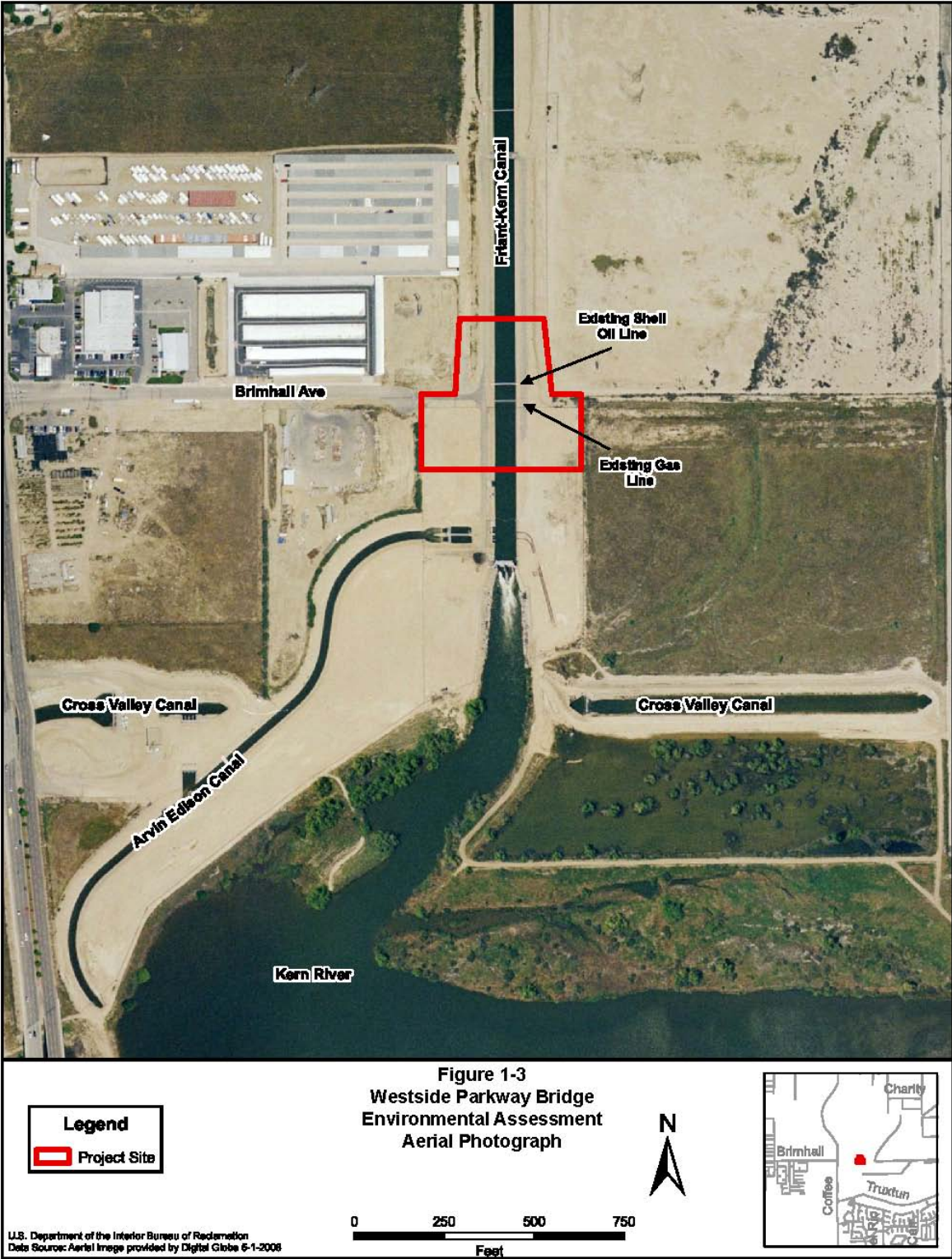


Figure 1-2
Westside Parkway Bridge
Environmental Assessment
Topographic Map



U.S. Department of the Interior Bureau of Reclamation
Data Source: Topography Image provided by Digital Globe Courtesy of USGS

Figure1-3. Westside Parkway Project Site



1.3.2 Potential Issues

The Tier 2 EA/EIR prepared for the Westside Parkway evaluated numerous resource areas including topography, geology and seismicity, mineral resources, agricultural soils and farmlands, water resources, air quality, hazardous waste, terrestrial vegetation types, special-status species, waters of the United States, land use, socioeconomics, environmental justice, visual resources, traffic & transportation, noise, cultural resources, and public services and utilities. The FKC is not considered to be a water of the United States because it is used as an irrigation canal. Noise would not be expected to impact sensitive receptors because the nearest residences are about 0.4 mile away on the other side of the Kern River. Topography, geology, mineral resources, agricultural soils, hazardous waste, visual resources, traffic & transportation, and public services and utilities would, likewise, not be expected to be impacted by this Project.

The potentially affected resources from this Project include:

- Air quality
- Surface water
- Biological resources
- Land Use
- Cultural resources
- Indian Trusts Assets
- Socioeconomic
- Environmental Justice

Air quality could be affected by the Project; however, relevant measures from the Tier 2 EA/EIR would be fully implemented and are included as Environmental Protection Measures (EPM) in this EA.

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

This EA considers two alternatives: the No Action Alternative and the Proposed Action. The No Action Alternative reflects current conditions and projected future conditions without the Project. It serves as a basis of comparison for determining potential effects to the environment that would result from implementation of the Proposed Action

2.1 NO ACTION – DENY PERMIT

Under the No Action Alternative, Reclamation would not approve permits for the Westside Parkway bridges and off-ramp over the FKC, replacement of the canal liner, or relocation of utility lines. The Westside Parkway Project would not be feasible because the alignment requires crossing the FKC. Congestion on existing east-west arterials would continue in west Bakersfield.

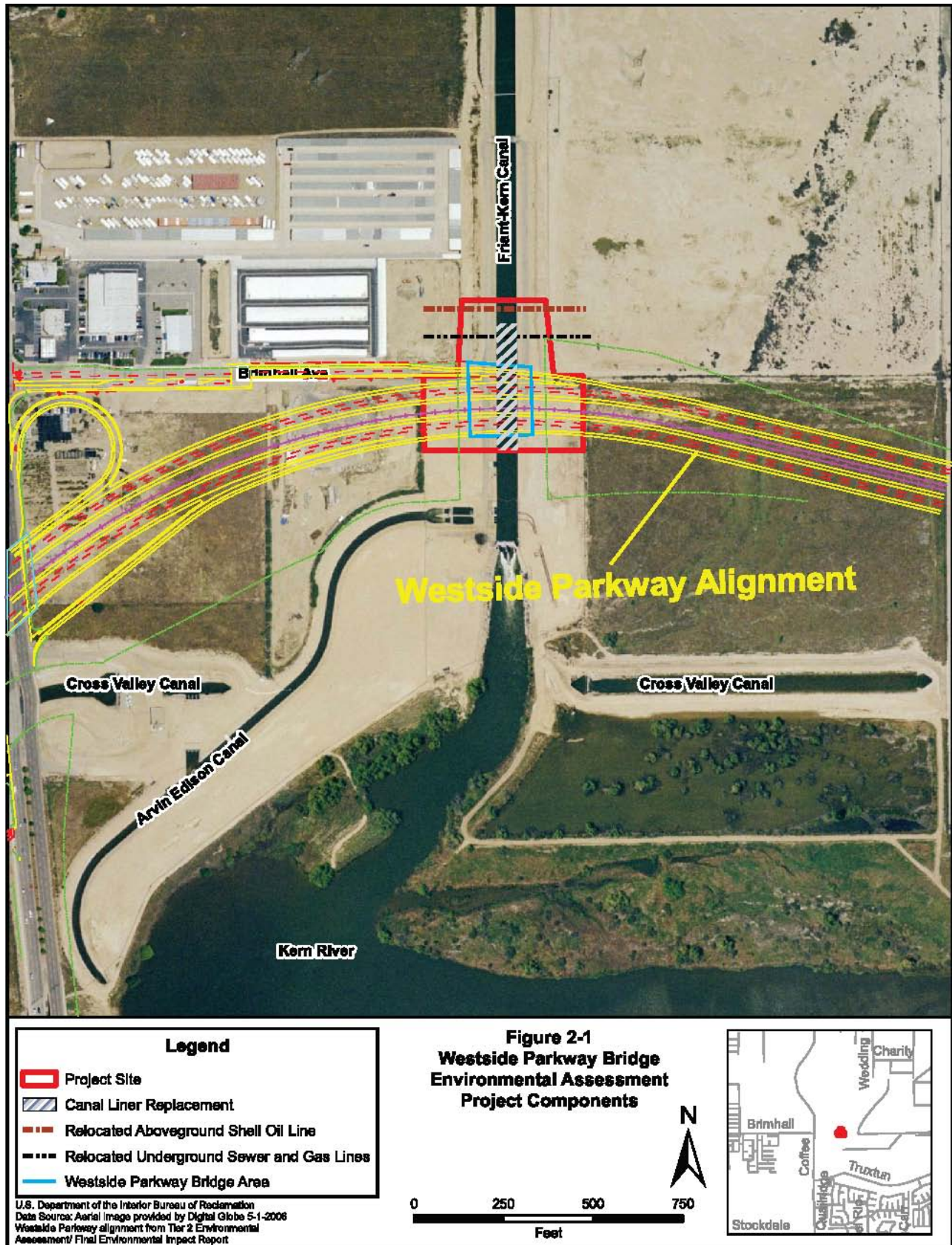
2.2 PROPOSED ACTION

Under the Proposed Action, Reclamation would issue permits to the City to construct the Westside Parkway across its ROW. Construction of the Westside Parkway would result in an overhead crossing of the FKC near its terminus at the Kern River. Reclamation would approve a permit for two bridge crossings and one off-ramp crossing; an MP-620 permit for modification of the FKC; and permits for utility line relocations. Figure 2-1 shows locations where each activity would occur at the Project site. Representative design drawings are included in Appendix A. Westside Parkway bridges would each be constructed with four lanes with a two-lane westbound exit ramp constructed to the north.

