RECLAMATION
Managing Water in the West

Final Environmental Assessment

License for Bakersfield Multi-Use Trail along the Friant-Kern Canal

EA-15-061

U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

July 2018

Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) between July 2, 2018 and July 16, 2017. Changes between this Final EA and the Draft EA, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

1.1 Background

The Kern River Parkway (Parkway), a natural preserve in Bakersfield, California, runs from the mouth of the Kern River to Interstate 5. The Parkway has three trails; an equestrian trail north of the river, a jogging trail south of the river, and a paved multi-use path called the Parkway Trail. The Parkway Trail is a multi-use path that runs east west approximately 22 miles from Enos Lane to China Grade Loop. All but three miles are located within Bakersfield City limits. The Parkway is a major destination in Bakersfield, featuring rest stops with seating, shade, and educational signage placed periodically along the trail. There are multiple points along the trail that connect to sidewalks leading to parks, commercial centers, and schools.

The City of Bakersfield (City) has requested Reclamation's approval, to construct and maintain the 6-mile Friant-Kern Canal multi-use path (multi-use path) which would connect to the Parkway Trail.

1.2 Need for the Proposed Action

The City desires to construct a 6-mile multi-use path along the Friant-Kern Canal, from Seventh Standard Road to the Parkway Trail along the Kern River. The proposed multi-use path would run north south connecting a large portion of northwest Bakersfield to the Parkway (Figure 1). The multi-use path would serve as a means for alternative transportation, recreational purposes, as well as, interconnect to community parks, schools, centers, retail centers, and the Parkway. Construction of the multi-use path would increase pedestrian safety, promote active modes of transportation, and reduce traffic congestion.

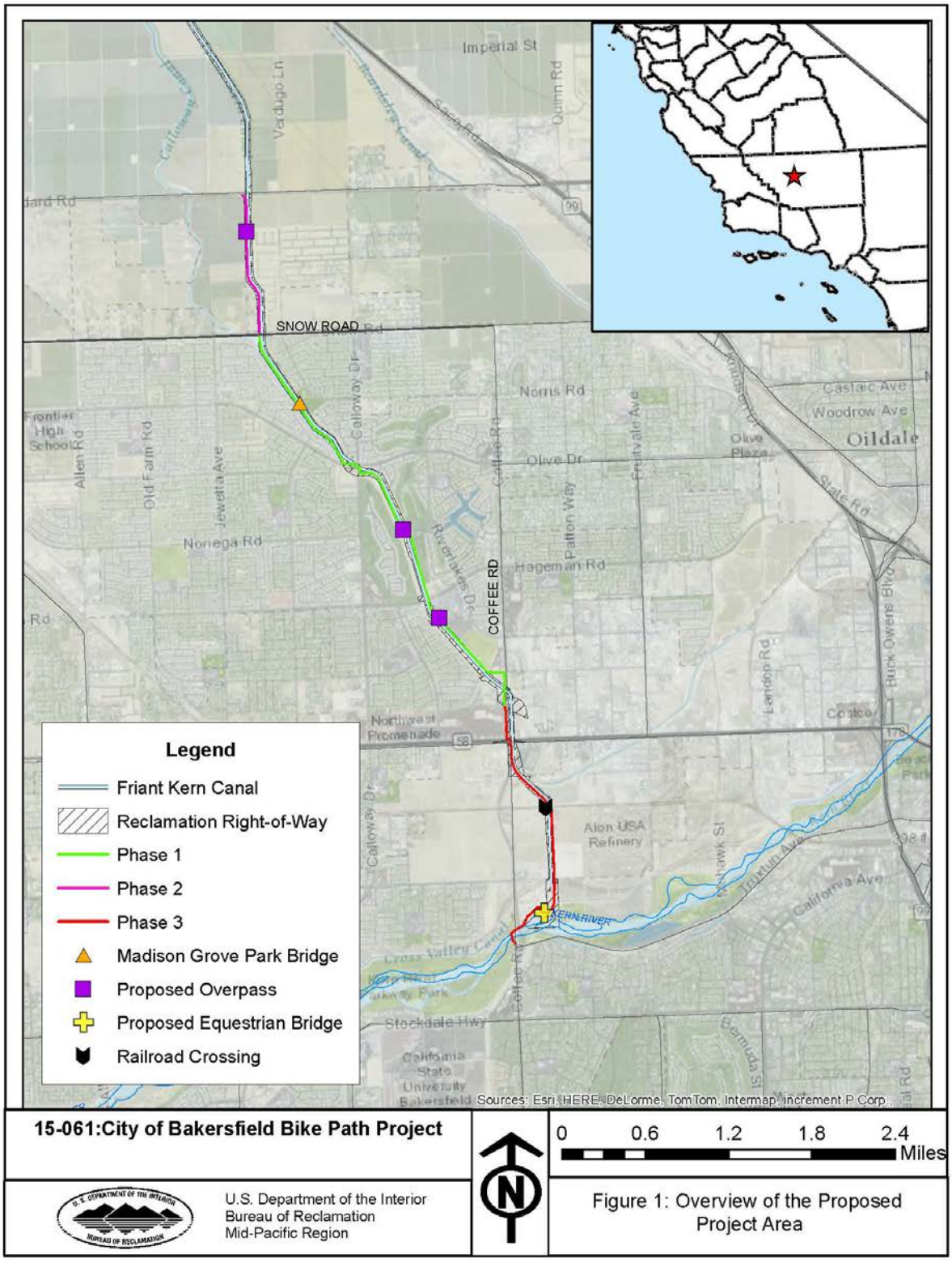

Figure 1 Proposed Action Area

Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not issue a 25 year land use authorization to the City, for the construction and maintenance of a 6-mile long multi-use path from the Kern River Channel to Seventh Standard Road.

2.2 Proposed Action

Reclamation proposes to issue a 25 year land use authorization to the City for the construction and maintenance of a 6-mile long multi-use path along the Friant-Kern Canal that would connect to the Parkway Trail.

The City has proposed to construct the multi-use path over the following three phases:

- Phase 1 would include the construction of an approximately 4-mile long multi-use path along the Friant-Kern Canal from Snow Road south to Coffee Road. Two overpasses and one pedestrian bridge would be installed over the Friant-Kern Canal during this Phase (Figure 2).
- Phase 2 would include the construction of a 1-mile long multi-use path from the northern edge of Phase 1 north to Seventh Standard Road. A single overpass would be installed over the Friant-Kern Canal during this section of the multi-use path (Figure 3).
- Phase 3 would include the construction of a 1.9-mile multi-use path from the southern edge of Phase 1 south to the Kern River. A culvert would be installed under the existing railroad tracks and an equestrian bridge would be installed over an unlined portion of the Friant-Kern Canal during this Phase (Figure 4).

