



**U.S. Department of Housing and Urban
Development**

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Washington, DC 20410
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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

**Project Name: CD Activity #28.19.1 – Lake Isabella - Linda Kissack Skatepark
Improvements**

Responsible Entity: County of Kern

Grant Recipient (if different than Responsible Entity): N/A

State/Local Identifier: CA

Preparer: James Golden, Planner III

**Certifying Officer Name and Title: Lorelei H. Oviatt, AICP, Director of Planning and
Community Development**

Grant Recipient (if different than Responsible Entity): N/A

Consultant (if applicable): N/A

Direct Comments to: James Golden, Planner III

Project Location: Linda Kissack Park, 5000 Lake Isabella Blvd., Lake Isabella, CA 93240

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Project consists of the design and construction of an approximate 7,000 sq. foot skate-park within Linda Kissack Park proposed to be located on the northwest corner of intersection of Elizabeth Norris Road and Lake Isabella Boulevard. Project activities will benefit a service area of 7,555 persons, 65.85% of which are low to moderate income (2018 HUD; 2011-15 ACS LMISD).

HUD Use Code 03F - Parks, Neighborhood Facilities; National Objective Citation 570.208(a)(1)(i); Eligible activities under 570.201(c) - Public Facilities and Improvements.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The Kern River Community is mostly rural and located area that is isolated from the surrounding County. The community has many park and recreation areas but few facilities in the area that directly target youth sports and activities.

Existing Conditions and Trends [24 CFR 58.40(a)]: According to the Tony Hawk Foundation 2009 Law Enforcement Study, skateparks benefit neighborhoods and reduce skate related complaints. The study notes growing recognition that skateparks benefit the community by providing facilities for youths that reduce crime and skate board related complaints in neighborhoods.

Funding Information

Grant Number	HUD Program	Funding Amount
B-19-UC-06-0502	CDBG	\$120,000

Estimated Total HUD Funded Amount: \$120,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: **\$209,548.58**
HUD funds of \$120,000 + Matching funds of \$89,548 (Cash in the amount of \$64,798.58, Pledges in the amount of \$2,000.00 and In kind material and services for \$22,7500.00)

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or	Compliance determinations
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	mitigation required?	
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The nearest airport, Roy Williams Airport, is located more than 8.5 miles from the project site, consequently, the site is not located within 2,500 feet of any civilian airport or within 15,000 feet of any military airport (See Map in ERR). No further review for compliance is necessary.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no coastal barrier resources within HUD Region IX, Kern County or the State of California. No further evaluation required for this factor.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>According to NEPAAssist and FEMA's Flood Map Service Flood Insurance Rate (FIRM) Map No. 06029C1426E, the entire site, as proposed, is located within a Special Flood Hazard Area. The proposed site is classified Zone AE per FIRM, dated September 25, 2008. There is the original planned area and two alternatives area, and the "no project" alternative to consider. All project areas are located within Linda Kissack Park and located within the regulatory floodplain. The original area included an area located within the regulatory floodway, however; as the project proposes to use HUD funds, no development will be permitted within the regulatory floodway. There are wetlands located to the north and west of the project site but no wetlands will be developed or otherwise impacted by any project actions or implementation.</p> <p>A Flood Analysis Report has identified methods for the minimization of costs related to the obtainment of flood insurance. Insurance is required where HUD assistance is proposed and involves financial assistance for construction, rehabilitation, or acquisition</p>