Canal Liner: The planned clearance between the access roads along both sides of the canal and the underside of the bridge crossing is 18.5 feet. This clearance would restrict access to the entire prism of the FKC over a length of about 235 feet. Support columns would be installed between the access roads and the prism of the FKC, further restricting the ability to work on the canal. In order to minimize canal maintenance beneath the bridge, the City would incorporate improvements to the canal liner immediately below the 235-foot footprint of the overcrossing. Sewer and gas lines would be relocated farther north of the crossing resulting in a total length of 376 feet of impacted canal liner.

The existing canal concrete liner is approximately three and one half inches thick. The invert (bottom) width is 24 feet and the sides are at a horizontal to vertical slope of 1.25 to 1 with a sloped panel length of about 26 feet on each side. Inside earthen embankments on each side of the canal are approximately 16 feet, measured on a slope, from the top of the existing lining to the access road. The canal lining beneath the bridge structure would be extended up to the elevation of the current access roads and then tied to the bridge piers to prevent future inside embankment work.

Figure 2-1 Westside Parkway Bridge Project Components



Improvements to the liner would consist of the following:

- Remove all existing concrete within the 376-foot long impacted canal liner and replace with 6-inch thick steel-reinforced concrete
- Extend concrete side lining from the canal invert to the base of the bridge piers on both sides of the canal to prevent future inside embankment work
- Lower the canal access road and move it away from the canal to allow vehicular clearance beneath the highway

Any spoils created during demolition or construction of the canal liner would be used on other parts of the highway construction project. The volume of concrete debris resulting from the three-inch concrete liner would be crushed off-site and reused as road base and aggregate for the highway construction.

Roadway: About 500 feet of access road (250 feet on each side of the canal) would be removed and reworked. Access roads are currently 15 feet wide and the realigned roads would remain this width. This roadway would be diverted outward from the canal about 20 feet and lowered about three feet in order to maintain a minimum 18 feet of vertical clearance beneath the bridge. Access roads will reconnect with the existing roadway alignment once it has emerged from underneath the bridge.

Construction Equipment and Staging Area: Likely construction equipment needed for the job would be that standard for road construction such as backhoes, excavators, earth moving equipment, cranes, and concrete mixers. The actual size and mix of equipment will be contractor-dependent and is unknown at this time. The concrete work will stay within the prism of the canal liner and the current access road. The staging area for liner construction will be within Reclamation's ROW adjacent to the FKC. The bridge construction staging area will be on a three-acre parcel of land adjacent to the Project site owned by the City. This land is currently used as an equipment parking lot.

Sewer, Gas, and Oil Line Realignment: Once the canal liner has been removed, a 6 ½-foot deep by 4-foot wide by 475-foot long trench would be excavated to cross beneath the canal at the location shown on Figure 2-1. An 18-inch PVC pipeline inside a 30-inch steel casing would be installed in the trench that would ultimately serve as the sewer line. An 8-inch diameter high-pressure gas line would also be installed in the trench to reroute the Southern California Gas line in the future.

Prior to bridge construction, the existing sewer, gas, and Shell Oil lines would be abandoned. The sewer line would be abandoned in place by filling with concrete, in compliance with Kern County requirements. The aboveground gas line would be removed using a crane. The Shell Oil pipeline would be drained, cut, and removed by crane. The Shell Oil pipeline would be relocated/replaced about 150 feet to the north and remain above the canal. Existing fencing and signage would also be removed or relocated, as necessary, due to the construction of the bridge facilities.

Bridges: Both the bridges and the off ramp would have a three span layout. The configuration would be a long main span over the canal, with two short spans over the access roads that have been realigned outside of the piers. The bridge would be constructed with two lanes in each direction but would be built wide enough for four lanes in each direction as the traffic dynamics warrant. There would also be a two-lane westbound off ramp to Coffee Road.

The bridges would be five feet thick. The closed end bridge abutments and the approach embankments would be placed within the 450-foot canal ROW. The embankment slopes would have a grade of 2:1. Erosion control measures would be employed on the embankments.

The bridges will be supported by piers of one of the two materials and construction methods:

- 15 – 20 piers on each side consisting of 12 inch rods of steel driven by piles approximately 50-feet deep
- 5 – 10 two-foot diameter concrete columns formed in 50-foot deep drilled shafts

Construction spoils from bridge construction would be used to build the approach embankments resulting in a nominal volume of net spoils.

Construction: Construction would occur in two phases.

Phase 1 - The liner would be replaced and the sewer and gas line replacement conduits would be installed. This would occur between December 1, 2008 and January 10, 2009 when the FKC is planned to be dewatered. The work would be completed within 30 working days. An additional 15 days is required by the FWA to de-water the canal; therefore, dewatering would begin by November 15, 2008 to allow for construction in December.

Phase 2 – The highway bridge and access roads would be constructed. The Shell Oil line would be relocated and sewer and gas lines would be abandoned to facilitate construction. The potential date for this construction has not been set; however, it is anticipated to begin in July 2009.

2.3 ENVIRONMENTAL PROTECTION MEASURES

The City will implement environmental protection measures (EPM) to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume that the EPMs specified in Table 2-1 would be fully implemented.

Table 2-1. Environmental Protection Measures

Resource	Environmental Protection Measure
Air Quality	Comply with San Joaquin Valley Air Pollution Control District Regulation VIII to control fugitive dust.
Air Quality	All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
Air Quality	All on-site unpaved roads or off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
Air Quality	All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of dust emissions by applying water or presoaking.
Air Quality	When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emission, and at least six inches of freeboard space from the top of the container shall be maintained.
Air Quality	All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each work day. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
Air Quality	Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
Air Quality	Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
Air Quality	Limit traffic speeds on unpaved roads to 15mph.
Air Quality	Suspend excavation and grading activity when winds exceed 20mph. (Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation).
Air Quality	Use of alternative fueled or catalyst equipped diesel construction equipment.
Air Quality	Minimize idling time (e.g., 10-minute maximum).
Water Resources	Hazardous materials would not be drained onto the ground, the FKC, or into drainage areas. All waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, would be removed to a disposal facility permitted to accept such materials.

Table 2-1. Environmental Protection Measures

Resource	Environmental Protection Measure
Water Resources	Construction materials would not be stockpiled or deposited near the FKC where they could be washed away by high water or storm runoff or can encroach, in any way, upon the watercourse.
Water Resources	Fueling, cleaning, and maintenance of equipment would not be allowed except in designated areas located as far from the FKC as possible.
Water Resources	Grading activities near the FKC bank would use erosion and sediment control measures.
Water Resources	A construction SWPPP would be prepared and Best Management Practices would be implemented.
Biological Resources	A worker education program would be developed and given by an approved biologist.
Biological Resources	Preconstruction surveys would be conducted for special status species (San Joaquin kit fox, Tipton kangaroo rat, burrowing owl) between 14 and 30 days of construction.
Biological Resources	Exclusion zones would be established around sensitive habitat features, including San Joaquin kit fox dens.
Biological Resources	Measures would be established related to restrictions on use of pesticides, vehicle speed limits, control of trash and hazardous materials, and placement of culverts specifically for San Joaquin kit fox protection.
Cultural Resources	In the unlikely event that any cultural or human remains are encountered during Project implementation on federal land, all work in the area of the find will halt and Reclamation's Regional Archeologist will be notified immediately. If cultural resources are determined to be historic properties pursuant to 36 CFR Part 60, Reclamation will continue consultation pursuant to 36 CFR Part 800.13(b) in order to avoid, minimize, or mitigate any adverse affects to such properties. If human remains are discovered, or a cultural resource is determined by Reclamation to be a Native American cultural item, those remains and/or items will be treated according to the provisions set forth by the Native American Graves Protection and Repatriation Act. The Project will not resume until Reclamation provides a written notice to proceed.

3.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

This section discusses the existing environment in the Project area and identifies environmental resources. Each of the environmental resources was analyzed to determine the effects from the alternatives. This section includes a discussion of the potential future environmental consequences on each resource. Air quality was analyzed in the Westside Parkway EA/EIR and relevant EPMs were included in Table 2-1; therefore, air quality is not further addressed in this section. Relevant resource areas discussed in this section include surface water, biological resources, land use, cultural resources, Indian Trusts Assets (ITAs), socioeconomics, and environmental justice.