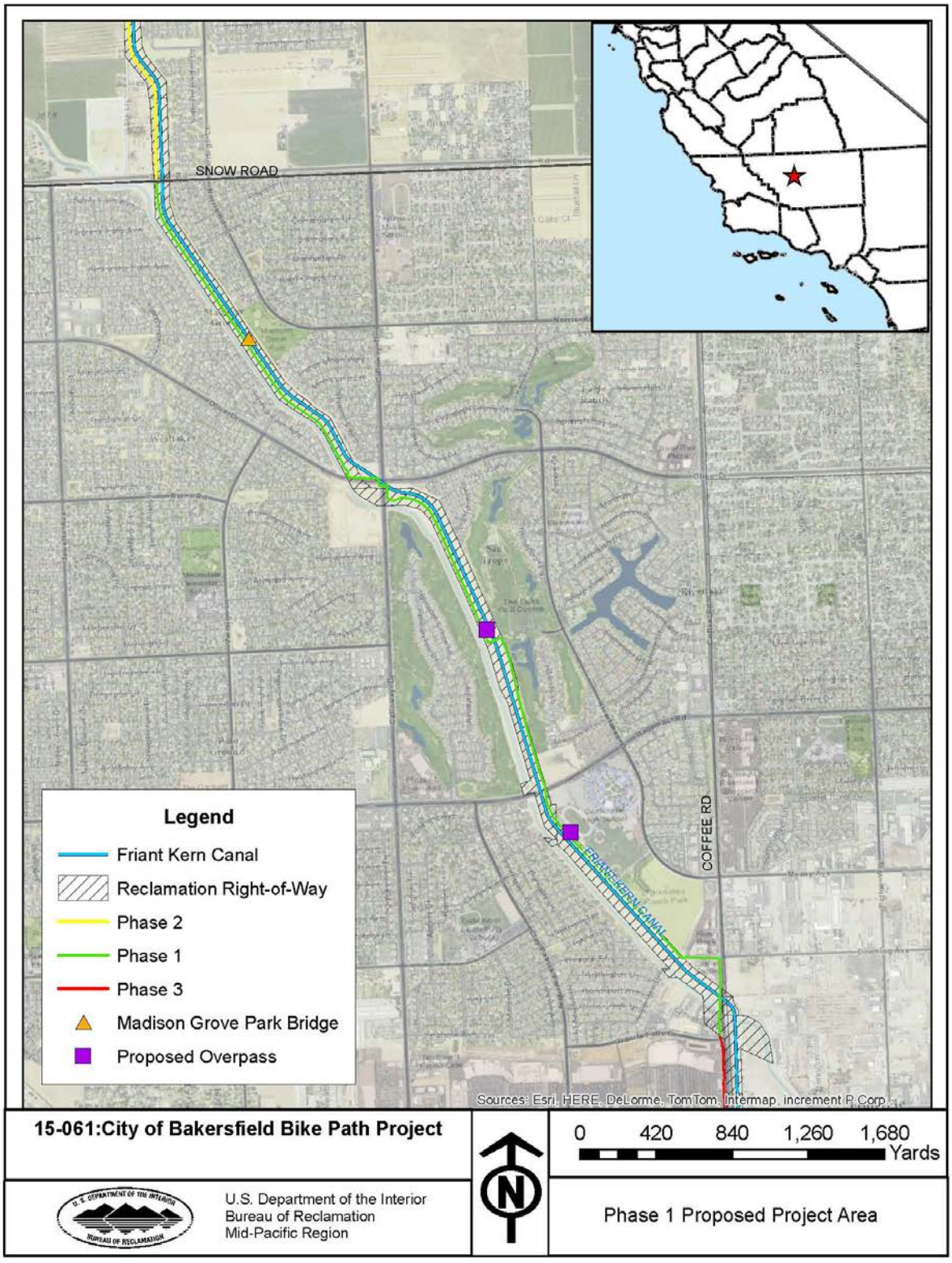

Figure 2 Phase 1 of multi-use path

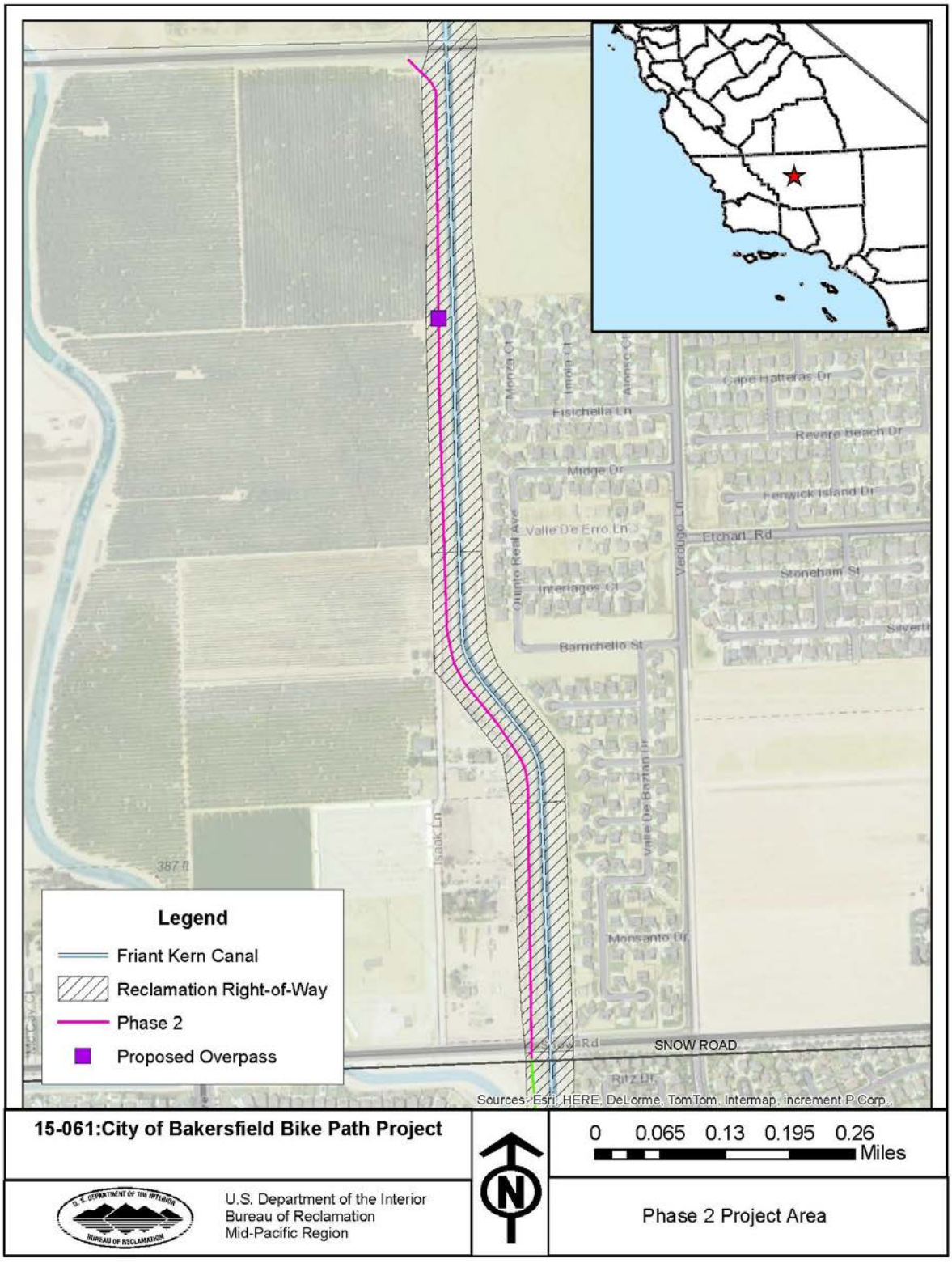

Figure 3 Phase 2 of multi-use path

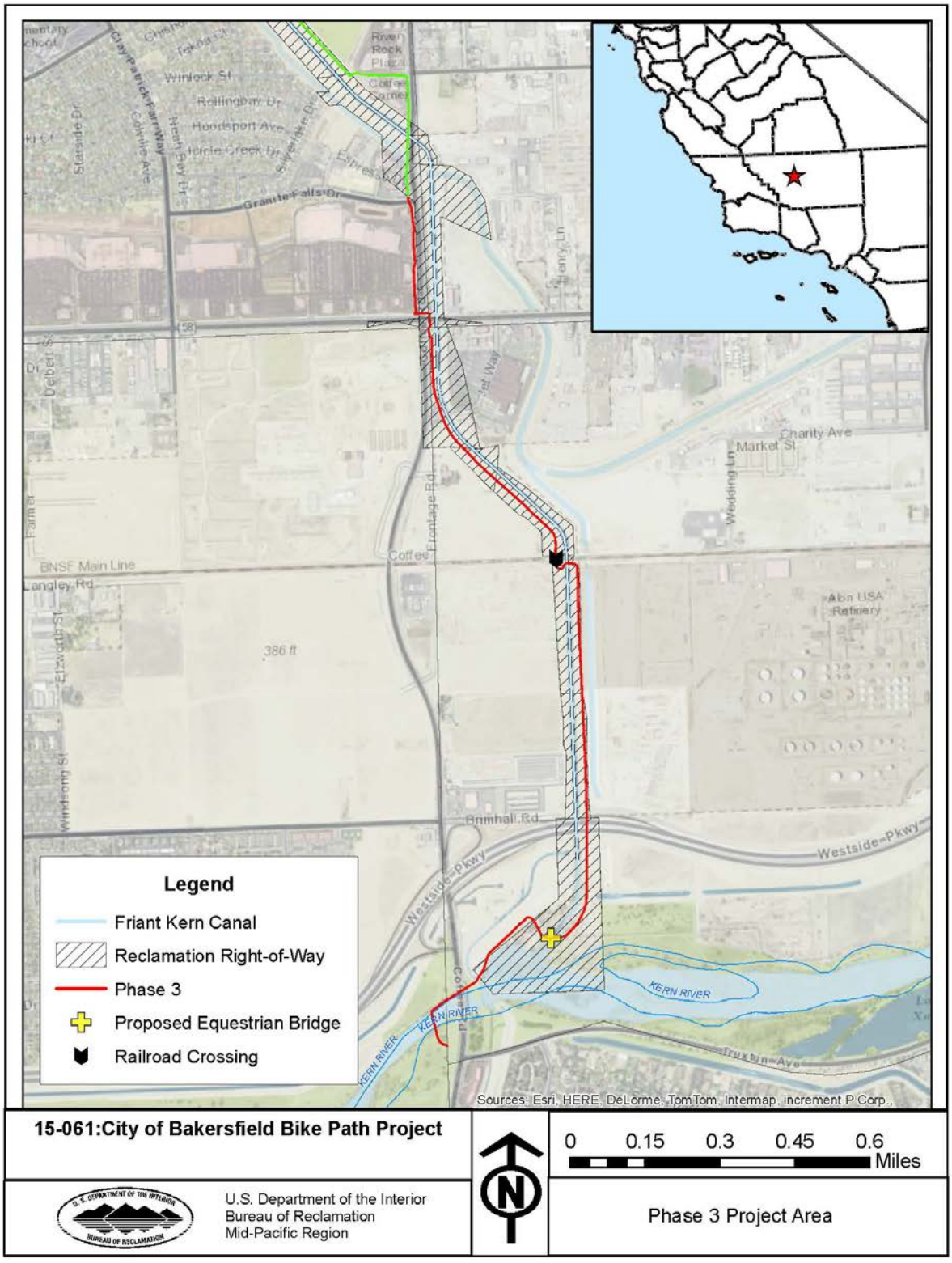

Figure 4 Phase 3 of multi-use path

Specific construction details for the three Phases are included below. It should be noted that the City currently only has plans for Phase 1; however, actions taken in Phase 2 and Phase 3 will be similar to those taken in Phase 1. Any changes or additional construction, operation, or maintenance outside of those described below would require additional environmental review and approval from Reclamation.

The multi-use path would be 12 feet wide and made of asphalt pavement. Dirt shoulders along the multi-use path would be 4 feet wide. Grading depths would not exceed 1 foot.

The City would install standard chain link fencing along both sides of the path boundaries to restrict access to the Friant-Kern Canal. Existing chain link fence would be utilized where possible. Where new fencing is needed, a 9 inch by 12 inch concrete curb would be constructed along the fence line and 6 foot tall chain-link fencing would be installed. Posts would be installed every 8 feet in 10 inch diameter holes dug 3 feet deep. The holes would be filled with concrete to secure the fence posts.

Concrete bridges would be constructed over existing Friant-Kern Canal outlet structures. Concrete bridge locations have been identified, however construction details shall be determined during the design phase of this project.

A 40-foot long, 10-foot wide pedestrian bridge would be installed over the Friant-Kern Canal. Pedestrian bridge locations have been identified, however construction details shall be determined during the design phase of this project.

Pre-fabricated overpasses would be installed over the Friant-Kern Canal. The overpasses would be 9 feet by 19 feet. Bollards requiring 12 inch in diameter by 3 feet deep holes and curb ramps would be installed at all of the bridges. The City would modify their existing gates as entry points and exits to the multi-use path. The pre-fabricated overpass locations have been identified, however construction details shall be determined during the design phase of this project.

Existing crossings at arterial streets would be used by those travelling along the multi-use path. Infrastructure at traffic signals would be altered by the City to accommodate safe crossing. Push buttons and pedestrian heads would be installed at existing poles. No ground disturbance would be required for these activities.

Appropriate striping, pavement markings, and associated signage would be installed by the City. Mile markers would be installed approximately every mile along the path. The mile markers would be located outside of Reclamation rights-of-way at the entrances to the Friant-Kern Canal. The City plans to mount mile markers on existing poles where possible.

2.2.1 Environmental Commitments

The City of Bakersfield must implement the following environmental protection measures to avoid environmental consequences associated with the Proposed Action (Table 1).

Table 1 Resource Protection Measures

Resource	Protection Measure
Biological Resources	In order to avoid impacts to nesting Swainson's hawks, construction activities shall occur, when possible, outside of the nesting season (defined as March 1- September 15).
Biological Resources	If construction activities must occur between March 1 and September 15, a qualified biologist shall conduct nest surveys for Swainson's hawks on and within a ½ mile of the Proposed Action Area in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (SHTAC, 2000). Three nest surveys shall be conducted in each of two survey periods, with the survey periods defined as follows: Period I – January 1 to March 20, Period II – March 20 to April 5, Period III – April 5 to April 20, Period IV – April 21 to June 10, and Period V – June 10 to July 30. Surveys shall take place in the two survey periods immediately prior to the start of construction, with the exception of Period III, when no surveys should take place per the SHTAC 2000 guidelines. The surveys shall consist of inspecting all accessible, suitable trees in the survey area for the presence of nests and hawks.
