

MINUTE ITEM

This Calendar Item No. 012
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 3/23/89
meeting.

CALENDAR ITEM

A 33, 34

C 12

S 16

03/23/89

W 24281

PRC 7287

Fong

Judson

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT:

Olcese Water District
6200 Lake Ming Road, Suite C
P.O. Box 651
Bakersfield CA 93306

AREA, TYPE LAND AND LOCATION:

A 0.23±-acre parcel of submerged land in the
Kern River, Bakersfield, Kern County.

LAND USE:

Pump station.

TERMS OF PROPOSED PERMIT:

Initial period: 49 years beginning March 23,
1989.

Surety bond: N/A.

Public liability insurance: Combined single
limit coverage; N/A.

CONSIDERATION: The public health and benefit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

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AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The State Lands Commission is a party to a condemnation action brought by the Olcese Water District entitled, Olcese Water District v. La Hacienda, Inc., et al, filed with the Superior Court of California, Kern County, No. 201873 involving land in Kern County to be used in conjunction with a water diversion project involving the Kern River.

Pursuant to Commission authorization of June 30, 1988, a limited disclaimer was filed by the Attorney General on behalf of the State Lands Commission. The tracts of land identified in the disclaimer were determined by staff not to be within the jurisdiction of the Commission. However, staff asserts an interest in the one remaining parcel within the condemnation suit.

In lieu of the Olcese Water District pursuing a judgement condemning a permanent easement over the Commission's interests in the remaining parcel, staff and the Olcese Water District have determined it to be in the best interests of both parties to enter into a 49-year, rent-free, public agency permit.

As part of this agreement, staff recommends that all fees and expense deposits be waived in the interests of settlement of this litigation.

2. The annual rental value of the site is estimated to be \$115.
3. A Negative Declaration was prepared and adopted for this project by Olcese Water District. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

CALENDAR ITEM NO. 012 (CONT'D)

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Code Regs. 2954 is not applicable.

FURTHER APPROVALS REQUIRED:
None.

EXHIBITS: A. Land Description.
 B. Location Map.
 C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY OLCESE WATER DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE ISSUANCE TO THE OLCESE WATER DISTRICT OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING MARCH 22, 1989; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, FOR A PUMP STATION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 24281

Any and all sovereign public trust land lying within a parcel of land in the NW1/4 of Section 11, T29S, R29E, MDM, in Kern County, California, described as follows:

COMMENCING at the southwest corner of said Section 11 as shown on Record of Survey filed in Book 11 of Records of Surveys at Page 155 in the Office of the Recorder of said County; thence N00° 29' 03"W, 4803.59 feet along the west line of said Section; thence N89° 30' 57"E, 2062.947 feet, perpendicular to said west line to the POINT OF BEGINNING; thence along the following five courses:

1. N87° 00' 00"E, 64.42 feet;
2. N03° 00' 00"W, 100.00 feet;
3. S87° 00' 00"W, 100.00 feet;
4. S03° 00' 00"E, 100.00 feet;
5. N87° 00' 00"E, 35.58 feet, to the point of beginning.

TOGETHER WITH a non-exclusive easement and right-of-way over and across that portion of the north half of Section 11, Township 29 South, Range 29 East, MDM, lying southerly of the Kern River for purposes of access and egress to and from the above described land from and to Rancheria Road, a public road, over existing private roads or ways, reserving the right to the owner or owners of the servient estate to relocate such private roads or way provided always there be a private road or way over the servient estate between the hereinabove described parcel and said Road.

END OF DESCRIPTION

REVISED MARCH 7, 1989 BY BIU 1.

