

---

**FINAL ENVIRONMENTAL ASSESSMENT (EA/IS-09-080)**

*BUENA VISTA WASTER STORAGE DISTRICT*

*BV8 STATE WATER PROJECT TURNOUT*

**Appendix C**

**Notice of Determination and Signed Mitigated Negative  
Declaration and Mitigation Monitoring and Reporting Program  
(Page 1-11)**

---

December 2011



NOTICE OF DETERMINATION

TO:	<input type="checkbox"/> Clerk of the Board of Supervisors or <input checked="" type="checkbox"/> County Clerk County of: Kern Address: 1115 Truxtun Avenue Bakersfield, CA 93301-4639	FROM:	Entity: Buena Vista Water Storage District Address: 525 North Main Street P.O. Box 756 Buttonwillow, CA 93206 Contact: Dan Bartel Phone: (661) 324-1101
-----	---	-------	--

FILED  
KERN COUNTY

TO:	<input checked="" type="checkbox"/> Office of Planning and Research P.O. Box 3044 (U.S. Mail) Sacramento, California 95812-3044 1400 Tenth Street, Room 222 (overnight delivery) Sacramento, California 95814
-----	---

OCT 12 2010

ANN K. BARNETT  
AUDITOR-CONTROLLER-COUNTY CLERK  
BY *[Signature]* DEPUTY

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: BV8 State Water Project Turnout		
State Clearinghouse Number (If submitted to SCH): 2010081076	Contact Person: Dan Bartel	Telephone Number: (661) 324-1101
Specific Project Location – Identify street address and cross street or attach a map showing project site (preferably a USGS 15' or 7 ½' topographical map identified by quadrangle name): The Project is located between the California Aqueduct and the West Side Canal in the southwesterly quarter of Section 9, Township 30 South, Range 24 East, Mount Diablo Meridian.		
General Project Location (City and/or County): Vicinity of Buttonwillow, Kern County, California		
Project Description: The Project consists of constructing and operating new turnout facilities between the California Aqueduct and the West Side Canal.		

This is to advise that the (☒ Lead Agency or ☐ Responsible Agency) approved the above described project on: October 12, 2010 and made the following determinations:


1.	<input type="checkbox"/> The project will have a significant effect on the environment.
	<input checked="" type="checkbox"/> The project will NOT have a significant effect on the environment
2.	<input type="checkbox"/> An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
	<input type="checkbox"/> A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
	<input checked="" type="checkbox"/> A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.

Notice of Environmental Document  
Posted by County Clerk on 10/12/10  
and for 30 days thereafter, Pursuant to  
Section 21152(C), Public Resources Code

#1279

COPY

3.	<input checked="" type="checkbox"/>	Mitigation measures were made a condition of the approval of the project.				
	<input type="checkbox"/>	Mitigation measures were NOT made a condition of the approval of the project.				
4.	<input checked="" type="checkbox"/>	A Mitigation Monitoring or Reporting Plan was adopted for this project.				
	<input type="checkbox"/>	A Mitigation Monitoring or Reporting Plan was NOT adopted for this project.				
5.	<input type="checkbox"/>	A Statement of Overriding Considerations was adopted for this project.				
	<input checked="" type="checkbox"/>	A Statement of Overriding Considerations was NOT adopted for this project				
6.	<input type="checkbox"/>	Findings were made pursuant to the provisions of CEQA.				
	<input checked="" type="checkbox"/>	Findings were NOT made pursuant to the provisions of CEQA.				
7.	<input checked="" type="checkbox"/>	This certifies that the location and custodian of the documents which comprise the record of proceedings for the Final EIR (with comments and responses) or Negative Declaration are available to the general public at the following location(s):				
		<table border="0"> <tr> <td>Custodian:</td> <td>Location:</td> </tr> <tr> <td>Buena Vista Water Storage District (661) 324-1101</td> <td>525 North Main Street Buttonwillow, CA 93206</td> </tr> </table>	Custodian:	Location:	Buena Vista Water Storage District (661) 324-1101	525 North Main Street Buttonwillow, CA 93206
Custodian:	Location:					
Buena Vista Water Storage District (661) 324-1101	525 North Main Street Buttonwillow, CA 93206					