		<p>of a mobile home, structure, or insurable personal property. The community is participating in the National Flood Insurance Program (NFIP) and a flood insurance policy will need to be obtained and maintained for the life of the property. Flood insurance would need to be obtained and maintained for the life of the property in accordance with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 for any insurable structures modified or constructed as a result of the activity.</p>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The National Ambient Air Quality Standards include (NAAQS) for the Eastern Kern Air Pollution Control District include the Kern River area. However, an exception to the EKAPCD jurisdiction applies to the Kern River area for the Particulate Matter (PM)10 criteria pollutant. The Kern River area is in an area of non-attainment for the PM10 criteria pollutant. As to other Criteria pollutants regulated under NAAQS, the District is in Serious Nonattainment status for the Ozone - 8 Hour threshold and the District Has achieved attainment status for PM 10, the revoked Ozone - 1 Hour standard, carbon monoxide and lead. As to State Air Quality Standards, the District is in non-attainment for Ozone - 8 Hour, Ozone - 1 Hour and PM10.</p> <p>On September 23, 2019, the Eastern Kern Air Pollution Control District noted that <i>the project has the potential to have short-term impacts in the form of fugitive dust generated during construction, as well as exhaust emissions and odors from construction vehicles or equipment deployed to the site during construction.</i> The District also noted that long-term impacts to air quality would likely be from expected increase in traffic to and from the park.</p>

		<p>While the responsible entity (RE) concurs with the temporary construction impacts, the RE believes that most, any new traffic generated as a result of the project will be primarily non-motorist related and that the site will not be destination related as trips are likely to be connected with other vehicle trips in the area. Due to the nature of the improvements, the project is not likely to become a destination resulting in new traffic trips but will more likely service residents and the occasional visitor that is already in the area that enjoys similar activities.</p> <p>Based on the response of the air district, the RE has determined that project activities are below "de minimis levels" established under local air district quality guidelines for non-maintenance criteria pollutants and therefore in compliance with the State Implementation Plan.</p>
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located in or in the vicinity of any Coastal Zone Management Area. Per NEPAassist, the nearest CZMA is approximately 100 miles from the project site. There is no possibility that any CZMA will be impacted by the project.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	NEPAassist and State Databases Envirostor and Geotracker were reviewed for evidence of permits and prior uses in the area that have the potential to result in contamination. According to NEPAassist there are four RCRA site within one-half mile of the project area and one Clean Water Act/RCRA site at slightly more than one half mile of the project site. There are no reported violations at any of the facilities. There is one Envirostor Department of Toxic Substance Control (DTSC) Cleanup site facility located approximately one mile of the project site. The actual location of the DTSC site is not a matter of record. Due to the approximate distance and current separation from the reported location, there is no evidence on record to suggest the site poses any risk to development of the property. Furthermore,

		<p>the planned use of concrete for the skatepark will further encapsulate soils at the site. The State of California Geotracker website shows two closed LUST sites located within one half mile of the project site. Based on the above-mentioned review of available records, current established use as a park with no change in classification of use, the further recreational development of the site will not pose any risk to the health and safety of any occupants.</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>On September 6, 2019, a general project consultation was mailed to the California Department of Fish and Wildlife regarding the project potential to impact State protected species.</p> <p>The site is currently in use as a park. On July 22, 2020, under Consultation Code: 08ESMF00-2020-SLI-2427, a Species List was generated for the project using the IPaC web service managed by the US Department of the Interior – Fish and Wildlife Service - Sacramento Office. Species that may be present in the area of the project include: Fisher (E-Endangered), California Condor (E), Southwestern Willow Flycatcher (E), California Red-legged Frog (T-Threatened) and Delta Smelt (T). Final Critical Habitat has been designated for all listed species except the Fisher. There site is not located within any critical habitat and the project has no potential to effect any critical habitat of protected species. Furthermore, the site is located in a developed community park or open space that is maintained for human use.</p> <p>The project site does not consist of habitat that supports the fisher. Fishers are tree climbers that prefer forests, wooded areas and areas with floors that consist of coarse woody debris. The project will have no effect on the fisher or its habitat.</p> <p>The park is in the range of California Condors while there is suitable Condor habitat in the surrounding hills and mountains of Lake Isabella, the site in question for the skatepark</p>