3.1 SURFACE WATER RESOURCES

This section identifies and evaluates potential effects of the alternatives on water quality for surface water resources for the Project site.

3.1.1 Affected Environment

The FKC carries water over 151.8 miles in a southerly direction from Millerton Lake to the Kern River, four miles west of Bakersfield. The water is used for supplemental and new irrigation supplies in Fresno, Tulare, and Kern Counties. The canal was constructed between 1945 and 1951. The canal has an initial capacity of 5,000 cubic feet per second that gradually decreases to 2,000 cubic feet per second at its terminus in the Kern River. Almost 85 percent of the canal is concrete-lined and it is concrete-lined in the Project area (Reclamation, 2008). The Project site ends about 200 feet north of the terminus of the FKC at the Kern River. The FKC is operated by the Friant Water Users Authority (FWUA). The Arvin-Edison Canal and FKC/Cross Valley Canal Intertie adjoin the FKC to the west between the southern end of the Project area and the outlet to the Kern River; thereby allowing the FWUA to divert water to these canals.

Water quality of the waterways and reservoirs of the United States is protected by the Clean Water Act (CWA) that regulates and establishes pollution standards. The California Clean Water Enforcement and Pollution Prevention Plan Act of 1999 tasked the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCB) with the responsibility of developing and enforcing water quality issues. The RWQCBs prepare Water Quality Control Plans (commonly referred to as Basin Plans), which designate the beneficial uses of regional receiving waters, set water quality objectives, and formulate regional water quality management programs for surface waters and groundwater. The Project site is under jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB), which issued a Water Quality Control Plan for the Tulare Lake Basin (CVRWCB, 2004) that identified beneficial uses for the Kern River.

Under Section 303(d) of the CWA, states, territories, and authorized tribes are required to develop a list of water quality-limited segments. Waters on this list do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. Water quality in the FKC and Kern River were not listed as impaired on the 2006 CWA Section 303(d) List (SWRCB, 2006).

The SWRCB elected to adopt one statewide General Permit that applies to storm water discharges associated with construction activity. Statewide General Permit No. 99 08 DWQ requires all dischargers where construction activity disturbs one acre or more to develop and implement a Storm Water Pollution Prevention plan (SWPPP) which specifies Best Management Practices (BMP) to prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters. The General Permit is enforced by the CVRWQCB in the Project area.

3.1.2 Environmental Consequences

No Action

Under the no action alternative, surface water resources would not be affected.

Proposed Action

The FKC would be dewatered for canal liner replacement during the months of December and January and water quality in the canal would not be impacted. Liner replacement may generate storm water runoff that could affect surface waters in the area. Bridge construction activities are expected to begin in the summer/fall of 2009 following liner replacement. Bridge construction would utilize heavy equipment with the potential to leak oil or diesel fuel into the FKC. Installing bridge support piers and realigning the access roads could cause sediments to enter the FKC. Bridge construction activities also have the potential to contaminate storm water runoff and adversely affect water quality in the FKC.

The City would prepare a SWPPP and submit a Notice of Intent to the CVRWQCB. The City or its contractor would be responsible for protecting the water quality in the FKC during bridge construction activities. The Proposed Action would not impede water conveyance or deliveries. Relocation and removal of the sewer line, natural gas line, and Shell Oil pipeline would be conducted in accordance with standards established by each utility to ensure that discharges would not impact the FKC, surrounding surface water, or drainages.

The Project would implement measures in accordance with the SWPPP and implement EPMs to result in minimum impacts to water quality.

3.1.3 Environmental Protection Measures

EPMs would be implemented that would prevent any temporary, localized erosion or water quality effects and include the following:

- Hazardous materials would not be drained onto the ground, the FKC, or into drainage areas. All waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, would be removed to a disposal facility permitted to accept such materials.
- Construction materials would not be stockpiled or deposited near the FKC where they could be washed away by high water or storm runoff or can encroach, in any way, upon the watercourse.
- Fueling, cleaning, and maintenance of equipment would not be allowed except in designated areas located as far from the FKC as possible.
- Grading activities near the FKC bank would use erosion and sediment control measures.
- A construction SWPPP would be prepared and Best Management Practices would be implemented.

3.2 LAND USE

3.2.1 Affected Environment

The Metropolitan Bakersfield General Plan guides development within the Project area. The Westside Parkway was identified as a future freeway corridor within the City's General Plan and the proposed Project is consistent with the City's General Plan Circulation Element (City, 2007).

The Project site encompasses Reclamation's FKC ROW, which contains the FKC, access roads on both sides, and barren land to the edge of the ROW. The ROW has a 450-width south of Brimhall Avenue and about a 250-foot width north of Brimhall Avenue.

The General Plan (City, 2008) designates land uses surrounding the Project site as heavy industrial to the east and light industrial to the west (see Figure 3-1); these areas are also zoned industrial (see Figure 3-2). The Project site lies within Reclamation ROW and has no land use designation or zoning from the City. Four parcels adjoin the Project

site. The City owns three of these parcels to the northwest, southwest, and southeast. The northeast adjacent parcel is privately owned. The nearest residences are located on the south side of the Kern River about 0.4 mile from the Project site.

The Shell Bakersfield Refinery is located approximately 0.5 mile to the north-northeast of the Project site. The FKC ROW continues to the south where the FKC flows into the Kern River with the zoning of agricultural and floodplain adjacent to the banks of the Kern River.

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, conditions would remain the same as described above. Reclamation would not approve permits for replacement of the canal liner, utility realignment, and construction of the two bridges and off ramp crossing the FKC. The Westside Parkway Project would not be viable because the road could not cross the FKC.

This alternative would not be consistent with, or support achievement of goals and policies contained in the Metropolitan Bakersfield General Plan, Land Use, or Circulation Elements.

Proposed Action

The Proposed Action of issuing permits to reconstruct the canal liner, realign utility crossings, and construct two bridges and an off ramp over the FKC would not result in any impacts to land use. Implementation of the Proposed Action would assist the City in obtaining the objectives of the City's General Plan Circulation Element. The FKC ROW is dedicated for the operation and maintenance of the canal. The Proposed Action would modify portions of the ROW with construction of piers to a depth of 50 feet to support the two bridges and off ramp. The access roads would be moved about 20 feet away from the canal centerline in both directions for construction of bridge piers. Utility lines would be relocated to the north to accommodate the bridge and off-ramp crossing.