Biological Resources	If any active Swainson's hawk nests are discovered within the survey area, an appropriate disturbance-free buffer shall be established based on local conditions and Service guidelines. Disturbance-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means, and shall be maintained until a qualified biologist has determined that the young have fledged and are capable of foraging independently.
Biological Resources	Before the start of any ground-disturbing activities associated with the Proposed Action, a qualified biologist shall conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 feet of the project footprint. A letter report documenting survey methods and findings shall be submitted to Reclamation at least 5 days before the start of construction on the Proposed Action.
Biological Resources	If occupied burrowing owl burrows are found, Reclamation shall be notified and work on the Proposed Action shall **not** begin until a qualified biologist has established a non-disturbance buffer of 160 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The biologist shall remain on-site during construction to monitor the burrow, and may stop construction at any time to avoid impacts to the owls. The buffer shall remain in place until the biologist determines the nest is no longer active.
Biological Resources	If a burrowing owl is observed at the construction site at any time during construction, a temporary non-disturbance buffer of approximately 160 feet shall be observed to establish a safe area for the animal until it leaves the construction area at its own volition.
Biological Resources	The proponent shall comply with all of the requirements of the Metropolitan Bakersfield Habitat Conservation Plan and the associated Section 10(a)(1)(B) Incidental Take Permit PRT-786634, including implementation of conservation measures, reasonable and prudent measures, and terms and conditions.
Water Resources	They City shall obtain and comply with all measures in the National Pollution Discharge Elimination System General Permit, develop a Stormwater Pollution Prevention Plan, and implement Best Management Practices.

Environmental consequences for resource areas assume the measures specified would be fully implemented. Copies of all reports and permits shall be submitted to Reclamation prior to construction.

Section 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist.

3.1 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that the Proposed Action did not have the potential to cause direct, indirect, or cumulative adverse effects to the resources listed in Table 2.

Table 2 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Indian Sacred Sites	The Proposed Action would not limit access to ceremonial use of Indian Sacred Sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. Therefore, there would be no impacts to Indian Sacred Sites as a result of the Proposed Action.
Indian Trust Assets	The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area.

3.2 Air Quality

Section 176 (C) of the Clean Air Act (42 U.S.C. 7506 (C)) requires any entity of the federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable State Implementation Plan required under Section 110 (a) of the Federal Clean Air Act (42 U.S.C. 7401 [a]) before the action is otherwise approved. In this context, conformity means that such federal actions must be consistent with State Implementation Plan's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of those standards. Each federal agency must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements would, in fact conform to the applicable State Implementation Plan before the action is taken.

On November 30, 1993, the Environmental Protection Agency (EPA) promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. The general conformity regulations apply to a proposed federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the Proposed Action equal or exceed certain *de minimis* amounts thus requiring the federal agency to make a determination of general conformity.