		<p>is relatively flat with minimal slope, with non-native grasses, that do not provide the rocky shrubland, coniferous forests or oak savanna habitat that the species requires. The project will have no effect on the California Condor or its habitat.</p> <p>The project is located in the Kern management unit for the Southwestern Willow Flycatcher, the Kern unit is the northwestern extent of the species range according to the U.S. Fish and Wildlife Service General Locations of Critical Habitat Map, Federal Register, 2013. The project site does not provide the dense native riparian habitat required of the species requires.</p> <p>Since the site is located near wetlands and there is the possibility that habitat may be present to support the Red Legged Frog (RLF), a biologist shall be required to conduct a survey of the site prior to any ground disturbance. Should it be determined that RLF is present a plan to address RLF shall be determined by the biologist, prior to ground disturbance or further project implementation.</p>
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project will not result in the development, construction, rehabilitation that will result in an increase in residential density or result in a conversion of land use. The site is located within an existing park and the proposal is for park related improvements. No further review for compliance with this factor is required.</p>
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project will not result in new construction, acquisition of undeveloped land or result in a conversion of land use. The site is located within an existing park and the proposal is for park related improvements. No further review for compliance with this factor is required.</p>
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>This action is located in a 100-year floodplain. The majority of the entire 5.15-acre park is located within a Special Flood Hazard Area for nearby Erskine Creek. The</p>

proposed skatepark site is located in an area classified as Zone AE (1% annual chance floodplain), according to Federal Emergency Management Agency (FEMA) Flood Map Service Flood Insurance Rate (FIRM) Map No. 06029C1426E, dated September 26, 2008. Furthermore, a small portion of the 7,013.9 sq. foot area for the planned skatepark is located within a Regulatory Floodway (Zone AE - hatched), the area of which is located along north-side of Elizabeth Norris Road.

The initial early notice was published in the Kern Valley Sun on October 30, 2019 and this second and final notice is required under the eight-step evaluation process for HUD assisted projects. The ad targeted local residents, including those in the floodplain and Federal, State, local agencies, and non-profit groups. The October 30, 2019 advertisement was a republished advertisement that provided the subject FIRM Map No. 06029C1426E, as the advertisement that ran October 16, 2019 omitted the information. Accordingly, the public comment period for the first notice was extended from November 1, 2019 to November 13, 2019 to allow for consideration of the revision.

Prior to the publication of the final review, a Flood Analysis Report was prepared for the project. The third party report included recommendations as to location in relationship to the floodway and development in the floodplain, recommendations for insurance management costs and construction methods for flood control and methods to minimize displacement of flood waters. Accordingly, the recommendations have been incorporated into the 8-step review completed for the project.

The second final notice was published on July 15, 2020 in the Kern Valley Sun and project information was made available for review on the Community Development website with a

		<p>link to the public notice, 8-step review and project maps. A total seven calendar period was provided through July 23, 2020. No comments were received in regards to the initial notice or final notice.</p> <p>The 8-step review considered the project practicable alternatives, and the no project alternative. Recommendations included in the Flood Analysis Report and 8-step review will be included as mitigation for the project. With incorporation of the recommendations into the plans and specifications and findings of the 8-step review, no further review for compliance with the factor is necessary.</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>On September 9, 2019, Southern San Joaquin Valley Information Center responded to the request for review under Record Search 19-353. SSJVIC noted that there are <i>no known cultural resources within the project area</i> and that it is not known if any exist in the area of the project. The search results included three recorded resources located within one-half mile radius of the project site. The resources noted include prehistoric era bedrock milling features, pictographs, petroglyphs and habitation debris. No other resources were noted from the search. SSJVIC noted that the area is highly sensitive for cultural resources and that near waterways and surrounding areas were used by indigenous people as villages, temporary camps and task specific sites. Due to the potential to encounter resources during ground disturbance, SSJVIC recommended that a qualified professional consultant <i>be present to identify any unearthed resources and make appropriate recommended mitigations as a result of implementation.</i></p> <p>On November 14, 2019, the Native American Heritage Commission (NAHC) provided a tribal consultation list for the project. A tribal authorities listed on the NAHC list were sent a letter of consultation on December 18, 2019. The tribal consultation period ended on</p>