Figure 3-1. Land Use Designations

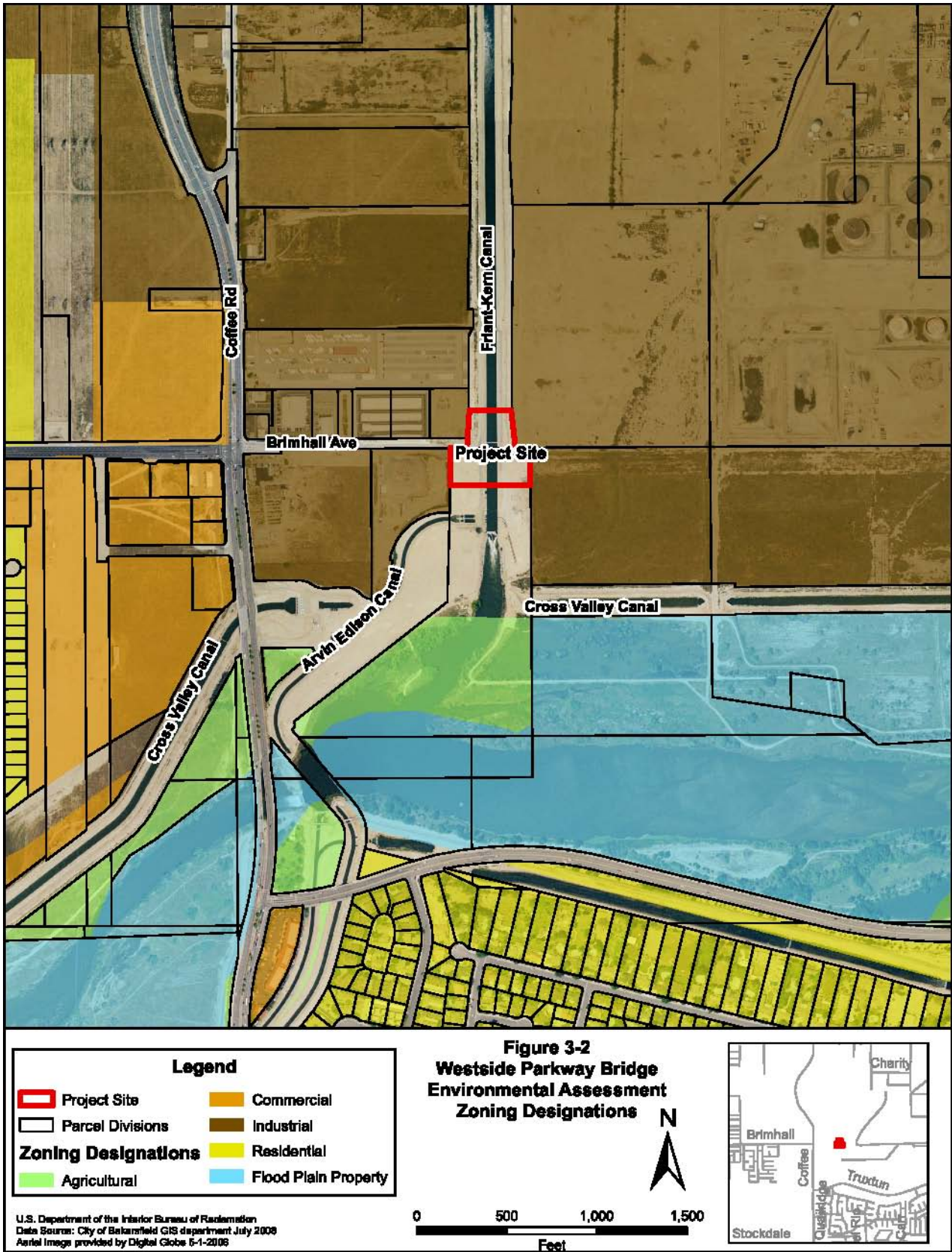


Figure 3-2. Zoning Designations

Construction activities would occur within the FKC ROW and would not disturb adjoining lands. Reclamation ROW would be used for equipment staging during the liner replacement activity. City-owned land would be used for equipment staging during bridge and off-ramp construction and would not affect surrounding properties. Implementing the Proposed Action would have no effect on current or future land use plans and land use EPMs are not required.

3.3 BIOLOGICAL RESOURCES

3.3.1 Affected Environment

The Project site is within the FKC ROW. Adjacent areas are dominated by industrial lands that have been subject to human disturbance. Several vegetation types occur within the vicinity, including Great Valley cottonwood riparian forest, non-native grassland, and urban developed lands that make up the industrial, commercial, and floodplain land use types. Vegetation types are described below.

Great Valley Cottonwood Riparian Forest

The FKC discharges into the Kern River about 200 feet south of the Project site, where the vegetation is predominantly widely separated cottonwood trees (*Populus fremontii*), willow (*Salix* sp.), and mule fat (*Baccharis salicifolia*). Plants in the understory include a number of non-native species, such as curly dock (*Rumex crispus*), tree tobacco (*Nicotiana glauca*), cocklebur (*Xanthium strumarium*), and castor bean (*Ricinus communis*). This plant community is of poor quality within the confines of the Kern River and is not present within the Project site. The proximity of this plant community to the Project site makes the ROW a potentially valuable travel corridor for the San Joaquin kit fox and other wildlife species.

Non-Native Grassland

The vacant lands adjacent to the Project site are predominantly non-native grasslands that have been subject to human disturbance with some areas of natural vegetation. The aerial photograph (Figure 1-3) shows the Reclamation ROW as primarily barren from maintenance practices. The non-native grassland adjacent to the ROW is of low to moderate habitat value, and could be used by special-status wildlife species such as the blunt-nosed leopard lizard (*Gambelia sila*) and San Joaquin kit fox (*Vulpes macrotis mutica*) as a travel corridor.

Urban Development including Ruderal Lands

Areas adjacent to the Project site include municipal, commercial, and industrial uses, such as City-owned facilities and industrial business parks. Plant species common to these areas are mostly weedy non-native species such as brome grasses (*Bromus* sp.), mustard (*Brassica* sp.), filaree (*Erodium* sp.), and cheeseweed (*Malva parviflora*). The value of this type of vegetation as wildlife habitat is low, although ruderal lands could be used as travel corridors by the San Joaquin kit fox.

Special-Status Species

The Project area lies within the Gosford 7.5 minute quadrangle of Kern County. A species list for this quadrangle, obtained from http://sacramento.fws.gov/es/spp_list.htm on October 3, 2008 (Document Number: 081003035335), contained ten (10) federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (Service), shown in Table 3-1. No designated

critical habitat was reported in the Gosford quadrangle. The California Natural Diversity Database (CNDDDB) was also queried for Federal- and state-listed species in the Project area and within 5 miles of the Project area (see Appendix B). Although no special status species are known to occur on the proposed Project site, San Joaquin kit fox has been recorded within 1 mile and the Tipton kangaroo rat within 5 miles of the Project site. The Project area is within Reclamation's ROW that is disturbed from regular maintenance, and has low value habitat for special status species. Biological surveys were completed for this area in 1993 to 1994 and no special status species were observed (City, 2006). Fluctuating water levels and routine siltation and vegetation control activities create unsuitable habitat for many species at the Project site. Special status species and potential for occurrence at the Project site are presented in Table 3-1 and discussed below.

The FKC is concrete lined and the ROW is regularly disturbed from operations and maintenance activities. Therefore, the Project area lacks dense, shrubby or emergent wetland or riparian vegetation and does not provide suitable habitat for the California red-legged frog or the giant garter snake. The Project site is located far outside the Sacramento-San Joaquin Delta and, therefore, the delta smelt does not occur in the area.

There are no vernal pools or elderberry shrubs at the Project site; therefore, vernal pool shrimp species and valley elderberry longhorn beetle are not present.

Chenopod scrub, valley sink scrub, and non-native grassland habitat do not occur at the Project site. The ROW is regularly disturbed and adjacent land uses are a mix of industrial, commercial, and floodplain along the Kern River corridor. Therefore, there is no habitat for the blunt-nosed leopard lizard, Tipton kangaroo rat, giant kangaroo rat, or Buena Vista Lake shrew.

The Project area is within the known range of the San Joaquin kit fox and could be utilized as part of a movement corridor. The nearest CNDDC-reported kit fox occurrence was about 0.7 mile to the north of the Project site and 15 occurrences were reported within 5 miles of the Project site. Signs of San Joaquin kit fox were found along the Westside Parkway alignment.

Although not a federally listed species, the western burrowing owl is protected by the Migratory Bird Treaty Act. Burrowing owls are known to nest along parts of the FKC ROW and a CNDDDB occurrence was recorded within one mile. The burrowing owl would, therefore, have the potential to occur at the Project site.

Table 3-1. Federally Listed Species in the Gosford Quadrangle

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments
Amphibians and Reptiles				
California red-legged frog	<i>Rana aurora draytonii</i>	T	Largest native frog in the Western United States. Requires dense, shrubby or emergent vegetation associated with deep still or slow-moving water. Breeds from November through March.	Unlikely. No CNDDB occurrences documented within 5 miles of the Project site. The FKC is not suitable habitat for the frog because of the lack of cover.
Blunt-nosed leopard lizard	<i>Gambelia</i> (=Crotaphytus) <i>sila</i>	E	Relatively large lizard. Suitable habitat includes saltbush scrub and valley sink scrub. Uses small rodent burrows for shelter from predators and temperature extremes.	Unlikely. No CNDDB occurrences documented within 5 miles of the Project site. Suitable habitat is not present at the Project site.
Giant garter snake	<i>Thamnophis gigas</i>	T	Aquatic snake. Prefers freshwater marsh and low-gradient streams. Has adapted to drainage canals and irrigation ditches. Uses burrows and soil crevices in uplands during winter dormant period. Breeding period March through April.	Unlikely. No CNDDB occurrences documented within 5 miles of the Project site. The FKC is not suitable habitat for the snake because of the lack of cover.
Mammals				
Giant kangaroo rat	<i>Dipodomys ingens</i>	E	Can grow to 12-13 inches long. Lives on dry, sandy grasslands and digs burrows in loose soil. It lives in colonies, and the individuals communicate with each other by drumming their feet on the ground. Breeding period is typically January through May.	Unlikely. No CNDDB occurrences documented within 5 miles of the Project site. Suitable habitat is not present at the Project site.
Tipton kangaroo rat	<i>Dipodomys nitratoides nitratoides</i>	E	One of three subspecies of the San Joaquin kangaroo rat. Scattered populations are restricted primarily to valley sink scrub east of the California Aqueduct.	Low. Suitable habitat does not exist at the site; however, one CNDDB occurrence was reported within 5 miles of the Project site.
Buena Vista Lake Shrew	<i>Sorex ornatus relictus</i>	E	Occurs in areas with a dense mesophytic cover and an abundant layer of litter, often with Fremont cottonwood, willows, alkali heath, wild rye grass, and Baltic rush. Only five locations where the Buena Vista Lake shrew can be found – the Kern Lake Preserve, Coles Levee Ecosystem Preserve, the Kern Fan Recharge Area, the Goose Lake Bottoms Wetland project, and the Kern National Wildlife Refuge.	Unlikely. No occurrences documented within 5 miles of the Project site. Suitable habitat is not present at the Project site.
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	E	Historic range of this species was the San Joaquin Valley, western Sacramento Valley, and portions of the Inner Coast Range. The abundance of this fox has declined due to loss of habitat and other factors including predator control, pest control programs, and interspecies competition with coyotes. Largest remaining populations occur in western Kern County.	Moderate. Signs of kit fox were found along the Westside Parkway alignment during the 1993, 1994, and 2003 surveys. This species is likely to use the Kern River in the study area as a travel corridor.