3.2.1 Affected Environment

The Proposed Action area lies within the San Joaquin Valley Air Basin and is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (Air District). The pollutants of greatest concern in the San Joaquin Valley are carbon monoxide, ozone, ozone precursors such as reactive organic gases (ROG) or volatile organic compounds (VOC), inhalable particulate matter between 2.5 and 10 microns in diameter (PM_{10}) and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). The San Joaquin Valley Air Basin has reached Federal and State attainment status for carbon monoxide, nitrogen dioxide, and sulfur dioxide. Although Federal attainment status has been reached for PM_{10}, the State standard has not been met and both are in non-attainment for ozone and $PM_{2.5}$ (San Joaquin Valley Air Pollution Control District 2018). There are no established standards for nitrogen oxides (NO_x); however, they do contribute to nitrogen dioxide standards and ozone precursors (San Joaquin Valley Air Pollution Control District 2018).

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, there would be no impact to regional air quality, as existing conditions would continue.

Proposed Action

There would be no operational emissions associated with the project; however, minimal short-term air quality impacts would occur associated with construction; generally arising from dust generation (fugitive dust) and operation of construction equipment. Fugitive dust results from land clearing, grading, excavation, concrete work, and vehicle traffic on paved and unpaved roads. Fugitive dust is a source of airborne particulates (PM) less than 10 microns, including PM_{10} and $PM_{2.5}$. Large earth-moving equipment, trucks, and other mobile sources powered by diesel or gasoline are also sources of combustion emissions, including nitrogen dioxide (NO_2), carbon monoxide (CO), carbon dioxide (CO_2), ROG, sulfur dioxide, and small amounts of air pollutants.

Construction of the Proposed Action would be accomplished with a small grader, skip loader, water truck, dump truck, paving machine, steel drum roller, pneumatic roller, end dump truck, and sheeps foot compactor. Construction of the Proposed Action would occur over a 31 day period.

Estimated air quality emissions for construction activities associated with the Proposed Action were calculated utilizing the South Coast Air Quality Management District's *EMFAC2007 Version 2.3* emission factors (2018). Annual estimated emissions can be found in Table 4 below.

Table 3 Estimated Emissions due to Construction of the Proposed Action

Source	Total Emission (Metric Tons per Year)					
	CO	**ROG**	**NO_x**	**SO_x**	**PM**	**CO_2**
Construction emissions	.21	.03	.28	0	.01	50.70
Operation emissions	0	0	0	0	0	0
Total Emissions	**.21**	**.03**	**.28**	**0**	**.01**	**50.70**
Conformity Thresholds (SJVAPCD)	**100**	**50**	**50**	**0**	**100**	**2,500A**

SO_x = sulfur oxides. CO_2 = carbon dioxide. CH_4 = methane. -- = not calculated. *As ozone precursors.
Source: Rimpo & Associates, Inc. 2011; CARB 2011; SJVAPCD 2011; 40 CFR 93.153

Estimated emissions for construction and operation of the Facility are well below the *de minimis* thresholds established by the Air District; therefore, a conformity analysis is not required. In addition, the City and/or its contractor would employ best management practices to reduce fugitive dust emissions during ground disturbance. Consequently, the Proposed Action would not result in an adverse impact upon air quality.

Cumulative Impacts

Construction emissions for the Proposed Action are well below the *de minimis* thresholds established by the Air District and are expected to be temporary in duration. As a result, the Proposed Action is not expected to contribute to cumulative adverse impacts to air quality.

3.3 Biological Resources

3.3.1 Affected Environment

The Proposed Action Area consists primarily of bare ground along the Friant-Kern Canal levees and access roads. There is some weedy ruderal vegetation along the right-of-way fencing, and there is ornamental vegetation along portions of the Proposed Action Area that border existing commercial development and roads (McCormick 2016). Some non-native grassland and remnant Valley cottonwood riparian forest habitat is present in the segment of the bike trail that would be constructed along the Kern River corridor; however, this portion of the project is outside of Reclamation's right-of-way and is therefore not included in this analysis.

On July 5th, 2017 Reclamation requested an official species list from the United States Fish and Wildlife Service (Service) via the Service's website, http://ecos.fws.gov/ipac, (Consultation Code: 08ESMF00-2017-SLI-2521). The list covers the Proposed Action Area shown in Figure 1. The California Department of Fish and Wildlife's California Natural Diversity Database (CNDDB) was also queried for records of protected species within the vicinity of the Proposed Action Area (CNDDB 2017). Biologists from McCormick Biological Inc. conducted reconnaissance-level surveys of the Proposed Action Area, and a surrounding buffer zone, on July 19th, 2016 and July 24th, 2016 (McCormick 2016).

The information collected above, in addition to information within Reclamation's files, was combined to determine the likelihood of protected species occurrence within the Proposed Action Area and is summarized in Table 3.

Table 4 Federally Threatened and Endangered Species

Species	Status[1]	Effects[2]	Potential to occur and summary basis for ESA determination [3]
Amphibians			
California red-legged frog *Rana draytonii*	T, X	NE	**Absent.** This species does not occur within the Proposed Action Area due to a lack of suitable habitat. There is no Designated Critical Habitat for this species in the Proposed Action Area. The Proposed Action would have *No Effect* on this species.
Birds			
Swainson's hawk *Buteo swainsonii*	MBTA	NT	**Possible.** No Swainson's hawk nests were observed during the reconnaissance-level surveys of the Proposed Action Area (McCormick 2016); however, the Proposed Action Area may provide suitable foraging habitat for this species and there are some large trees bordering the Action Area that may provide suitable nesting habitat for the species.
Burrowing owl *Athene cunicularia*	MBTA	NT	**Possible.** No burrowing owls, burrowing owl sign or burrowing owl nests were observed during the reconnaissance-level survey of the Proposed Action Area (McCormick 2016); however, there are records of this species near the Proposed Action Area, and the Proposed Action Area contains suitable foraging and denning habitat for this species.
Southwestern willow flycatcher *Empidonax traillii extimus*	E, X	NE	**Absent.** This species does not occur within the Proposed Action Area due to a lack of suitable riparian habitat. There is no designated Critical Habitat for this species in the Proposed Action Area. The Proposed Action would have *No Effect* on this species.
Yellow-billed cuckoo *Coccyzus americanus*	T, X	NE	**Absent.** This species does not occur within the Proposed Action Area due to a lack of suitable riparian habitat. There is no designated or proposed Critical Habitat for this species in the Proposed Action Area. The Proposed Action would have *No Effect* on this species.
Fish			
Delta smelt *Hypomesus transpacificus*	T, X	NE	**Absent.** This species does not occur within the Proposed Action Area due to a lack of suitable aquatic habitat, and designated Critical Habitat for this species is not present in the Proposed Action Area. There would be *No Effect* to this species.
Invertebrates			
Vernal pool fairy shrimp *Branchinecta lynchi*	T, X	NE	**Absent.** This species does not occur within the Proposed Action Area due to a lack of suitable vernal pool habitat. Designated Critical Habitat for this species is not present in the Proposed Action Area. The Proposed Action would have *No Effect* to this species.
Mammals			
Buena Vista Lake Ornate shrew *Sorex ornatus relictus*	E, X	NE	**Absent.** This species does not occur in the Proposed Action Area due to a lack of suitable habitat. There is no designated Critical Habitat for this species in the Proposed Action Area. The Proposed Action would have *No Effect* on this species.