		<p>January 20, 2020. No comments were received in regards to the project.</p> <p>In accordance with Section 106 of the National Historic Preservation Act, on July 24, 2020, the State Historic Preservation Office or SHPO was contacted regarding the projects potential to impact historic properties and resources. The responsible agency noted that based on the results of prior consultations and information contained in the record that no historic properties would be affected by the undertakings.</p> <p>SHPO did not respond to the request for comment within the thirty-day period for consultation. Unless there is an unexpected discovery during ground disturbance activities, no further steps to compliance with Section 106.</p>
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not for construction or rehabilitation of a residential use or property. The project is therefore in compliance with the Noise Abatement and Control Section.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is located in the Kern River Valley, part of Kern County. The EPA has not identified any sole source aquifers within Kern County. No further review for compliance with this section is required.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not located within an existing wetland. However, development of the improvements will require ground disturbance and modification for skatepark related features. National Wetlands Inventory include riverine wetlands (blue line streams) located to the approximately 350 feet south of the project site and another freshwater forested shrub wetland located approximately one quarter mile northwest of the project site. Based on the separation from the existing wetlands, development of the project site as proposed will not result in the modification by dredging, fill or other alteration of an existing off-site wetland area. The project will therefore have no impact on any on- or off-site wetlands.

Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The nearest section of Wild and Scenic River (WSR) is located on the North Fork of the Kern River. The project has no potential to impact any designated WSR, as the location of the project is downriver of the segment. Due to the location of the site is relationship the nearest WSR, there is no possibility that the project could impact any WSR.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project will not present any issues regarding environmental justice since the project will construct park improvements within a low- to moderate-income neighborhood.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Under the General Plan, the project site is designated 3.1/2.3. The 3.1 designation is for Parks and Recreational Areas and the 2.3 is a combining district for physical constraints under 2.3 - Shallow Groundwater. The project site is currently uses as a neighborhood park and is not a new development. The current proposal would utilize an existing area of the park and allow for construction of a

		new park amenity as a stake park. The site is therefore consistent with the designation and conforms with the General Plan. However, the project site is zoned for Low-Density Residential (R-1) use. As to zoning, on July 27, 2020, the Director of Planning and Natural Resources Department determined that the skatepark use is a community recreational facility under 19.14.150 of the Zoning Ordinance.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	There is a slight slope of no more than five feet to the southwest of the project site area of improvement. The slope will present minor issues as to slope and drainage as additional fill shall be necessary to allow the site to be developed as a level site. The flood analysis report noted that if the skatepark earth pad is to be built up so the site is level, <i>the pad side slopes cannot encroach into the floodplain.</i> As the site is located in the floodplain, and under the Kern County General Plan (KCGP) is designated as 2.3 (Shallow Groundwater). There is a difference between FEMA flood maps and the General Plan designation for the site, which does not specifically identify the flood hazard portion of the site. The issue under consideration is storm water runoff. In general, the KCGP states that projects that impede water flow in the primary floodplain will be discouraged. Based on FEMA mapping, the project shall provide for flow conveyance through the site and consider <i>how the improvements can best accommodate storm water runoff through design elements with channelization and/or drainage improvements incorporated into the project design.</i>
Hazards and Nuisances including Site Safety and Noise	2	Although the site is near Lake Isabella Road, a major Arterial Road, traffic counts in the area suggest the site is not exposed to unacceptable traffic noise. The site is located within an existing park.
Energy Consumption	2	The site will not require any new light standards and skatepark use would be limited to daylight hours.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The project will not have an impact on employment or income patterns in the area of the project. No change to either factor is anticipated.
Demographic Character Changes, Displacement	2	The project will not have an impact on demographic or character changes in the area of the project. No displacement will occur as a result of implementation.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		