<b>Date:</b> <u>10-12-10</u>	<u></u> <b>Signature</b>
<b>Date Received for Filing:</b> _____	Dan Bartel Engineer-Manager <u>BUENA VISTA WATER STORAGE DISTRICT</u> <b>Name and Title</b>

## **MITIGATED NEGATIVE DECLARATION**

### **BUENA VISTA WATER STORAGE DISTRICT BV8 STATE WATER PROJECT TURNOUT**

**Project:** The BV8 State Water Project Turnout (BV8 or Project) consists of constructing and operating new turnout facilities between the California Aqueduct and the West Side Canal. BV8 facilities consist of the following:

- Constructing a belowground reinforced concrete pipe (RCP) of approximately 1,510 feet in length and 78-inches in diameter, extending between the California Aqueduct and the West Side Canal. The RCP will include a pitot tube near the California Aqueduct, a 66-inch butterfly valve near the West Side Canal, and either a 78-inch magnetic flow meter or Venturi meter within a reinforced concrete vault near the California Aqueduct.
- Constructing a reinforced concrete turnout on the California Aqueduct. The new turnout will be approximately 20 feet tall, 19 feet wide, and 54 feet long and will include a 78-inch cast iron sluice gate with automatic actuator, trash racks, and galvanized steel handrails.
- Work within the California Aqueduct will require placement of a cofferdam to allow water flow to continue in the Aqueduct during construction of the BV8 facilities. The cofferdam will be left in place for approximately 3 months, reducing maximum flow by approximately 50 percent over the 3-month time period.
- Constructing an outlet structure in the West Side Canal, upstream of the Arizona Canal. The discharge bay of the outlet structure is approximately 17 feet wide, 25 feet long, and 14 feet tall. To reduce erosion, the discharge area around the outlet structure will be reinforced with approximately 167 cubic yards of 12-inch thick rock rip-rap above a 6-inch gravel bed. The outlet structure will have galvanized steel handrails.
- Constructing a 10-foot by 12-foot concrete electrical building on the eastern side of the RCP, within approximately 100 to 200 feet of the California Aqueduct inlet structure. The building will include a 0.18 acre elevated graded pad for access from the existing California Aqueduct road.
- Installing an 8-inch vent riser adjacent to the electrical building within approximately 100 to 200 feet of the California Aqueduct inlet structure. The standpipe would be approximately 9 feet in height above ground level.

Project facilities may be operated at any time as deemed necessary by BVWSD and pursuant to the District's SWP agreements. BV8 facilities are expected to operate primarily during the District's water year, which typically extends from late May through mid-August. During operational days, BVWSD plans to send personnel to the BV8 site twice daily to adjust the valves and read the meter. BVWSD will manage any resultant conserved water supplies through programs with in-District entities, out-of-District entities, or a combination thereof.

**Location:** The Project is located within Section 9, Township 30 South, Range 24 East, Mount Diablo Meridian, Kern County, California. Project facilities will be located between the California Aqueduct and the West Side Canal, as shown in Figures 1 and 2, copies of which are included with each copy of the Environmental Assessment/Initial Study for the Project.



**Entity:** Buena Vista Water Storage District

The Board of Directors, having conducted a careful and independent review of the Environmental Assessment/Initial Study for the Project, having reviewed the written comments received prior to the public meeting of the Board, and having heard at a public meeting of the Board the comments of any and all concerned persons or entities including the recommendation of District staff, does hereby find and declare that the Project will not have a significant effect on the environment. A brief statement of the reasons supporting the Board's findings is as follows:

Construction and operation of the Project as modified will not result in significant adverse impacts upon any threatened or endangered species of plants or animals, nor will it result in damage to or destruction of any significant examples of California history or prehistory. Potential impacts upon Federal and State protected species and their habitat(s) will be prevented by adhering to the terms of a Mitigation Monitoring and Reporting Program (see Exhibit A, attached, which is incorporated herein by reference) throughout construction of the Project.