Species	Status[1]	Effects[2]	Potential to occur and summary basis for ESA determination [3]
Giant kangaroo rat *Dipodomys ingens*	E	NE	**Absent.** This species does not occur within the Proposed Action Area. The Proposed Action would have *No Effect* on this species.
San Joaquin kit fox *Vulpes macrotis mutica*	E	NLAA	**Present.** This species is known to occur within the vicinity of the Proposed Action Area and kit fox dens were observed during the reconnaissance-level survey of the Proposed Action Area (McCormick 2016). This species is covered under the Metropolitan Bakersfield Habitat Conservation Plan (Bakersfield HCP). The Bakersfield HCP would be fully implemented; therefore any potential effects to this species would be minimized and mitigated by the HCP and have existing coverage under the Endangered Species Act.
Tipton kangaroo rat *Dipodomys nitratoides nitratoides*	E	NLAA	**Possible.** Kangaroo rat burrows were observed in the Proposed Action Area, near the Kern River, during the reconnaissance-level surveys; however, it is unknown whether the burrows were Tipton kangaroo rat burrows or burrows of another kangaroo rat species (McCormick 2016). This species is covered under the Bakersfield HCP. The Bakersfield HCP would be fully implemented; therefore any potential effects to this species would be minimized and mitigated by the HCP and have existing coverage under the Endangered Species Act.
Plants			
Bakersfield cactus *Opuntia treleasei*	E	NE	**Absent.** This species does not occur within the Proposed Action Area due to a lack of suitable habitat. The Proposed Action would have *No Effect* on this species.
California jewelflower *Caulanthus californicus*	E	NE	**Absent.** This species was not observed during the reconnaissance-level survey of the Proposed Action Area and there are no extant records of this species near the Proposed Action Area. The Proposed Action would have *No Effect* on this species.
Kern mallow *Eremalche kernensis*	E	NE	**Absent.** This species does not occur within the Proposed Action Area. The Proposed Action would have *No Effect* on this species.
San Joaquin wooly-threads *Monolopia congdonii*	E	NE	**Absent.** This species was not observed during the reconnaissance-level survey of the Proposed Action Area. Suitable soils for this species occur near the portion of the proposed bike trial that would be constructed in the Kern River corridor (McCormick 2016); however this portion of the bike trail is outside of Reclamation's right-of-way and is therefore not included in this analysis.
Reptiles			
Blunt-nosed leopard lizard *Gambelia sila*	E	NE	**Absent.** This species does not occur within the Proposed Action Area. The Proposed Action would have *No Effect* on this species.
Giant Garter Snake *Thamnophis gigas*	T	NE	**Absent.** This species does not occur within the Proposed Action Area. The Proposed Action would have *No Effect* on this species.

1 Status = Status of federally protected species protected under the ESA.
E: Listed as Endangered
MBTA: Migratory Bird Treaty Act protected species
T: Listed as Threatened
X: Critical Habitat has been designated for this species

2 Effects = Effect determination
NE: No Effect anticipated from the Proposed Action to federally listed species or designated critical habitat
NT: No Take of birds protected under the MBTA
NLAA: Proposed Action Not Likely to Adversely Affect federally listed species
3 Definition of Occurrence Indicators
Absent: Species not recorded in study area and suitable habitat absent.
Present: Species recorded in area and suitable habitat present.
Possible: Species recorded in area and habitat suboptimal.

There is no Critical Habitat in the Proposed Action Area. Several of the special-status species named on the official species last have no potential to occur within the Proposed Action Area due to a lack of suitable habitat, and would therefore not be affected by the Proposed Action. Federally protected species with some potential to occur in or near the Proposed Action Area include Swainson's hawk, burrowing owl, San Joaquin kit fox, and Tipton kangaroo rat.

Swainson's Hawk

The Swainson's hawk is a federal species of concern and is protected under the federal Migratory Bird Treaty Act (MBTA). They are found in the grasslands and agricultural lands of California's Central Valley in spring and summer. Swainson's hawks exhibit a high degree of nest site fidelity and usually construct nests in large trees including Fremont cottonwood, willow, and mature oak trees (Bloom 1980). This species spends large amounts of time soaring over grasslands and agricultural fields in the Central Valley and can travel up to 18 miles to forage for prey. Swainson's hawks prey on small mammals, insects, and birds. They have adapted to use certain croplands, including alfalfa, grain, tomatoes, beets and other row crops, for foraging (Estep 1989).

Burrowing Owl

The burrowing owl is a federal species of concern and is protected under the MBTA. Their diet consists of small mammals, birds, amphibians, invertebrates and insects. Burrowing owls forage in pastures, croplands, and areas with sparse vegetation. They nest in mammal burrows or natural cavities. The primary reason for the species decline is habitat loss and degradation. The use of pesticides in agricultural areas also contributes to the decline of burrowing owls by reducing burrowing mammal populations and potentially poisoning the owls (Klute et al. 2003).

San Joaquin Kit Fox

The San Joaquin kit fox is federally listed as an endangered species. Their diet varies based on prey availability, and includes small to mid-sized mammals, ground-nesting birds, and insects. Kit foxes generally live in arid, relatively flat annual grassland and saltbush scrub habitats, but they are also found in urban areas like parks and golf courses. Kit foxes excavate their own dens or could use other animal and human-made structures (culverts, abandoned pipelines, and banks in sumps or roadbeds). Primary reasons for the species decline include loss and degradation of habitat (Service 2010).

Tipton Kangaroo Rat

The Tipton kangaroo rat is federally listed as an endangered species. Their diet consists primarily of seeds, and includes some small amount of green vegetation and insects when available. Tipton kangaroo rats live in arid, relatively flat areas with sparse or low-growing vegetation in the Tulare Basin on the Valley Floor that are not subject to flooding, such as Valley Sink Scrub or Valley Saltbush Scrub communities. Tipton kangaroo rats excavate and occupy

burrows in slightly elevated mounds or in other areas that are higher than the surrounding terrain (canal embankments, bases of shrubs, fence edges, etc.). The primary reason for the species decline is habitat loss from conversion of suitable habitat to agricultural land (Service 1998).

3.3.2 Environmental Consequences

No Action

Under the No Action alternative, Reclamation would not allow the City to construct a multi-use recreational trail along the Friant-Kern Canal. Because conditions would remain unchanged from current conditions, there would be no new impacts to biological resources.

Proposed Action

Potential effects from the Proposed Action are discussed below in further detail for each special-status species with the potential to occur in the Proposed Action Area.

Migratory Birds

There are 3 CNDDB-recorded occurrences of Swainson's hawks within 10 miles of the Proposed Action Area (CNDDB 2017). No Swainson's hawks or Swainson's hawk nests were observed during the reconnaissance-level survey of the Proposed Action Area (McCormick 2016); however, there are some large ornamental trees bordering portions of the Proposed Action Area that may provide marginally suitable nesting habitat for Swainson's hawks, and there are multiple ground squirrels in the Proposed Action Area which would provide suitable prey for this species.

If construction occurs within 0.25 miles of an active Swainson's hawk nest during the critical phases of the species nesting cycle (March 1- September 15) it may result in nest abandonment or failure (CDFG 1994). To insure that the Proposed Action does not cause any take of Swainson's hawks, if work on the Proposed Action is scheduled to occur between March 1st and September 15th, a qualified biologist would survey areas of suitable nesting habitat within 0.5 miles of the Proposed Action Area for active Swainson's hawk nests. If an active Swainson's hawk nest is found, an appropriate disturbance-free buffer shall be established until a qualified biologist determines that the young have fledged and are capable of foraging independently.

There are 9 CNDDB-recorded occurrences of burrowing owls within 5 miles of the Proposed Action Area (CNDDB 2017). No burrowing owls, burrowing owl burrows, or burrowing owl sign were observed during the reconnaissance-level survey of the Proposed Action Area (McCormick 2016). The Proposed Action Area consists of flat areas of bare soil with multiple ground squirrel burrows which may provide suitable nesting and/or foraging habitat for burrowing owls. Although burrowing owls were not observed during the survey, there is a potential for them to forage or den within the Proposed Action Area.

If burrowing owls are present within the Proposed Action Area during construction, the Proposed Action may displace or disturb the burrowing owls and could result in nest failure. Surveys for burrowing owls would be conducted prior to the start of construction on the Proposed Action. If burrowing owls and/or burrowing owl burrows are found during the survey, avoidance measures would be implemented in order to avoid take of burrowing owls during the construction phase of the Proposed Action.

Once construction is complete the Proposed Action Area would become a recreational bike trail and would be subjected to increased human disturbance. The Proposed Action Area is already subjected to some human disturbance from routine maintenance activities along the Friant-Kern Canal, homeless people living along the Friant-Kern Canal, and from adjacent urban development; so Swainson's hawks and/or burrowing owls nesting in or near the Proposed Action Area would likely already be somewhat accustomed to human presence. Ground squirrels are expected to remain along the margins of the bike trail, and would continue to provide suitable prey for both species.