Educational and Cultural Facilities	2	The project will not provide new educations or cultural facilities in the area of the project and no existing facilities will be impacted by the project.
Commercial Facilities	1	Additional activities may have a minor beneficial impact as sport related activities encourage additional spending on food and beverages in the area of the project.
Health Care and Social Services	2	The project will not have any significant impact on health care or social services in the area of the project.
Solid Waste Disposal / Recycling	3	The project will result in additional park visits while being active. It is anticipated that trash from consumption of food and beverages will accumulate if not addressed. This is a concern as to the health and aesthetic quality of the area, due to the current Pandemic and since the site is visible from nearby roadways. While there are trash receptacles in the park for disposal of refuse, the additional refuse may not always end up disposed of in a manner fitting to maintain acceptable conditions for other park users. To best address the potential for fugitive refuse, Signage should be placed at the entrance to remind skatepark users it is their skatepark and responsibility to dispose of trash in receptacles and maintain the clean conditions of the site for continued use.
Waste Water / Sanitary Sewers	2	The project will not have an impact on wastewater or sanitary sewers in the area of the project. There is no existing sewer system in the area of the project.
Water Supply	2	The project will not have an impact on water supply in the project area as there will be no additional water service or connections needed to foster development the project.
Public Safety - Police, Fire and Emergency Medical	1	A 2009 Law Enforcement Study released by the Tony Hawk Foundation reports that in most communities and neighborhoods where skateparks are built there is either a reduction of crime and skating related trespassing complaints. Thirteen percent of the officers reported no noticeable change in skate related calls and complaints since the skatepark opened.
Parks, Open Space and Recreation	1	There is a growing recognition that skateparks provide benefits to the community by providing additional park related amenities, skate related recreation and tourism. In the areas of Bodfish and Lake Isabella, there are fewer opportunities for recreation than in other surrounding lakeside communities of Kern River Valley.
Transportation and Accessibility	3	The current location of the proposed skatepark site is within the 55-foot setback of Lake Isabella Boulevard. In accordance with Section 19.08.120, <i>the structure should be setback as minimum of 55-feet from the centerline of Lake Isabella Boulevard to accommodate planned future right-of-way for expansion Lake Isabella Boulevard.</i> The project is

	not expected to be a new source of traffic in the area of the project. Caltrans has noted that the project should require the construction of bikeways to accommodate persons riding bikes to the site. However the construction of bike pathways for the current project is not feasible as there is not enough funding reserved for those improvements
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Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	The Kern County General Plan designation 2.3 indicates that the project site is located on an area with shallow groundwater. The Map Code indicates that groundwater is within 15 feet of the land surface as delineated on the Kern County Seismic Hazard Atlas. The KCGP states that project should protect and maintain watershed integrity. There is no evidence that the ground disturbance will exceed the depth to water as it is more likely that any subsurface disturbance area will be equalized over the site at a depth of no more than five feet.
Vegetation, Wildlife	2	The site does not include any unique vegetation in the area, as the site is development as a neighborhood park. The site is within a park that is developed with non-native grass species. US Fish and Wildlife Services (USFWS) records indicate there may be as many as 13 Migratory Bird species of conservation concern in the area of the project. USFWS records list Bald and Golden Eagles but indicate the eagles are not Birds of Conservation Concern for the area. However, the USFWS records note that the eagles warrant attention since certain activities can expose susceptibilities due to certain types of development. As it is currently developed, the site is not suited to support eagles' as human activity is present and established in the area. Habitat in mountains and wilderness areas that surround the Lake Isabella community are more adapt at supporting eagle activity and migratory species. The site is proposed with a relatively small footprint within a neighborhood park, development of the current project area with a skatepark will not change the setting as it relates to habitat for eagles and other migratory birds.
Other Factors	2	The project site is located in an area that is subject to flooding. There are no other hazards present in the area of the project. The site is for recreational activities and located within an existing park. The skatepark project is aesthetically suited to the park development and local community area and provide additional recreational activities for local youth.