The Board of Directors hereby finds that the Mitigated Negative Declaration reflects its independent judgment. The Environmental Assessment/Initial Study was prepared by Rain L. Healer with the Bureau of Reclamation and David F. Scriven with Krieger & Stewart, the District's Consulting Engineer. A copy of the Environmental Assessment/Initial Study is attached and may also be obtained at the offices of the Buena Vista Water Storage District, located at 525 North Main Street, Buttonwillow, CA 93206.

DATED: 10-12-10



---

Dan Bartel, Engineer-Manager  
BUENA VISTA WATER STORAGE DISTRICT

**EXHIBIT A TO THE MITIGATED NEGATIVE DECLARATION**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**BV8 STATE WATER PROJECT TURNOUT**

**Section I - Introduction**

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a mitigation monitoring program be prepared prior to the approval of any project which incorporates mitigation measures as a condition of approval. Mitigation measures are generally adopted to reduce the potentially significant adverse environmental impacts of a project to a less than significant level. The mitigation monitoring program must ensure compliance with mitigation measures during project construction (and, if applicable, during operation). Since the Project considered by the Draft Environmental Assessment/Initial Study for Buena Vista Water Storage District's BV8 State Water Project Turnout (Project) incorporates mitigation measures as a condition of approval, this mitigation monitoring and reporting program has been prepared and incorporated into the Mitigated Negative Declaration for the Project.

**Section II – Biological Resources Mitigation Measures and Mitigation Monitoring Program**

Live Oak Associates, Inc. (LOA) performed a biological resources assessment of the Project site and subsequently performed several species-specific surveys at the site. Reports prepared by LOA describing their methods, findings, and recommendations related to biological resources are available upon request at the office of Buena Vista Water Storage District (BVWSD).

Based upon the findings and recommendations contained in the LOA reports cited above, the following mitigation measures (Nos. 1 through 10) will be implemented in order to ensure that construction of facilities pursuant to the Project does not result in a significant adverse impact upon sensitive species or their habitats. Each measure is attended by a notation of the party responsible for its implementation and of the period for which it will be in effect.

1. **BIO 1: Recurved larkspur (*Delphinium recurvatum*) and oil neststraw (*Stylocline citroleum*) are listed by California Department of Fish and Game (CDFG) as Species of Special Concern and are also included on CNPS List 1B (plants rare, threatened, or endangered in California or elsewhere).**

Although not detected onsite during biological field surveys, the Project site contains habitat suitable for recurved larkspur and oil neststraw, and these species were identified in a records search of the CNDDDB as having been previously identified in the general vicinity of the Project site.

The District will implement the following measures in order to avoid, or reduce to a level less than significant, Project impacts upon special status plant species.

- Prior to initiating construction activities pursuant to the Project, a qualified biologist or botanist will conduct a pre-construction survey of the Project site during the appropriate phenological period (April through June).
- During clearing of the construction right-of-way (ROW), the upper three inches of soil (topsoil) will be salvaged and temporarily stockpiled separately from the remainder of material excavated during construction.
- Upon completion of construction, the salvaged topsoil, and its accompanying seedbank, will be redistributed over the construction site, thus disseminating the original seedbank over the construction area.
- During surveying and staking the construction ROW, a qualified biologist or botanist will accompany the surveyors, and any special status plant species identified will be delineated in the field with tape flagging and construction lath, with an appropriate buffer area as determined by the biologist or botanist. Where practicable, the District will avoid removal of vegetation within 50 feet of any special status plant species.