Table 3-1. Federally Listed Species in the Gosford Quadrangle

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments
Invertebrates				
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T	Associated with ephemeral swales and vernal pools in grassland communities. Cysts hatch and shrimp become active when pools fill during the winter rainy season.	Unlikely. No CNDDDB occurrence documented within 5 miles of the Project site. No suitable habitat (seasonal wetlands or vernal pools) present at the site.
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T	Endemic with patchy distribution. Valley elderberry longhorn beetles are completely dependent on their host plant, the elderberry shrub. Adult active period is from March to June.	Unlikely. No CNDDDB occurrence documented within 5 miles of the Project site. No suitable habitat (elderberry shrub) present at the proposed Project site or surrounding area.
Fish				
Delta smelt	<i>Hypomesus transpacificus</i>	T	Salt-tolerant. Endemic to the Sacramento–San Joaquin estuary, where it spends most of its adult life. Spawn in shallow, fresh or slightly brackish water upriver from the mixing zone, including the Sacramento River, Mokelumne River system, Cache Slough region, San Francisco Bay Delta, and Montezuma Slough area. Spawning occurs in fresh water between January and July.	Unlikely. Delta smelt are not known to occur in the FKC and it is not critical habitat for the species.

Sources:

Federal Endangered and Threatened Species 7½ minute quads available (October 2008) at: http://www.fws.gov/sacramento/es/spp_lists/auto_letter.cfm
 California Natural Diversity Database (CNDDDB) search for Gosford Quadrangle, California Department of Fish & Game (CDFG), (October 2008)
 NOAA Fisheries 2008.

Key to Status Codes:

Federal Status:

C: Candidate for listing
 E: Endangered
 T: Threatened

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve permits for the Westside Parkway bridges, canal liner replacement, or utility line relocation. The Westside Parkway Project would not be viable because the road could not cross the FKC. There would be no impacts to special status species from the Westside Parkway Project.

Proposed Action

The Proposed Action would have no effect on California red-legged frog, blunt-nosed leopard lizard, giant garter snake, giant kangaroo rat, Tipton kangaroo rat, Buena Vista Lake shrew, vernal pool fairy shrimp, valley elderberry longhorn beetle, Delta smelt, or critical habitat for special status species because they do not occur within the Project area.

Based on the height of the bridges over the FKC ROW, and that movement of San Joaquin kit fox along the FKC would, therefore, not be impeded by the Project, there would be no effect to special status species with the required implementation of the standard kit fox avoidance measures.

Caltrans initiated coordination with Federal and State regulatory and resource agencies regarding the effects on biological resources and waters of the United States in February of 1994 for the SR58 Route Adoption Project that eventually became the Westside Parkway. The Service, Sacramento Office, issued a Section 7 Biological Opinion (#1-1-98-F-139), for the SR58 Route Project (Service, 1999). The Service subsequently amended the Biological Opinion to address the proposed Westside Parkway Project on February 18, 2005 (Service, 2005). This amendment only revised the Project description and did not alter species addressed or mitigation measures.

The Services' Biological Opinion addressed the effects of the Westside Parkway Project on five animal species and five plant species (Table 3-2). No special-status plant species were identified in the Westside Parkway ROW during biological surveys completed for the Project.

The Service concurred that the Westside Parkway Project would not likely adversely affect the species specifically covered in the Biological Opinion issued by the Service for the SR58 Route Adoption Project (Service, 1999). The species covered in the Biological Opinion are presented in Table 3-2.

Table 3-2. Federally Listed Species Covered in the Biological Opinion Issued for the State Route 58 between State Route 99 and I-5 in Kern County that Includes the Westside Parkway

Common Name	Scientific Name	Federal Status
Blunt-nosed leopard lizard	<i>Gambelia (=Crotaphytus) sila</i>	(E)
California condor	<i>Gymnogyps californianus</i>	(E)
Least Bell's vireo	<i>Vireo bellii pusillus</i>	(E)
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	(E)
Tipton kangaroo rat	<i>Dipodomys nitratoide nitratoide</i>	(E)
Bakersfield cactus	<i>Opuntia basilaris treleasei</i>	(E)
California jewelflower	<i>Caulanthus californicus</i>	(E)
Hoover's eriastrum	<i>Eriastrum hooveri</i>	(Delisted)
Kern mallow	<i>Eremalche kernensis</i>	(E)
San Joaquin woollythreads	<i>Monolopia congdonii</i>	(E)

Caltrans proposed to leave existing travel corridors unobstructed along the FKC and Coffee Road (Caltrans, 1998). Unobstructed travel corridors would allow continued use by the San Joaquin kit fox. The Service concurred that implementation of the avoidance and minimization measures would reduce any effects on the species.

The Proposed Action would have no effect on special status species presented in Tables 3-1 and 3-2, critical habitat, or any other biological resources. The Project would implement EPMs specified in the Service's Biological Opinion (and listed below) that would result in no effect to the San Joaquin kit fox.

3.3.3 Environmental Protection Measures

EPMs for the Westside Parkway Bridge Project over the FKC were described in the Terms and Conditions for the SR58 Route Adoption Biological Opinion. The following pertain to protection of special status species:

- A worker education program would be developed and given by an approved biologist.
- Preconstruction surveys would be conducted for special status species (San Joaquin kit fox, Tipton kangaroo rat, burrowing owl) between 14 and 30 days of construction.
- Exclusion zones would be established around sensitive habitat features, including San Joaquin kit fox dens.
- Measures would be established related to restrictions on use of pesticides, vehicle speed limits, control of trash and hazardous materials, and placement of culverts specifically for San Joaquin kit fox protection.

3.4 CULTURAL RESOURCES

3.4.1 Affected Environment

Cultural resources is a term used to describe both ‘archaeological sites’ depicting evidence of past human use of the landscape and the ‘built environment’ which is represented in structures such as dams, roadways, and buildings. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government’s responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 CFR Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties.

In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation’s findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

CalTrans conducted a record search, archaeological survey, and SHPO consultation for the Westside Parkway Project, all of which were completed in December 2004 (City, 2006). The records search identified the FKC and a flake scatter (CA-KER-3072) located between the FKC and Emery Ditch about 300 feet north of the planned northeast exit ramp to Coffee Road. Site CA-KER-3072 is outside the northern boundary of the Project site. The FKC, which the new bridges will cross, is a component of Reclamations’ Central Valley Project (CVP) Friant Division. Construction of the FKC began in 1945 and was completed in 1951. The FKC conveys water south from Millerton Lake, behind Friant Dam on the San Joaquin River, to the Kern River, four miles west of Bakersfield. The water is used for supplemental and new irrigation supplies in Fresno, Tulare, and Kern Counties. The 127 miles of concrete-lined canal sections have a bottom width of 36 feet and a depth of about 15 feet. Approximately 25 miles of the FKC are unlined, consisting of compacted earth with a bottom width of 64 feet and a depth of about 15 feet. The FKC was determined eligible for listing on the National Register of Historic Places (NRHP) through a consensus determination between CalTrans and SHPO in 2004 (File #FHWA040315A). Additionally, Reclamation is in the process of nominating the CVP to the NRHP. As part of the CVP, the FKC has been determined eligible for inclusion on the NRHP under Criterion A for its association with irrigation and agricultural development of California.

3.4.2 Environmental Consequences

No Action

Under the No Action Alternative, there will be no impacts to cultural resources or historic properties since there would be no action. Under the No Action Alternative, Reclamation would not approve a permit for the Westside Parkway bridges over the ROW. The Westside Parkway Project would not be viable because the road could not cross the FKC. Conditions related to cultural resources or historic properties would remain the same as existing conditions.

Proposed Action

The proposed replacement of FKC liner and construction of two bridges over the FKC will result in no adverse affects to historic properties pursuant to 36 CFR Part 800.5(b). CalTrans submitted a Historic Property Survey Report (HPSR) to the SHPO on April 12, 2004 pursuant to the cultural Programmatic Agreement between FHWA, Caltrans, SHPO, and the Advisory Council on Historic Preservation in support of the Westside Parkway (City, 2006). The HPSR concluded that the FKC was eligible for listing on the NRHP and the Westside Parkway Project would have no adverse effect on the FKC due to proposed design and construction provisions. SHPO concurred with these findings and determinations (File #FHWA040315A). Appendix C contains the SHPO correspondence regarding these findings.

3.4.3 Environmental Protection Measures

The following EPM would protect cultural resources:

- In the unlikely event that any cultural or human remains are encountered during Project implementation on federal land, all work in the area of the find will halt and Reclamation's Regional Archeologist will be notified immediately. If cultural resources are determined to be historic properties pursuant to 36 CFR Part 60, Reclamation will continue consultation pursuant to 36 CFR Part 800.13(b) in order to avoid, minimize, or mitigate any adverse affects to such properties. If human remains are discovered, or a cultural resource is determined by Reclamation to be a Native American cultural item, those remains and/or items will be treated according to the provisions set forth by the Native American Graves Protection and Repatriation Act. The Project will not resume until Reclamation provides a written notice to proceed.