Additional Studies Performed:

Porter and Associates, Inc. "Flood Analysis Report for Linda Kissack Skate Park Lake Isabella, CA." Kern County General Services, Kern County, CA

Field Inspection (Date and completed by): Drive by Site Visit on April 11, 2020 - James Golden, Planner III

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Kern County General Plan: Planning and Natural Resources
Agencies:

Federal: Federal Emergency Management Agency, Bureau of Land Management - Bakersfield Office, US Fish & Wildlife, Sacramento Office, U.S. Department of Agriculture, Environmental Protection Agency

County: Kern County General Services Parks, Kern County Engineering, Surveying and Permit Services SPS (Floodplain, Surveyor, Roads and Right-of-Way), Kern County Environmental Health Services, Kern County Sheriff

Local: East Kern Air Pollution Control District, Kern County Superintendent of Schools, Kern County Water Agency

Other: Verizon Phone Service, Native Amer. Herit. Perservation Council, Kern Co, Center on Race, Poverty, and the Environment (Oakland), Center on Race, Poverty, and the Environment (Delano), So. California Edison Wofford Heights Dist., Sierra Club, Defenders of Wildlife, So. California Edison, CalTrans District 6, California Dept. of Conservation - DOGGER (Bakersfield) California Reg. Water Quality Control Board - Central Valley, California Dept. of Fish and Game So. San Joaquin Archaeological Information Center

Tribal Contacts and Authorities:

Native American Heritage Commission (NAHC), Native Amer. Herit. Perservation Council, Kern Co., Kern Valley Indian Council

James Rambeau, Sr. Chairperson, Sally Manning, Environmental Director, Danelle Gutierrez, THPO, Big Paiute Tribe of the Owens Valley; Julio Quair, Chairperson, Chumash Council of Bakersfield; Julie Turner, Secretary, Robert Robinson, Chairperson, Kern Valley Indian Community; Brandy Kendricks, Kern Valley Indian Community; Delia Dominguez, Kitanemuk and Yowlumne Tejon Indians; Lee Clauss, Director-CRM Dept., Lynn Valbuena, Chairwoman, San Manuel Band of Mission Indians; Rueben Barrios Sr., Chairperson, Santa Rosa Rancheria Tachi Yokut Tribe; Octavio Escobedo, Chairperson, Colin Rambo, Cultural Resource Specialist, Tejon Indian Tribe; Robert L. Gomez Jr., Tribal Chairperson, Tubatulabals of Kern Valley; Neil Peyron, Chairperson, Tule River Indian Tribe; Kenneth Woodrow, Chairperson, Wuksache Indian Tribe/Eshom Valley Band

List of Permits Obtained: N/A

Public Outreach [24 CFR 50.23 & 58.43]: A total of three (3) public notice publications were included in the Kern Valley Sun for the 8-Step Process. The notices include two early consultation requests for comment (one republished) and one final review request for comment publication. Additionally, the project will include a final RROF and FONSI publication as part of the final submission of completion of the environmental review.

Cumulative Impact Analysis [24 CFR 58.32]:

The project site is not connected with any other larger proposal or project in the area of project effect. There are no other larger projects or efforts currently in the area that could be considered cumulative in nature or that is associated with the proposed stake park development.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Several alternatives were considered as part of the project review and 8-step process:

1. Locate the project at Park Site within Linda Kissack Park with smaller footprint

The project site includes a section of the preferred site that is located within the floodplain but outside of the floodway as required by HUD for developments of this type. The site with the smaller footprint is 5,553 sq. feet in size and located more than five feet from the boundary of the restricted floodway. The alternative size of the site is suited to the property as it will provide for a favorable insurance treatment should the earth pad be built up, so the site is level and the pad sides not encroach into the floodplain areas. All skatepark areas at or below the elevation of 2,466.9 feet would be developed with concrete to achieve flood resistance rating and to provide for favorable insurance rate under NFIP requirements. The area and related development costs is greatly reduced over the larger alternative site. The site is located within an established park, is accessible to residents of the Lake Isabella and Bodfish communities and is visible from roadways to prevent vandalism and crime. The site will not conflict with established recreational, residential or commercial uses in the area and conforms to the program rules and regulations for development. It is noted that although the site is smaller than the 7,013.9 sq. foot option discussed below, the site encroaches on planned right-of-way for Lake Isabella Boulevard, and Arterial Major Highway, but the encroachment is further from a planned traffic control light for the corner of Lake Isabella Boulevard and Elizabeth Norris Road. The issue of encroachment in the right-of-way is considered further under the transportation and accessibility portion of this environmental review. After review of the Project and other practicable alternatives, it was determined the small site alternative is the preferred alternative as it is superior to other available options, meets the objectives of the proposal while avoiding floodway and minimizing floodplain disturbance and other conflicts with established uses in the area of the project.

2. Locate the project at Park Site within Linda Kissack Park with larger footprint at 7,013.9 square feet.

The site is located within an established park and accessible to residents of the Lake Isabella/Bodfish communities. The site is visible from roadways to prevent vandalism and crime. The site will not conflict with established recreational, residential or commercial uses in the area. However, the larger proposal is for development of a skatepark 7,013.9 sq. feet in size, which would result in an encroachment into boundary of the restricted floodway. The proposal is not a practicable alternative, as the costs of the making the development insurable would be extensive. The area of skatepark that would need to be developed with concrete to achieve flood resistance rating and provide for favorable insurance rate under NFIP requirements would be greatly expanded over the preferred alternative, resulting in an escalation of development costs. The most concerning issue with the proposal is that the planned configuration of the larger skatepark would not conform with HUD program rules and regulations for floodway development. Like the smaller site option, the site encroaches on planned right-of-way for Lake Isabella Boulevard but the extent of the encroachment into the Arterial/Major Highway is expanded further, towards a planned traffic control light at the corner of Lake Isabella Boulevard and Elizabeth Norris Road. This alternative was rejected due to conflicts with HUD rules that prohibit floodway development, additional costs related to construction and insurance acquisition for the site and a potentially expanded encroachment area.

3. Locate the project at nearby Tank Park to the south of the project site

Tank Park, located just south of Elizabeth Norris Road on Lake Isabella Boulevard is another recreational site in the immediate vicinity of the area proposed that could potentially accommodate the development of a skatepark. The site is setback further from Lake Isabella Boulevard than the site at Linda Kissack Park. Tank Park is accessible to residents of the Lake Isabella/Bodfish communities and a skatepark at the park would not conflict with established residential or commercial uses in the area. However, due to use of the site as a military memorial, the proposed use is not compatible with the established park use due to the solemn nature and reverence that military memorials require. The site is located in the primary floodway for Erskine Creek and adjacent to Blue Line streams identified on National Wetland Inventory (NWI) wetlands maps. The streams connect with wetland ponds located downstream, potentially requiring permits from US Fish and Wildlife and/or the Army Core of Engineers. Due to the established park use and environmental constraints in the area, Tank Park is not considered a viable alternative for the skatepark.

4. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)

The County considered a LOMA and LOMR for the project site. However, the elevation information certified by a Registered Professional Engineer indicated that the lowest adjacent grade (the lowest ground touching the structure) was not at or above the Base Flood Elevation (BFE), so the site was not eligible for a LOMA/LOMR.