With the implementation of the provided avoidance measures, Reclamation has determined that there would be *No Take* of Swainson's hawks or burrowing owls.

San Joaquin Kit Fox

There are multiple CNDDB records of San Joaquin kit foxes in and near the Proposed Action Area. San Joaquin kit foxes are known to occur along the proposed multi-use path, and 23 known kit fox dens were observed during the July 2016 reconnaissance-level survey of the Proposed Action Area (McCormick 2016).

San Joaquin kit foxes may be affected by the construction of the proposed multi-use path; however, the Proposed Action would be completed under the Bakersfield Habitat Conservation Plan (HCP) and its accompanying Endangered Species Act (ESA) Section 10(a)(1)(B) Incidental Take Permit PRT-786634, which provides take coverage for the San Joaquin kit fox. The Bakersfield HCP, and its associated implementing agreement and Incidental Take Permit, identify potential impacts to San Joaquin kit foxes that are likely to result from the Proposed Action and contain measures to minimize those anticipated impacts. All of the measures in the Bakersfield HCP, and the terms and conditions and reasonable and prudent measures in the Incidental Take Permit, would be fully implemented. With the implementation of the Bakersfield HCP Reclamation has determined, and the Service confirmed, that there is existing ESA coverage for potential effects to the San Joaquin kit fox (Leeman 2016).

Tipton Kangaroo Rat

There are 4 CNDDB-recorded occurrences of Tipton kangaroo rats within 5 miles of the Proposed Action Area (CNDDB 2017). Burrows indicative of kangaroo rats were observed in the portion of the Proposed Action Area near the Kern River; however, without small mammal trapping surveys it is unknown whether Tipton kangaroo rats are actually present in the Proposed Action Area or if the burrows belong to a non-federally listed species of kangaroo rat (*Dipodomys* spp.) (McCormick 2016).

Tipton kangaroo rats may be affected by the construction of the proposed multi-use path; however, the Tipton kangaroo rat is a species covered under the Bakersfield HCP and its associated Incidental Take Permit. The Bakersfield HCP, and its associated implementing agreement and Incidental Take Permit, identify potential impacts to Tipton kangaroo rats that are likely to result from the Proposed Action and contain measures to minimize those anticipated impacts. All of the measures in the Bakersfield HCP, and the terms and conditions and reasonable and prudent measures in the Incidental Take Permit, would be fully implemented. With the implementation of the Bakersfield HCP Reclamation has determined, and the Service

confirmed, that there is existing ESA coverage for potential effects to the Tipton kangaroo rat (Leeman 2017).

Cumulative Impacts

The Proposed Action would convert an approximately 6-mile long section of Friant-Kern Canal access road into a paved bike trail over three phases. The site is currently exposed to human disturbance from ongoing routine maintenance activities along the Friant-Kern Canal, adjacent urban development, and a population of homeless people. The Proposed Action is expected to result in increased human presence from recreational trail users in the Proposed Action Area once the project is complete. Although this project may affect the federally listed San Joaquin kit fox and Tipton kangaroo rat, it is not expected to result in any net habitat loss for these species, as an equivalent amount of habitat for these species would be acquired and protected under the Bakersfield HCP.

Reclamation is currently unaware of any future State or private activities planned for the Proposed Action Area. The land within the Proposed Action Area is federally owned by Reclamation; therefore, any future State or private activities proposed within the Action Area would undergo appropriate review in accordance with Section 7 of the ESA (16 U.S.C. §1531 et seq.).

3.4 Cultural Resources

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the National Historic Preservation Act 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, determine if historic properties are present within that area of potential effects, 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.

3.4.1 Affected Environment

A records search of the California Historical Resources Information System (CHRIS) Southern San Joaquin Valley Information Center at the California State University, Bakersfield took place

on April 19, 2018 with a 0.25 mile radius for previously located cultural resources and inventories in the Friant-Kern Canal right-of-way. The CHRIS search determined that two recorded sites are located within the study area, and include two historic period sites; the Friant-Kern Canal and the Santa Fe Railroad Minkler Spur.

Reclamation utilized the results of a reconnaissance-level inventory of the Friant-Kern Canal by JRP Historical Consulting, LLC, performed in 2017. The inventory identified the contributing elements of the Friant-Kern Canal within the study area. The railroad spur has been previously determined to be ineligible for listing in the National Register. The Friant-Kern Canal has been determined to be eligible for the National Register under a 1997 consensus determination by SHPO.

Reclamation initiated consultation with the SHPO on May 25, 2018 and requested concurrence on a finding that the Proposed Action would not affect any historic properties, pursuant to 36 CFR § 800.5(d)(1) (See Appendix A). Reclamation received concurrence from SHPO on the finding of no adverse effect to historic properties on June 19, 2018.

3.4.2 Environmental Consequences

No Action

Under the No Action alternative, Reclamation would not allow the City to construct a multi-use recreational trail along the Friant-Kern Canal. Because conditions would remain unchanged from current conditions, there would be no new impacts to Cultural Resources.

Proposed Action

The Proposed Action would convert an approximately 6-mile long section of Friant-Kern Canal access road into a paved bike trail over three phases. JRP Historical Consulting, LLC conducted a cultural resources inventory for the proposed project area and identified no cultural resources. Reclamation consulted with SHPO and a finding of no adverse effect to historic properties was found.

Cumulative Impacts

The Proposed Action would not contribute to any cumulative impacts to Cultural Resources.

3.5 Recreation

3.5.1 Affected Environment

The Parkway is a network of trails providing multiple recreation opportunities and access to commercial and non-commercial properties. The Parkway is maintained and managed by the City.

3.5.2 Environmental Consequences

No Action

Under the No Action alternative, Reclamation would not allow the City to construct a multi-use recreational trail along the Friant-Kern Canal. Because conditions would remain unchanged from current conditions, there would be no new impacts to recreation activities.

Proposed Action

Under the Proposed Action, the construction of a North to South connection to the Parkway would enhance public recreation activities. Visitors would have greater access to the natural preserve, as well as, the horseback riding, biking, jogging, and picnicking opportunities there.

Cumulative Impacts

The Proposed Action would allow the City to construct a 6-mile long section of the Friant-Kern Canal access road into multiuse path that would connect to the Parkway. Visitor access to the Parkway could be expected to increase due to the North South connection. The Proposed Action is expected to result in increased human presence from recreational trail users in the Proposed Action Area once the project is complete.

3.6 Global Climate Change

3.6.1 Affected Environment

Climate change refers to significant change in measures of climate (e.g., temperature, precipitation, or wind) lasting for decades or longer. Many environmental changes can contribute to climate change [changes in sun's intensity, changes in ocean circulation, deforestation, urbanization, burning fossil fuels, etc.] (EPA 2014a).

Gases that trap heat in the atmosphere are often called greenhouse gases. Some greenhouse gases, such as carbon dioxide (CO_2), occur naturally and are emitted to the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: CO_2, methane (CH_4), nitrous oxide, and fluorinated gasses (EPA 2014a).

During the past century humans have substantially added to the amount of greenhouse gases in the atmosphere by burning fossil fuels such as coal, natural gas, oil and gasoline to power our cars, factories, utilities and appliances. The added gases, primarily CO_2 and CH_4, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes. At present, there are uncertainties associated with the science of climate change (EPA 2014b).

Recently, the U.S. Global Research Program (USGRP) concluded in its Climate Science Special Report (2017) that "Many lines of evidence demonstrate that it is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century." The USGRP also concludes that "Global climate is projected to continue to change over this

century and beyond. The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse (heat trapping) gases emitted globally and on the remaining uncertainty in the sensitivity of the Earth's climate to those emissions (very high confidence)."

Reclamation developed a global climate model in 2016 for the Sacramento and San Joaquin Basins. The model predicts increased temperatures, increased precipitation, increased runoff, and reduced snowpack at higher latitudes during the 21st century.

3.6.2 Environmental Consequences

No Action

If no action were taken, there would be no resultant greenhouse gases emissions. Current trends would be unaffected.