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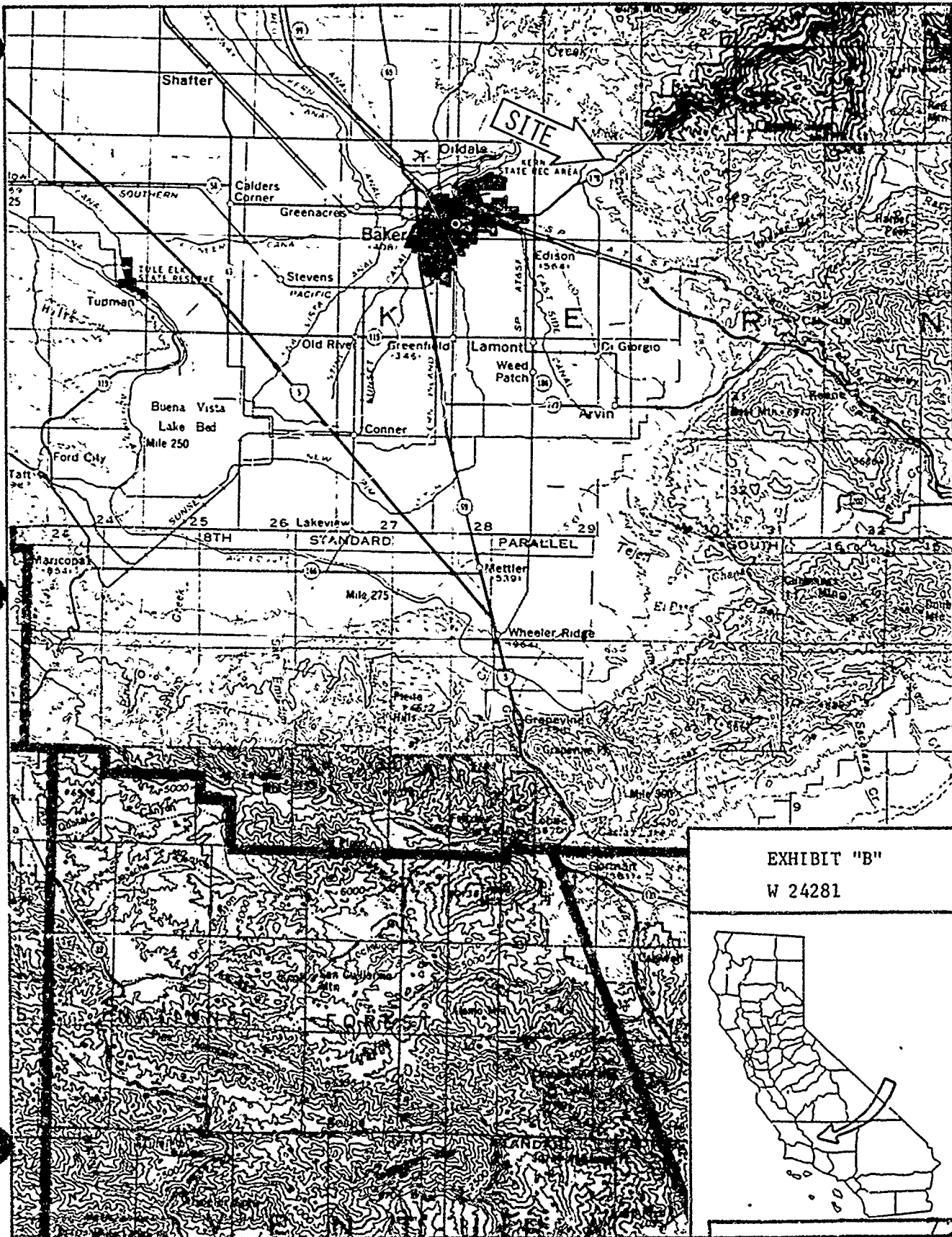


EXHIBIT "B"
W 24281



EXHIBIT "C"

OLCESE WATER DISTRICT

RESOLUTION NO. 232

A RESOLUTION OF THE BOARD OF DIRECTORS OF
OLCESE WATER DISTRICT APROVING A NEGATIVE
DECLARATION FOR SAID DISTRICT'S LA HACIENDA
RESERVOIR PIPELINE AND COMANCHE PIPELINE
EXTENSION PROJECT AND DIRECTING THE FILING OF
A NOTICE OF DETERMINATION IN CONNECTION THEREWITH

WHEREAS, this Board of Directors on May 18, 1987, considered an Environmental Assessment prepared at the direction of this Board by Ricks, Taylor & Meyer, Inc., consulting engineers for Olcese Water District, with respect to said District's proposed La Hacienda Reservoir Pipeline and Comanche Pipeline Extension and directed the giving of notice by publication pursuant to the provisions of Section 15072 of Title 14 of the California Administrative Code of its intention to adopt a Negative Declaration with respect to said project; and

WHEREAS, said project contemplates that the State of California through its Department of Water Resources will be a Responsible Agency with respect to said project; and