If it is not possible to avoid impacts to special status plant species during implementation of the Project, then the District will seek guidance from CDFG prior to disturbing any special status plant species.

**Responsible Party:** District Representative (see BMP 10 under BIO 10)

**Implementation Period:** Prior To and During Project Construction

2. **BIO 2: Construction of the Project facilities will disturb approximately 3 acres of ruderal non-native grassland. Additionally, an area of approximately 0.3 acre of saltbrush scrub within the California Aqueduct ROW will be permanently removed. Removal of vegetation will temporarily or permanently remove habitat that is potentially foraged by up to 10 special status animal species.**

To offset impacts resulting from removal of 3 acres of ruderal non-native grassland vegetation that could be used for foraging by special status animal species, BVWSD will designate compensatory habitat at either the Coles Levee Ecosystem Preserve or the Kern Water Bank. Said compensatory habitat will be designated at a ratio of 1.1 to 1, for a total of 3.3 acres. Removal of 0.3 acre of saltbrush scrub in the California Aqueduct ROW will be offset by designation of compensatory habitat at a ratio of 3 to 1, for a total of 0.9 acres. Therefore, total compensatory habitat to be designated is 4.2 acres.

**Responsible Party:** District Engineer-Manager

**Implementation Period:** Prior To, During, or After Project Construction



**3. BIO 3: Burrowing owl (*Athene cunicularia*) is listed as a California Species of Special Concern by CDFG and, along with other nesting raptors, is protected by the Migratory Bird Treaty Act (MBTA) of 1918.**

Although no burrowing owls or other raptors were detected during field surveys of the Project site, suitable nesting habitat for burrowing owls (i.e., ground squirrel burrows), as well as evidence that burrowing owls have visited the site in the past (i.e., castings, whitewash, and prey remains at one abandoned ground squirrel burrow), is present onsite. Activities that would result in abandonment of an active raptor nest or burrow, or direct mortality of an individual raptor, would constitute a significant impact. The following measures will be implemented in order to avoid or reduce adverse impacts upon nesting raptors to a level less than significant.

- If construction will commence during the breeding season of February 1 through August 31, a qualified biologist or ornithologist will conduct pre-construction surveys for ground- and tree-nesting raptors (including burrowing owls) at the Project site, in accordance with accepted survey protocols.
- N If raptors are identified onsite or in the vicinity of the Project site during the pre-construction surveys, then an appropriate construction buffer area will be determined by the biologist/ornithologist, and the buffer area will be demarcated and avoided during construction. If it is not practicable to avoid said buffer areas during construction, then CDFG will be consulted for appropriate action prior to disturbance within the buffer areas.
- N If no raptors are identified during the pre-construction surveys, then construction may commence without further mitigation for nesting raptors.
- If construction will commence during the non-breeding season of September 1 through January 31, a qualified biologist or ornithologist will conduct pre-construction surveys for burrowing owls at the Project site, in accordance with accepted survey protocols.
- N If burrowing owls are not detected onsite or in the vicinity of the site, then construction may commence without additional mitigation for burrowing owls.

- N If burrowing owls are detected during the preconstruction surveys, then they may be passively relocated by placing one-way doors in the burrows and leaving them in place for a minimum of three days. Once the biologist/ornithologist has determined that all burrowing owls have vacated the site, then construction may proceed.

**Responsible Party:** District Representative

**Implementation Period:** Prior to Project Construction

4. **BIO 4: San Joaquin kit fox (*Vulpes macrotis mutica*) is listed as endangered by USFWS and as threatened by CDFG. Although no evidence of San Joaquin kit fox (SJKF) occupation of the Project site was detected during field surveys, a records search indicated SJKF had been observed in the area.**

SJKF may forage at the Project site or vicinity, and may establish dens in the area. Construction activities associated with the Project have the potential to injure or kill SJKF through crushing of burrows, entombment within burrows, and direct impacts from construction vehicles and equipment.