Proposed Action

Under the Proposed Action, there would be temporary and minor increase in greenhouse gases emissions (Table 4). Annual construction emissions of CO_{2e} are estimated to 50.70 metric tons per year, and are well below the 25,000 metric tons or more per year thresholds.

Cumulative Impacts

Although greenhouse gas emissions are considered cumulatively significant, the estimated annual carbon dioxide emissions required to construct the project (Table 5) is well below the 25,000 metric tons per year threshold for reporting greenhouse gas. As a result, the Proposed Action is not expected to contribute to cumulative adverse impacts to global climate change.

3.7 Water Resources

3.7.1 Affected Environment

The Friant-Kern Canal serves over 800,000 acres of farmland and communities in four counties. Water for the Friant Division is released from Millerton Lake into the 152-mile long Friant-Kern Canal flowing south to its terminus at the Kern River. The Friant-Kern Canal is an earthen and concrete-lined structure operated on behalf of Reclamation by the Friant Water Authority. The Friant-Kern Canal parallels the Proposed Action and extends underneath three proposed over passes and 2 proposed bridges of the Proposed Action (Figure 2).

3.7.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not issue a 25 year land use authorization to the City, for the construction and maintenance of a 6-mile long multi-use path from the Kern River Channel to Seventh Standard Road.

Proposed Action

Potential short-term impacts to surface waters may occur during the installation of bridges and overpasses, mainly from exposure of loose soil during construction-related activities. Suspended

solids, dissolved solids, and organic pollutants may enter surface water bodies while soils are disturbed and dust is generated. In addition, construction activities have the potential to generate waste materials (concrete, metal, rubble, etc) or discharge pollutants to surface waters from construction wastes and fuel spills/leaks. The City would implement required erosion and pollutant control measures in compliance with the National Pollution Discharge Elimination System General Permit prior to commencement of construction in order to avoid these potential impacts. Control measures would include the development of a Stormwater Pollution Prevention Plan and implementation of Best Management Practices, thereby, reducing the potential for adverse effects to water quality as a result of construction activities.

Cumulative Impacts

The Proposed Action includes project features, which avoid and/or reduce potential impacts associated with water quality, drainage, and flooding; therefore, the Proposed Action would not contribute to adverse cumulative water resources impacts.

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Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between July 2, 2018 and July 16, 2017. One comment was received from the Friant Water Authority which is included in Appendix B.

As noted in the comment letter, the Friant Water Authority did not have any comments on the substance of the environmental findings or determination in the EA/FONSI but did request that Reclamation revise the project description based on the proposed terms of the proposed license that they will be signatory to as Reclamation's operating entity. Reclamation has considered the comment and revised the project description accordingly as noted in Section 2.2. These changes have not changed the analysis contained in EA-15-061.

4.2 List of Agencies and Persons Consulted

Reclamation has consulted with the following regarding the Proposed Action:

- The City of Bakersfield
- U.S. Fish and Wildlife Service

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Attachment A: Cultural Resources Determination

CULTURAL RESOURCES COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 16-SCAO-123

Project Name: License for City of Bakersfield (City) Multi-Use Trail Along Friant Kern Canal (FKC), Kern County California

NEPA Contact: Kate Connor, Natural Resource Specialist

EA Number: 15-061

MP 153 Cultural Resources Reviewer: Lex Palmer, Architectural Historian

Date: June 19, 2018

Reclamation is proposing to issue a perpetual land use authorization license to the City for the construction and maintenance of a 6-mile long Multi-Use Path along the Reclamation-owned FKC. The award of Federal funding constitutes an undertaking as defined in 36 CFR § 800.16(y) and is a type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a), requiring compliance under Title 54 USC § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA) as amended.

Based on historic properties identification efforts conducted by Mid-Pacific Region cultural resources branch staff, Reclamation consulted with, and received concurrence from, the State Historic Preservation Officer (SHPO) on a finding of no adverse effect to historic properties, pursuant to 36 CFR § 800.5(b). Consultation correspondence between Reclamation and the SHPO has been provided with this cultural resources compliance document for inclusion in the administrative record for this action.

This document serves as notification that Section 106 compliance has been completed for this undertaking. Please note that if project activities subsequently change, additional NHPA Section 106 review, including further consultation with the SHPO, may be required.

Attachments:

Letter: Reclamation to SHPO dated May 25, 2018
Letter: SHPO to Reclamation dated June 19, 2018

United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

IN REPLY REFER TO:

MAY 25 2018

MP-153
ENV-3.00

SPECIAL DELIVERY – HAND DELIVERED

Ms. Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for the City of Bakersfield (City) Friant-Kern Canal (FKC) Multi-Use Path License, Kern County, California (Project #16-SCAO-123).

Dear Ms. Polanco:

The Bureau of Reclamation is initiating consultation under Title 54 USC § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, to issue a perpetual land use authorization license to the City for the construction and maintenance of a 6-mile-long Multi-Use Path along the Reclamation-owned FKC in Kern County (Figures 1a and1b in Appendix A of enclosed report). Reclamation determined that the authorization of this work on Federal lands constitutes an undertaking as defined in 36 CFR § 800.16(y) and is a type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a). We are entering into consultation with you on this undertaking and are requesting your concurrence on our finding of no adverse effect to historic properties, pursuant to 36 CFR § 800.5(b).

The City would construct a paved Multi-Use Path along the FKC berm and a series of crossings over and along the canal. A pedestrian bridge would be built over the FKC to connect the trail to Madison Grove Park. Three pre-fabricated metal overpass plates would be constructed along the canal over three FKC turnouts. The City would construct a culvert under the existing Burlington, Northern, and Santa Fe Railroad (BNSF) grade. A pre-fabricated metal equestrian bridge would be installed over the south end of the FKC (refer to Figure 2 in Appendix B of enclosed report). The proposed project would link missing Multi-Use Path sections of the Kern River Parkway in metropolitan Bakersfield. The project would improve recreational opportunities for City residents and encourage citizens to use bicycles instead of automobiles for travel.

The Multi-Use Path would have a 12-foot-wide asphalt pavement area with flanking 4-foot-wide dirt shoulders on each side. The asphalt path surface would be 12 inches deep. The City would

install chain link fencing along both sides of the path, employing existing fencing when possible. New fencing would require 10-inch wide holes, 3 feet deep, at 8-foot intervals. The three prefabricated overpasses would be installed over FKC canal turnouts. These metal plate overpasses would be 9 feet by 19 feet and would cover a portion of the turnouts. The proposed pedestrian Madison Grove Park Bridge is a prefabricated metal truss bridge 40 feet long and 10 feet wide, and would be secured to the canal's earthen berm with concrete abutments at an unknown depth (Figure 5 in Appendix B of enclosed report). The BNSF culvert would be diamond shaped with a 12-foot, 6-inch-wide passage that would cut through the existing railroad grade. The structure would be 30 to 35 feet long, match the existing grade height and width, and would be excavated to an unknown depth in engineered soils. The prefabricated metal arch equestrian bridge would cross the south end of the FKC in an unlined section. This structure would be 135 feet long by 12 feet wide, and would rest on the west and east banks on concrete abutments excavated to an unknown depth and width, in previously disturbed soils (Figures 17 and 18 in the enclosed report).

The horizontal area of potential effects (APE) would be approximately 6 miles long and range from 25 to 250 feet wide, for a total of 27.5 acres. The vertical APE depth would range from one to an estimated six feet deep. All equipment and materials staging would occur on the existing canal road. The proposed project is located in Sections 6-8, 17, 20, 21, 28 and 33, T. 29 S., R. 27 E., as shown on the Oildale and Gosford, California U.S. Geological Survey 7.5' Quadrangle topographic maps (Figures 1 to 1b, in enclosed report). The APE is surrounded by a mixture of light industrial parks, residential housing tracts, the Kern River Oil Field, and agricultural fields.