WHEREAS, in accordance with said direction a copy of the Proposed Negative Declaration together with the Environmental Assessment, upon which it was based, was filed with the State Clearinghouse on May 28, 1987, and notice of this Board's intention to adopt a Negative Declaration with respect to said project was published May 20, 1987, in The Bakersfield Californian providing for a hearing with respect to said project by this Board of Directors at 4:00 o'clock p.m. on July 20, 1987, in the regular meeting room of this Board of Directors; and

WHEREAS, said hearing was duly convened at 4:00 o'clock p.m. on July 20, 1987, and continued to this date; and

WHEREAS, said continued hearing was duly held by this Board of Directors on this date, to wit: July 27, 1987, at which hearing no person appeared to offer substantial evidence that said project may have a significant effect upon the environment; and

WHEREAS, under date of June 29, 1987, the Office of Planning and Research of the State of California advised this District that the State Clearinghouse had submitted said Proposed Negative Declaration to selected state agencies for review and that the only comment with respect thereto was made by the Reclamation Board of the State of California Resources Agency which comment related not to any environmental consideration but stated:

"The proposed pump station on the south bank of the Kern River and a portion of the proposed pipeline will be located in the Kern River Designated Floodway and a permit from the board will, therefore, be required before the start of work."

NOW, THEREFORE; this Board of Directors approves the Proposed Negative Declaration considered by it at its May 18, 1987, meeting with the addition of the following mitigation measure:

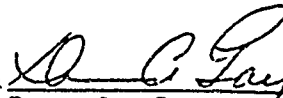
RECLAMATION BOARD PERMIT-Prior to commencement of work a permit therefor shall be secured from the Reclamation Board of the Resources Agency of the State of California with respect to the project's encroachment upon the Kern River Designated Floodway.

and further

BE IT RESOLVED that this Board hereby determines to proceed with said project; and further


BE IT RESOLVED that the Secretary is directed to file an appropriate Notice of Determination with respect thereto.

PASSED, APPROVED AND ADOPTED this 27th day of July, 1987.



Dean A. Gay, President

ATTEST:



Owen F. Goodman, Secretary

OLCESE WATER DISTRICT
P.O. Box 651, 93302
1415 - 18th Street, Room 307
Bakersfield, California 93301
805/323-2991

ENDORSED

87 JUL 28 11:43

NOTICE OF DETERMINATION

TO: Gale S. Enstad, County Clerk
County of Kern
1415 Truxtun Avenue
Bakersfield, California 93301

SUBJECT: Filing of Notice of Determination in compliance with
Section 21152 of the Public Resources Code.

Project Title: La Hacienda Reservoir Pipeline and Comanche
Pipeline Extension

State Clearinghouse Number: 87052513

Contact Person: Owen F. Goodman Telephone #: 805 323-2991

Project Location: Portions of Sections 11, 14, 15 and 16, T29S,
R29E, M.D.B.&M., City of Bakersfield, County
of Kern, State of California.

Project Descript: Acquisition and construction of a diversion
structure and pump station on the south bank
of the Kern River, 2000 feet downstream from
Rancheria Road Bridge, 12" pipeline from the
pump station approximately 1.2 miles to the
existing La Hacienda Reservoir and a 12"
pipeline running along the south side of
State Highway 178 from the end of the Dis-
trict's existing water main, near the inter-
section of Alfred Harrell Highway and said
State Highway 178 to a point of connection
with Palm Mutual Water Company's distribution
system.

This is to advise that Olcese Water District has approved the
above described project and has made the following determinations
regarding the above described project:

1. The project will not have a significant effect on the
environment.

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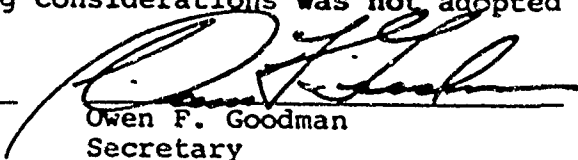
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The Negative Declaration and record of project approval may be examined at the office of the District Secretary in Room 307 of the Great Western Savings Building at 1415-18th Street, Bakersfield, California.