The following measures will be implemented in order to avoid or reduce impacts to SJKF to a level less than significant.

- A pre-construction survey for SJKF will be performed by a qualified biologist, and all known, potential, and natal dens will be identified and treated in accordance with U.S. Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance, June 1999, prepared by the Sacramento Fish and Wildlife Office, a copy of which is included in the LOA Report (available from BVWSD upon request).
- Any occupied known SJKF den will be surrounded by a 100-foot buffer area, and both den and buffer area will be avoided during construction activities. Construction pursuant to the Project may continue outside of the buffer area.

- Any occupied natal den will be surrounded by a 500-foot buffer area, and both den and buffer area will be avoided during construction activities. Construction pursuant to the Project may continue outside of the buffer area.
- If avoidance of occupied known or natal SJKF dens cannot be achieved through construction timing or buffer areas, then the District will consult with USFWS and CDFG for appropriate action, such as permission to relocate SJKF from the dens. No occupied known or natal SJKF dens or SJKF individuals will be disturbed until USFWS and CDFG have provided guidance and have issued appropriate "take" authorization.
- Temporary and permanent impacts to habitat suitable for SJKF will be mitigated by designation of habitat conservation credits in a conservation bank approved by USFWS and CDFG.

**Responsible Party:** District Representative and District Engineer-Manager

**Implementation Period:** Prior to Project Construction

5. **BIO 5: Le Conte's thrasher (*Toxostoma lecontei*) is a California Species of Special Concern and is also protected under provisions of the MBTA and the California Fish and Game Code. Le Conte's thrasher has been observed within 2 miles of the Project site, and habitat suitable for Le Conte's thrasher is present onsite in the form of saltbush scrub present in the California Aqueduct ROW. Le Conte's thrasher mortality resulting from the Project would constitute a significant environmental impact and a violation of state and federal laws. The following measures will be implemented by the District in order to avoid or reduce adverse impacts upon Le Conte's thrasher to a level less than significant.**

- If practicable, construction pursuant to the Project will commence outside of the Le Conte's thrasher nesting/breeding season, which begins in late January and extends through early June. Project activities conducted in July through December are not expected to result in impacts to nesting Le Conte's thrashers.

- If construction activities are anticipated to commence within the nesting/breeding period of January through June, a pre-construction survey of the Project site will be performed by a qualified biologist or ornithologist within 30 days prior to commencement of construction activities.
- N If the preconstruction survey determines that no Le Conte's thrashers are nesting on or within the vicinity of the Project site, then construction may proceed.
- N If an active Le Conte's thrasher nest is located within the Project site or area, then a 250-foot radius buffer area will be established around the nest, and the nest and buffer area will be avoided and left undisturbed until the young Le Conte's thrashers have fledged or until the nest is abandoned. A buffer zone smaller than a 250-foot radius may be established by a qualified biologist or ornithologist based on location of the nest and the type and schedule of planned construction activities. Le Conte's thrashers typically fledge 12 to 20 days after hatching.

**Responsible Party:** District Representative

**Implementation Period:** Prior to Project Construction

- 6. BIO 6: American badger (*Taxidea taxus*) is considered a California Species of Special Concern and occurs in a variety of open habitats, including grasslands, shrublands, savannahs, and meadows. American badgers were not observed onsite during surveys by LOA, and the CNDDDB did not identify any previously-recorded observations of American badger within a 3-mile radius of the Project site.**

American badger is known to occupy non-native grassland within the region, and it has the potential to forage over the Project site or to be a transient in the area. The following measures will be implemented by the District in order to avoid or reduce adverse impacts upon American badger to a level less than significant.

- If one or more American badger burrows are located during the pre-construction surveys for SJKE (or other pre-construction surveys), then the American badger burrow(s) will be monitored for three consecutive nights using the same methods used to monitor SJKE dens.