In an effort to identify historic properties within the APE, Reclamation used the results of a reconnaissance-level inventory of the FKC by JRP Historical Consulting, LLC (JRP), performed in 2017, and on-site images of the proposed path by the City Public Works Department. Reclamation also requested a records search in the California Historic Resources Information System Southern San Joaquin Valley Information Center (File Number 18-173). Two cultural resources were identified within the APE: the FKC and the Santa Fe Railroad Minkler Spur, established in the 1920s. JRP evaluated the spur as being ineligible for listing in the National Register of Historic Places (National Register) in 1993 and 2009 due to a lack of physical integrity (refer to Appendix C for site form). Reclamation contractors built a siphon under the railroad grade during the FKC construction. The FKC has been previously determined as eligible for listing in the National Register in a 1997 consensus determination by the State Historic Preservation Officer and is a historic property.

An analysis of buried site sensitivity indicates that this setting has a low potential for intact subsurface archaeological sites. The construction of the FKC and the plowing of fields within, and adjacent to, the APE, has disturbed between 6 and 50 feet or more of the vertical context. Refer to Figure 10 in the survey report for an image of the FKC during construction at the APE, which shows massive, deep excavation taking place. Given the depositional characteristics of the landform and soils in the APE, ongoing impacts of agricultural development, and previous canal construction activity, there is low potential for encountering intact subsurface cultural resources in the APE. Since the APE is within the built environment of the previously disturbed canal prism and access road, Reclamation determined that no Native American consultation would be needed.

Reclamation applied the criteria of adverse effect (36 CFR § 800.5(a)) for the current undertaking and found that the proposed activities would result in no significant alterations to the historic characteristics that make this segment of the FKC eligible for the National Register. The length of the canal (152 miles) helps lessen the degree of any potential effects to the FKC from new proposed construction in the APE. The path would be sited below the canal concrete lining grade at ground level in the bulk of the 6-mile path, and would not result in a direct or indirect visual effect to the FKC. The introduction of the pedestrian and equestrian bridges would not have a direct effect on the FKC as they would be pre-fabricated and the abutments would be installed in the earthen canal berm. The structures could be easily removed and the canal berm could be returned to its pre-project configuration. The FKC is already spanned by 235 bridges in its 152-mile length; the canal would retain its integrity of feeling and association of a water conveyance system.

Based on the information summarized above and the enclosed material, Reclamation finds that the undertaking will result in no adverse effect to historic properties pursuant to 36 CFR Part 800.5(b). We invite your comments on our delineation of the APE and our efforts to identify historic properties. We request your concurrence with our finding of no adverse effect to historic properties. Please contact Mr. Lex Palmer, Architectural Historian, at 916-978-5213 or kpalmer@usbr.gov, if you have any questions concerning this project.

Sincerely,

Anastasia T. Leigh
Regional Environmental Officer

Enclosure

State of California • Natural Resources Agency
Edmund G. Brown Jr., *Governor*

DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION
Lisa Ann L. Mangat, *Director*

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

June 19, 2018

Reply in Reference To: BUR_2018_0525_001

Ms. Anastasia T. Leigh
Regional Environmental Officer
Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825-1898

RE: Friant-Kern Canal (FKC) Multi-Use Path, Bakersfield, Kern County, California
(Project #16-SCAO-123)

Dear Ms. Leigh:

The State Historic Preservation Officer (SHPO) received your letter on May 25, 2018, initiating consultation for the above-referenced project to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300101), as amended, and its implementing regulation found at 36 CFR § 800. The Bureau of Reclamation (Reclamation) is seeking my comments regarding the effects the undertaking described below will have on historic properties. Included with the consultation letter was the *City of Bakersfield Phase 1 Multi-Use Trail along the Friant-Kern Canal, Kern County, California*, prepared by Kevin (Lex) Palmer of Reclamation.

Reclamation is planning to issue a perpetual land use authorization to the City of Bakersfield for the construction of a paved Multi-Use Path along the FKC berm and a series of crossings over and along the canal. As described in the consultation package, the trail would extend six miles from the Kern River Channel to Seventh Standard Road that would connect to the existing Kern River Parkway. The undertaking includes a pedestrian bridge would be built over the FKC to connect the trail to Madison Grove Park. Three pre-fabricated metal overpass plates would be constructed along the canal over three FKC turnouts. The City would construct a culvert under the existing BNSF rail grade, and a pre-fabricated metal equestrian bridge would be installed over the south end of the FKC.

Reclamation delineated the Area of Potential Effect (APE) as the 6 mile long alignment, ranging from 25 feet to 250 feet wide, for a total of 27.5 acres. The vertical APE depth would be a maximum of six feet deep. All equipment and materials staging would occur on the existing canal road.

Identification efforts included the use of a 2017 reconnaissance-level inventory of the FKC by JRP Historical Consulting, LLC and a records search. Two potential historic properties were identified in the APE: the FKC and the Santa Fe Railroad Minkler Spur. The FKC was previously determined eligible for listing in the National Register of Historic Places (NRHP) in 1997. The Santa Fe Railroad Minkler Spur was evaluated in 1993 and 2009 and recommended as ineligible for listing. An analysis of buried site sensitivity indicated that the potential for intact subsurface archaeological sites in the APE is low.

Reclamation has determined that the Santa Fe Railroad Minkler Spur is ineligible for listing in the NRHP, and found that the undertaking will result in no adverse effect to historic properties. After reviewing the information submitted with your letter, I offer the following comments:

- I agree that the Area of Potential Effect (APE) as represented in the attachments to your letter is appropriate, per 36 CFR § 800.4(a)(1).
- I concur that Reclamation's identification and evaluation efforts are sufficient for this undertaking, per 36 CFR § 800.4(b).
- I agree that the Santa Fe Railroad Minkler Spur is ineligible for listing in the NRHP, per 36 CFR 800.4(c)(2).
- I concur with your finding and agree that pursuant to 36 CFR § 800.5(b), a Finding of No Adverse Effect is appropriate for the undertaking as described.
- Please be advised that under certain circumstances, such as an unanticipated discovery or a change in project description, Reclamation may have future responsibilities for this undertaking under 36 CFR § 800.

Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns, please contact Kathleen Forrest, Historian, at (916) 445-7022 or Kathleen.Forrest@parks.ca.gov.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

Attachment B: Comment Letter

McDonald, SHAUNA <smcdonald@usbr.gov>

Fwd: [EXTERNAL] EA/FONSI - License for Bakersfield Multi-Use Trail along the Friant-Kern Canal

1 message

Mon, Jul 16, 2018

To: Connor, Mary <mconnor@usbr.gov>

Dear Ms. Connor,

The Friant Water Authority, which is the operating non-federal entity of the Friant-Kern Canal, has reviewed the referenced NEPA documents for this project. We have no comments on the substance of the environmental findings and determination in the EA/FONSI, but as a signatory to the proposed license, would request that the description of the project be revised as noted below to more accurately reflect the proposed terms of the proposed license (draft attached), which is for an initial term of 25-years only, and is also subject to revocation for any of the grounds stated in the license. As such, we believe a more accurate description of the document would be "revocable license" instead of "perpetual land use authorization." The places where such changes would be appropriate are as follows:

Environmental Assessment:

2.2 Proposed Action (p.3)

Reclamation proposes to issue a perpetual land use authorization to the City for the construction and maintenance of a 6-mile long multi-use path along the Friant-Kern Canal that would connect to the Parkway Trail.

This statement is not consistent with the draft license agreement review by FWA. We suggest the following revisions to the EA and FONSI:

Reclamation proposes to issue a revocable license ~~perpetual land use authorization~~ to the City for the construction and maintenance of a 6-mile long multi-use path along the Friant-Kern Canal that would connect to the Parkway Trail.

FONSI (p.1)

Alternatives Considered

No Action

Under the No Action Alternative, Reclamation would not issue a revocable license ~~perpetual land use authorization~~ to the City, which would allow for the construction and maintenance of a 6-mile long multiuse path. The Kern River Multi-Use Path would not be constructed nor would it create a North South connection to the Parkway Trail.

Proposed Action

Reclamation proposes to issue a revocable license ~~perpetual land use authorization~~ to the City for the construction and maintenance of a 6-mile long Multi-Use Path along the Friant-Kern Canal that would connect to the Parkway Trail. The Project would be constructed over 3 phases as described in Section 2.2 of EA-15-061.

Per my voice message today, I would be glad to discuss this comment with you further at your convenience.

Regards,

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