3. Mitigation measures were made a condition of the approval of the project.

4. A statement of Overriding Considerations was not adopted for this project.

Date Received for Filing _____


Owen F. Goodman
Secretary
Olcese Water District

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OLCESE WATER DISTRICT

P.O. Box 651, 93302
1415 - 18th Street, Room 307
Bakersfield, California 93301
805/323-2991

NEGATIVE DECLARATION

TO WHOM IT MAY CONCERN:

Pursuant to the California Environmental Quality Act of 1970, as amended, (CEQA), the staff of Olcese Water District has made an Initial Study of the possible environmental impacts of the following described project.

TITLE OF PROJECT: La Hacienda Reservoir Pipeline and Comanche Pipeline Extension.

LOCATION: Portions of Sections 11, 14, 15 & 16 T29S, R29E, M.D.B.&M., City of Bakersfield, County of Kern, State of California.

DESCRIPTION OF PROPOSED PROJECT: Acquisition and construction of a diversion structure and pump station on the south bank of the Kern River, 2000 feet downstream from Rancheria Road Bridge, 12" pipeline from the pump station approximately 1.2 miles to the existing La Hacienda Reservoir and a 12" pipeline running along the south side of State Highway 178 from the end of the District's existing water main, near the intersection of Alfred Harrell Highway and said State Highway 178 to a point of connection with Palm Mutual Water Company's distribution system.

MITIGATION MEASURES: EARTH-The project will require a minimal amount of earthwork to install pipe in a trench along the proposed alignment. The trench will be refilled after pipe installation and the surface graded to match original ground contours. Native grasses will be allowed to re-establish themselves on the finished earth surface.

AIR-The use of some mechanized equipment for the construction of the project may contribute some pollutants into the air from the exhaust systems, as well as dust from their activities. However, these emissions will be negligible, short lived

and will have no significant effect on the environment. Contractor shall be required to operate mechanized equipment which are equipped with proper smog control devices and the operation of that equipment will be restricted to the project site only.

WATER- There will be no change in flow in the Kern River due to the project as water pumped would normally have been pumped through the Olcese Water District Treatment Plant, located approximately one mile downstream. There will be a reduction in filter cake disposal from the treatment plant, since less water will be treated. There will also be a reduction in treatment chemical usage and pumping costs.

Water service to the Palm Mutual Water Company will be improved, with residences being assured of a firm-high quality water supply.

TRANSPORTATION-Access to the project site will be by the adjacent State Route 178. Other than some additional activity related to construction vehicles, the project will have minimal or no effect on public transportation systems.

NOISE-The project will generate only that noise which is commonly related to construction activity of this kind. There are no commercial, industrial or residential areas in the immediate vicinity of the project site which could be affected by the construction noise. The noise resulting from the construction activities will cease upon completion of the project.

HISTORICAL/ARCHEOLOGICAL PROPERTIES - No known historical/archeological sites will be disturbed. There will be no demolition of any existing structures.

PLANT LIFE-There are no known rare or endangered plant species in the project area. Construction activity will require removal of some native grasses, however, native plant species will be re-established after completion of construction and the environment will be allowed to return to its present condition.

ANIMAL LIFE-Threatened and endangered wild-life species, known to exist in the project area, consists of the Kit Fox (Valpes Macrotis Var. Mutica), a rare and endangered predator.

Construction of the project is limited to areas within presently developed farming operations and will generally be located within traveled roadways and open grazing land. These areas are not normally associated with these endangered species and no sightings have been made in the immediate area.

PUBLIC SERVICE-No new public services will be required by project construction. Personnel operating the Olcese Water Treatment Plant and water distribution system will operate the proposed facilities, as part of their assigned duties.

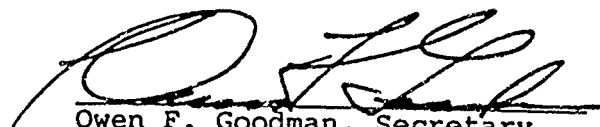
ENERGY-The project will reduce the energy consumption required to pump water to La Hacienda Reservoir by approximately one-third due to reduction in total pump lift and elimination of filtering requirements.

In addition, chemicals used in the water treatment process, filter waste disposal, and plant personnel operating time, will be reduced proportionally to the reduction in required treated water.

RECLAMATION BOARD PERMIT-Prior to commencement of work a permit therefor shall be secured from the Reclamation Board of the Resources Agency of the State of California with respect to the project's encroachment upon the Kern River Designated Floodway.

A copy of the Initial Study is attached hereto.

Dated: July 27, 1987


Owen F. Goodman, Secretary
Olcese Water District