3.5 INDIAN TRUST ASSETS

3.5.1 Affected Environment

An ITA is a legal interest in assets that are held in trust by the U.S. Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the Interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" means there is a property interest for which there is a legal remedy, such a compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. ITAs cannot be sold, leased or otherwise alienated without United States' approval. Trust assets may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights.

Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITAs may be located off trust land.

Reclamation shares the Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain ITAs reserved by or granted to Indian tribes, or Indian individuals by treaty, statute, or Executive Order. The nearest ITA is a public domain allotment, which is about 38 miles east-northeast of the Project site.

3.5.2 Environmental Consequences

No Action

No ITAs are in the Project area. The condition of Indian trust resources under the No Action Alternative would be the same as it would be under existing conditions.

Proposed Action

There are no tribes possessing legal property interests held in trust by the United States in the lands and resources near the Project site. The nearest ITA is a public domain allotment, which is about 38 miles east-northeast of the Project site. Therefore, the Proposed Action would not affect ITAs.

3.6 SOCIOECONOMIC RESOURCES

3.6.1 Affected Environment

Bakersfield is the county seat of Kern County, California. As of the 2000 census, the city had a total population of 247,057. The City's economy thrives on agriculture, petroleum extraction, and refining. It is one of the fastest growing of the larger cities of the United States. As of 2006, the population was estimated at 315,837 according to the U.S. Census (2006). It is California's third largest inland city after Fresno and Sacramento. In 2006, the median income for a household in the city was \$51,421 and the median income for a family was \$59,130. Males had a median income of \$44,577 versus \$31,223 for females (U.S. Census, 2006).

3.6.2 Environmental Consequences

No Action

Under the No Action Alternative, socioeconomic resources would be the same as the existing conditions described above.

Proposed Action

Implementation of the Proposed Action would result in construction activities for at least a one-year period. Construction employment would increase temporarily. Completing this Project is an integral component of the Westside Parkway Project, which will alleviate east-west traffic congestion on east-west arterials in west Bakersfield. No EPMs relating to socioeconomic resources would be required.

3.7 ENVIRONMENTAL JUSTICE

3.7.1 Affected Environment

Executive Order 12898 (February 11, 1994) mandates Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

The racial makeup of the City is 54.7% White, 7.6% Black or African American, 0.1% Native American, 5.8% Asian, 0.1% Pacific Islander, 26.5% from other races, and 4.5% from two or more races. 38.8% of the population is Hispanic or Latino of any race. The per capita income for the city is \$23,413. 16.4% of the population and 13.4% of families are below the poverty line. Out of the total population, 24.3% of those under the age of 18 and 7.5% of those 65 and older are living below the poverty line (U.S. Census, 2006).

3.7.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve a permit to construct the Westside Parkway Bridge Project. No new facilities would be constructed and traffic congestion on east-west arterial streets in west Bakersfield would continue.

Proposed Action

The Proposed Action would not affect residential uses because the nearest residence is about 0.4 mile from the Project site. No minority or low income populations were identified that would be adversely affected. No EPMS relating to environmental justice would be required.

3.8 CUMULATIVE EFFECTS

The Westside Parkway Bridge is part of a larger project to complete the Westside Parkway freeway. The Westside Parkway is needed to reduce congestion on existing east-west arterials in west Bakersfield and is planned for an ultimate 8-lane build out, although fewer lanes would be required initially. Effects associated with the Westside Parkway were analyzed and mitigation and other environmental measures were described in the Tier 2 EA/EIR that evaluated impacts of this Project and issued a FONSI and Final EIR for the Project (City of Bakersfield, 2006).

The Westside Parkway would take a step toward accommodating growth projected in the Metropolitan Bakersfield General Plan. This would contribute to significant, unavoidable cumulative impacts associated with planned growth identified in the Metropolitan Bakersfield General Plan update EIR (City, 2002) and include:

- Based upon the Kern COG horizon year model for 2020, significant and unavoidable level of service impacts would occur to various roadway segments throughout the metropolitan area.
- Development of the Metropolitan Bakersfield General Plan would create unavoidable significant air quality impacts related to construction, mobile and stationary sources, and inconsistency with the Air Quality Attainment Plan.
- Development between the years 2000 and 2020 would exacerbate a current exceedence of Community Noise Equivalent Level noise standards along several roadways.

- Projected growth would result in the conversion of Prime Farmland to non-agricultural use and may conflict with Williamson Act contracts.

This Project could contribute cumulatively to kit fox and burrowing owl impacts. Three habitat conservation plans are active in the Bakersfield region including the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP), Kern Water Bank Authority HCP, and the Kern County Valley Floor HCP. The three HCPs address most habitats utilized by listed and sensitive species of plants and wildlife. Implementation of the three HCPs provides a means by which impacts to sensitive habitats and species can be mitigated. The impacts caused by the Westside Parkway

Project would likely be mitigated through the MBHCP. The effects to sensitive habitats and species from the Westside Parkway Project would be an incremental increase in impacts to such habitats and species in a regional setting. Because projects permitted and mitigated through the three HCPs will result in preservation of large amounts of natural lands, including wetlands and waters of the U.S., cumulative impacts would not be substantial.

Development of the Westside Parkway in conjunction with proposed development identified in the General Plan would not result in water quality impacts. Future development within the study area would be required to mitigate specific water quality impacts on a project-by-project basis. Implementation of EPMs would assure that this Project would not add to cumulative impacts.

4.0 CONSULTATION AND COORDINATION

4.1 FISH AND WILDLIFE COORDINATION ACT (16 USC §661 ET SEQ.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The Proposed Action does not involve water development projects. Therefore the FWCA does not apply.

4.2 ENDANGERED SPECIES ACT (16 USC §1531 ET SEQ.)

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Based on the bridge height over the FKC ROW and the required implementation of the standard kit fox avoidance measures, Reclamation has determined that the Proposed Action would have no effect on the San Joaquin kit fox. Reclamation also determined that the Proposed Action would have no effect to other species listed or proposed for listing or critical habitats designated or proposed for designation under the Federal Endangered Species Act. There will be no effect on species or critical habitat under the jurisdiction of the National Marine Fisheries Service because of their absence from the Project site.

4.3 MIGRATORY BIRD TREATY ACT (16 USC § 703 ET SEQ.)

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns. Migratory bird surveys that include burrowing owls will be completed prior to Project construction to allow the Proposed Action to be in compliance with the Migratory Bird Treaty Act.

4.4 NATIONAL HISTORIC PRESERVATION ACT (15 USC 470 ET SEQ.)

The NHPA of 1966, as amended (16 USC 470 *et seq.*), is the primary Federal legislation that outlines the Federal Governments' responsibility consider the affects of their actions on historic properties. Section 106 of the NHPA requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological, and cultural resources. The 36 CFR Part 800 regulations that implement Section 106 of the NHPA describe how Federal agencies address these effects. Historic properties are defined as those cultural resources listed, or eligible for listing, on the National Register of Historic Places. The term "cultural resources" is used to describe archaeological sites, illustrating evidence of past human use of the landscape; the built environment, represented by structures such as dams, roadways, and buildings; and resources of religious and cultural significance, including, but not limited to, structures, objects, districts, and sites. Historic properties include Traditional Cultural Places, which are resources of religious and cultural significance that are eligible for the NRHP by virtue of their traditional significance.

4.5 EXECUTIVE ORDER 11988 – FLOODPLAIN MANAGEMENT AND EXECUTIVE ORDER 11990-PROTECTION OF WETLANDS

Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The Project would not affect either concern.

5.0 LIST OF PREPARERS AND REVIEWERS

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Elizabeth Kelly, Land Use, JD, B.A. Chemistry. 24 years experience.

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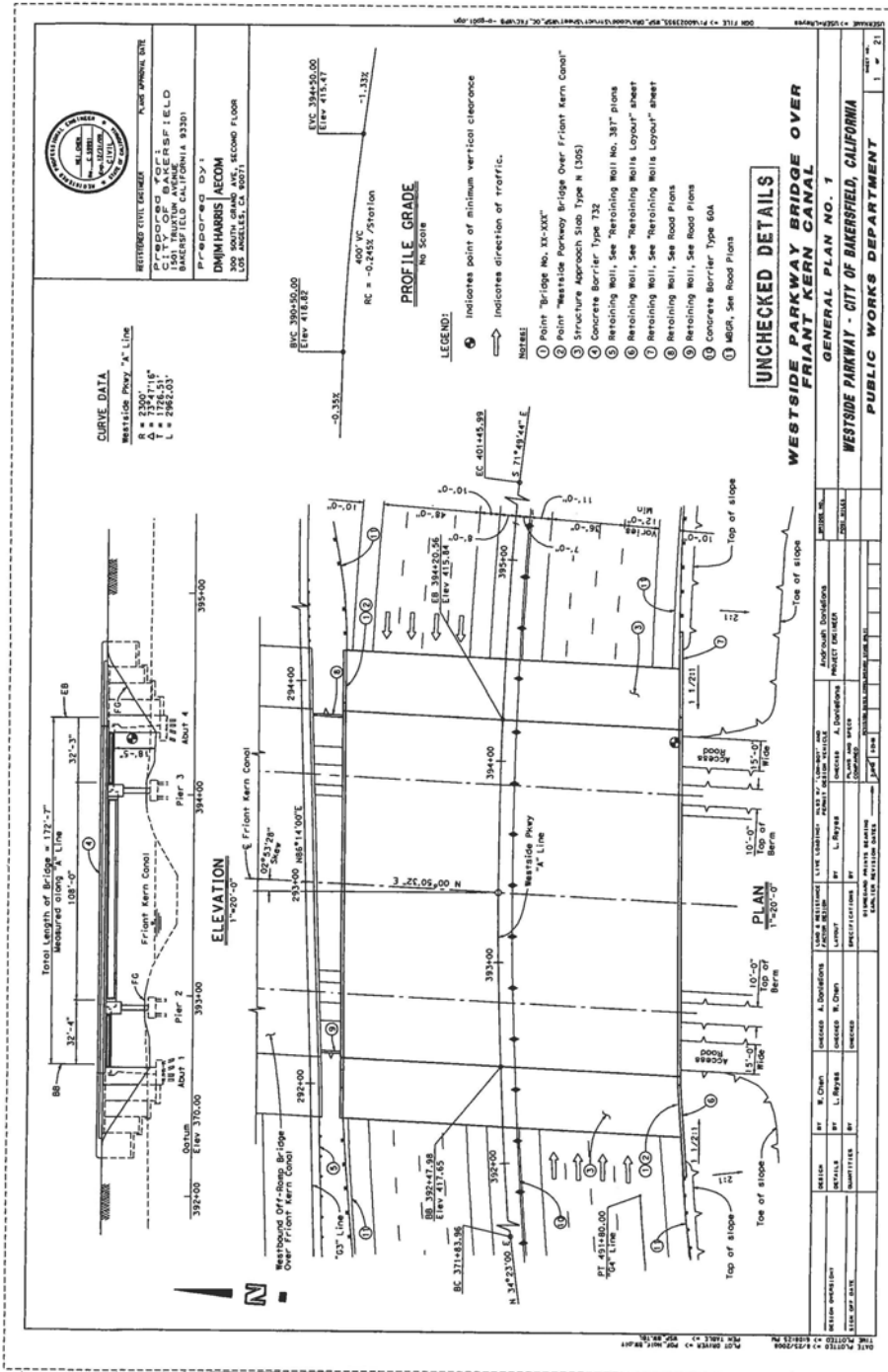
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APPENDIX A

REPRESENTATIVE DESIGN DRAWINGS



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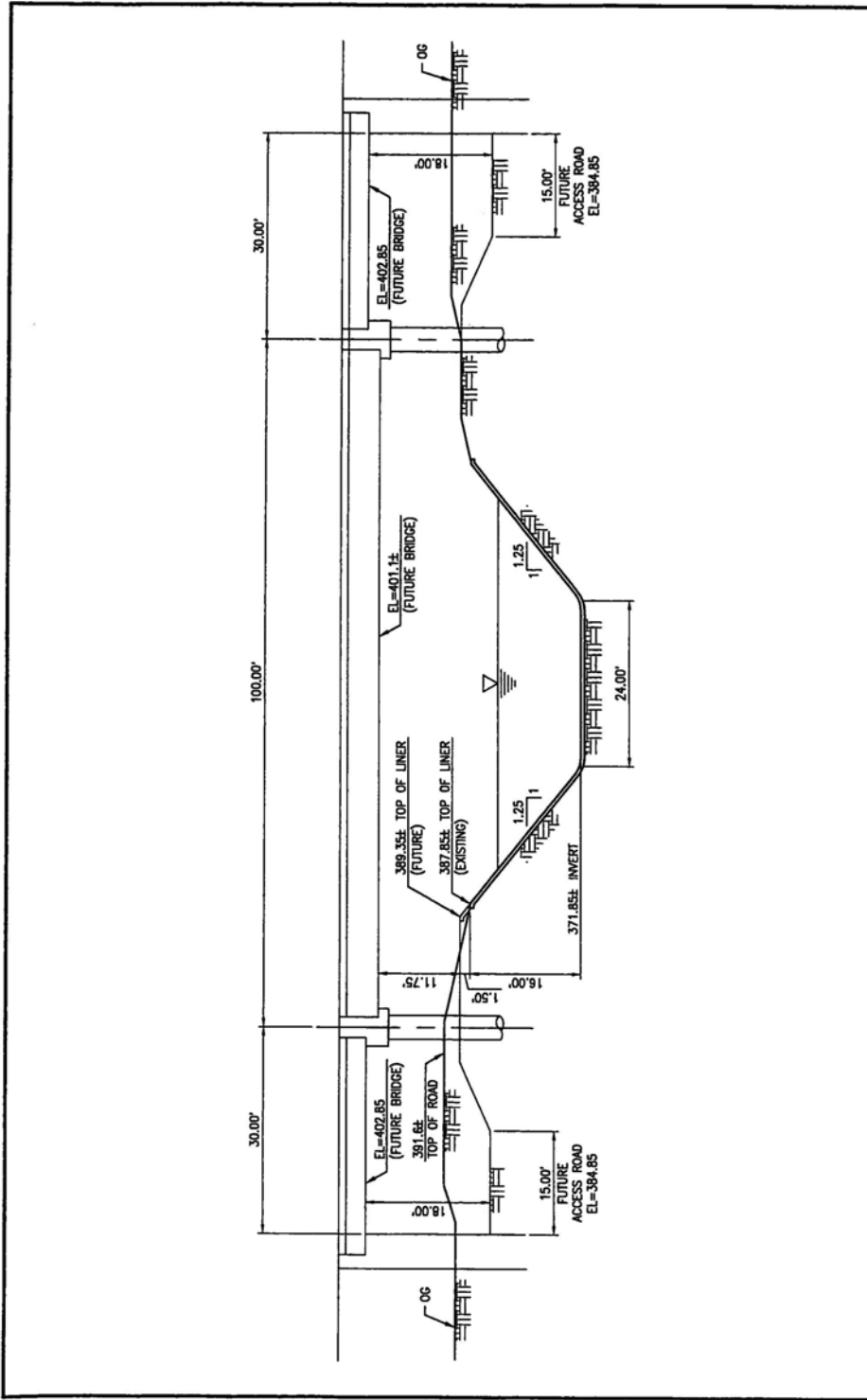
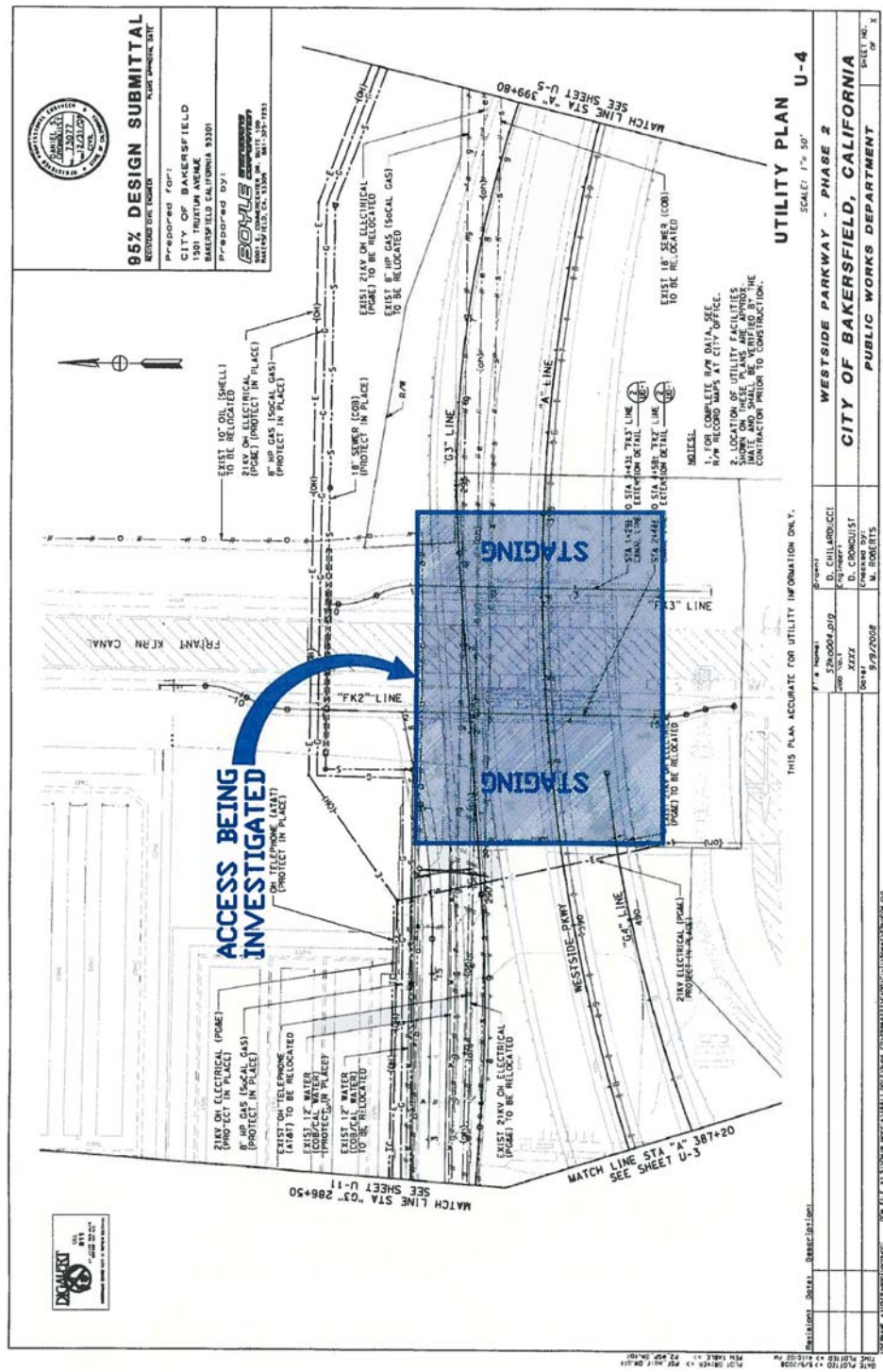


FIGURE 1	FRIANT - KERN CANAL LINER REPLACEMENT PROJECT	BEC PROJECT NO. 16811.00	BOYLE ENGINEERS CORPORATION 5001 E. Commonwealth Dr. Suite 100 Bakersfield, Ca. 93309 801-325-7233 WWW.BOYLEENGINEERING.COM
	FUTURE BRIDGE AND CANAL ELEVATION		



APPENDIX B
US FISH AND WILDLIFE SERVICE
SPECIES LIST
CALIFORNIA NATURAL DIVERSITY DATABASE

APPENDIX C

STATE HISTORIC PRESERVATION OFFICE CONCURRENCE LETTERS

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6824 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

Reply To: FHWA040315A

Mike Donahue, Chief
Caltrans South Sierra Analysis Branch
2015 East Shields Avenue, Suite A-100
Fresno, CA 93726-5428

Re: Determinations of Eligibility and Finding of Effect for the Proposed Westside Parkway Project,
Bakersfield, CA [06-KER-00-BKD, LOCAL ASSISTANCE, WESTSIDE PARKWAY PROJECT, EA 06-487800]

Dear Mr. Donahue:

Thank you for your letter of April 12, 2004, in which you state that Caltrans, and not the City of Bakersfield, is initiating consultation for this undertaking. You are consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA).

The California Department of Transportation (Caltrans) is requesting my concurrence pursuant to Stipulation VIII.C.5 of the PA, that the Friant-Kern Canal was previously determined eligible for the National Register of Historic Places (NRHP) through a consensus determination between the FHWA and SHPO in August of 1997. Caltrans is also requesting concurrence that the following properties are not eligible for the NRHP:

- 2420 Mohawk Street
- 2424 Mohawk Street
- 2430 Mohawk Street
- Coffee Road Pole Barn
- Red Ribbon Ranch #1
- Red Ribbon Ranch #14
- Red Ribbon Ranch #17
- Red Ribbon Ranch Lease 1 #3
- Sweitzer #8
- Sawyer and Reid, Bethlehem #7
- Cross Valley Canal
- Carrier/Gates Canal
- Rio Bravo Canal
- BNSF Railroad Crossing

I concur with the foregoing determinations.

I acknowledge that Caltrans is notifying me, pursuant to stipulation X.B.2.b of the PA, of its finding of "No Adverse Effect with Standard Conditions" for this undertaking.

Thank you for considering historic properties during project planning. If you have any questions, please call Natalie Lindquist at (916) 654-0631 and e-mail at nlind@ohp.parks.ca.gov.

Sincerely,

DEPARTMENT OF TRANSPORTATION
2015 EAST SHIELDS AVENUE, SUITE A-100
FRESNO, CA 93726-5428
PHONE (559) 243-8223
FAX (559) 243-8215
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

April 12, 2004

Dr. Knox Mellon
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, California 94296-0001
Dear Dr. Mellon

06-KER-00-BKD
Local Assistance
Westside Parkway Project
EA 06-487800
FHWA040315A

SUBJECT: Historic Property Survey Report for Westside Parkway Project, City of Bakersfield, California

The California Department of Transportation (Caltrans), under the authority of the Federal Highway Administration (FHWA), is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the Westside Parkway Project. This consultation is undertaken in accordance with the *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation (PA)*.

Enclosed is the Historic Property Survey Report (HPSR) for the Westside Parkway Project. We are seeking your comments regarding the appropriateness of the APE (Stipulation VIII.A of the PA); the adequacy of historic property identification efforts (Stipulation VIII.B of the PA); determinations of eligibility for potential historic properties (Stipulation VIII.C.5 of the PA); and effects to historic properties within the APE (Stipulation X.B.2(i) of the PA).

The City of Bakersfield proposes to construct the Westside Parkway, an eight-mile long facility within a 201-foot wide corridor consisting of a 4-lane conventional highway within a 6-lane right-of-way. A full project description and depiction of the Area of Potential Effects (APE) can be found on pages 1 and 2 and in Figure 3 of the HPSR. The proposed project follows a segment of an alignment delineated in a previous Caltrans Route Adoption Survey to study potential extensions of State Route 58 on a new alignment between Interstate 5 and State Route 99. On May 7, 2001, an HPSR for the Tier I Route Adoption Corridor Survey was appended to the Tier I Environmental Impact Statement/ Impact Report for the Route 58 Route Adoption.

The City of Bakersfield views the current project as a continuing effort relying on completed environmental documents for the current technical studies. While the current project has incorporated the Tier I study and utilizes the preferred alternative of that effort, FHWA considers the current project a new undertaking because it represents only a minor portion of the Tier I project within the City of Bakersfield, Caltrans retains oversight for the project but is no longer the project proponent, and the project has been developed under a new expenditure authorization and federal project numbers.

"Caltrans improves mobility across California"

Dr. Knox Mellon
March 9, 2004

Pursuant to Stipulation VIII.C of the PA, 14 properties located in the project APE were formally evaluated for National Register of Historic Places (NRHP) eligibility, and one property, the Friant-Kern Canal was previously determined eligible for the NRHP through a consensus determination between FHWA and SHPO August 14, 1997. The evaluations are documented in Appendix C of the HPSR. A finding of no adverse effect was proposed for the Friant-Kern Canal, however, consultation was never concluded on this finding, since the previous documentation was largely based upon a corridor study, rather than a specific project. FHWA's involvement in the Tier 1 Corridor Study and environmental process ended with a Record of Decision for the Final EIR (5/07/01) and the selection of the No Action Alternative.

Because a proposed bridge structure would be built to carry traffic over the Friant-Kern Canal, Caltrans believes the appropriate finding for the undertaking (pursuant to Stipulation X.B.2(i)) is "No Adverse Effect with Standard Conditions." The proposed bridge structure would not adversely affect the characteristics for which the canal is eligible. The project will, however, require relocation of a non-contributing antenna associated with a canal stilling well, and replacement of a minor portion of the concrete canal lining, a contributing feature, that is located under the proposed bridge. This work will adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995.

Pursuant to Stipulation VIII.C.5 of the PA, Caltrans is requesting your concurrence that the following resources are ineligible for inclusion in the NRHP:

Name/Address/Location	Map Reference #	Figure Page
2420 Mohawk Street	#171	APE Map 4
2424 Mohawk Street	#172	APE Map 4
2430 Mohawk Street	#172	APE Map 4
Coffee Road Pole Barn	#151	APE Map 3
Red Ribbon Ranch #1	#164	APE Map 4
Red Ribbon Ranch #14	#177	APE Map 4
Red Ribbon Ranch #17	#178	APE Map 4
Red Ribbon Ranch Lease 1 #3	#162	APE Map 4
Sweitzer #8	#168	APE Map 4
Sawyer and Reid, Bethlehem #7	#174	APE Map 4
Cross Valley Canal	#150	APE Map 3
Carrier/Gates Canal	#181	APE Map 4
Rio Bravo Canal	#63	APE Map 2
BNSF Railroad Crossing	#163	APE Map 4

This letter and the attached documentation are concurrently being retained in Caltrans files (pursuant Stipulation XVI) and distributed to FHWA (pursuant to Stipulation VIII.C.5). If you concur with our eligibility determination and Finding of No Adverse Effect with Standard Conditions, these actions satisfy Caltrans responsibilities under Stipulation IX.A.2 of the PA, and no further review will be required. In the event that you do not concur with Caltrans determinations, further consultation will be carried out in accordance with Stipulation VIII.C.5b.

In accordance with Stipulation VIII.C.5a of the PA, we look forward to receiving your response within 30 days of your receipt of this submittal. If you need any additional information, please do not hesitate to contact me (telephone: 559-243-8157; fax: 559-243-8215; e-mail: Michael_Donahue@dot.ca.gov) or Kelly Hobbs, Principal Architectural Historian, (phone: 559-243-8309; e-mail: Kelly_Hobbs@dot.ca.gov). Finally, thank you for your assistance with this undertaking.

"Caltrans improves mobility across California"