5. Locate the project at another Park Site within Linda Kissack Park

While there is no suitable park site located entirely outside the floodplain within Linda Kissack Park, there is a very small portion of the park classified as Zone X (0.2% annual chance of flood), in the northernmost section of the park. The location is the furthest from the floodway and would require the least amount of engineering and fill materials due the site elevations that are higher in altitude than the preferred primary location to the south. The area is located at least partially outside the floodplain and meets many of the requirements needed for the development. The area is identified as Sites B1 and B2 on project consultation option maps. However, the area are problematic due to the irregular size, configuration and the presence of underground water lines in the park. While development of this practicable alternative was possible, the proposal resulted opposition by the public. The public identified conflicts with established park uses, more specifically the ballfields within Linda Kissack Park. Therefore, the alternative was rejected.

6. Other possible sites in area of the project considered

In the immediate vicinity, there is a large undeveloped area east of the project site large enough to accommodate the project. However, the site is zoned FPP or Floodplain Primary. As the area is designated for control, the area is not suited to accommodate the use and is also affect by the floodway. There are no other large publicly or privately owned and accessible sites, available for recreational use and within the immediate vicinity of Lake Isabella or Bodfish communities that are not impacted by floodplain or wetlands.

There is one large C-2 (General Commercial) zoned site located on Webb Ave at the intersection with Fulop Street. The most logical portion of the site to be developed for the skatepark use, is also affected by a floodplain designation and the portion of the site furthest from the road is partially developed with commercial uses. Based on the current limitations of the project budget, proximity of the location to floodplain and wetlands and the cost for subdividing and acquiring the partially developed commercial site, it was determined that the alternative is not feasible.

No Action Alternative [24 CFR 58.40(e)]:

A no action alternative would result in no additional floodplain or floodway development. There would be no on or offsite water impacts and no impact on shallow groundwater in the area of the project. Under the no action alternative, no encroachment would occur within the right of way for Lake Isabella Boulevard and no changes to surrounding uses established in the area of the park. However, the no action alternative was rejected because of an identified need in the community to establish additional recreational uses that target youth interests in Lake Isabella and Bodfish communities. The communities to be served are rural and generally isolated from other areas of the County. There are few activities and facilities nearby that primarily serve underprivileged youths or youth activities of any income status. If the no action alternative was selected, there would no increase to the limited number of facilities that provide avenues for growth and expression for youths of the Lake Isabella area.

Summary of Findings and Conclusions:

Mitigation proposed will ensure that the finding can be made that no significant impacts will result from development of the project, as no development will occur within the floodway. HUD rules regarding prohibition of development within floodways and floodplain development have been considered and evaluated in the review of impacts and mitigation developed to address potential impacts. Selection of the alternative smaller site as the preferred alternative will ensure the project will be developed in a manner consistent with flood requirements including the allowing for obtainment of insurance in a cost effective manner. As the site is located within a drainage basin for Erskine Creek, design elements include provisions to address site drainage and minimize storm water runoff. Staff has found that there are no conditions or impacts that cannot be addressed through mitigation. Staff concludes that the project that with adequate funding construction of the skatepark is feasible and the location proposed is appropriately suited to the improvements.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Flood Insurance	In accordance with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 for any insurable structures modified or constructed as a result of the activity, flood insurance would need to be obtained and maintained for the life of the property.
Clean Air	<p><u>Prior to commencement of operations</u>, the Eastern Kern Air Pollution Control District shall be contacted regarding any air permits needed to ensure the above noted activities are completed in compliance with the applicable air related standards and/or regulations.</p> <p><u>Prior to construction related activities</u>, all required permits shall be obtained unless otherwise permitted by Eastern Kern Air Pollution Control District.</p> <p><u>At all times during the development of the site</u>, the project, the developer, contractors and subcontractors shall comply with applicable requirements of the Eastern Kern Air Pollution Control District. All activities undertaken including control of fugitive dust generated during construction, as well as exhaust emissions and odors from construction vehicles or equipment deployed</p>


	to the site during construction shall be completed in compliance with the applicable air quality rules and all permits issued for the project.
Endangered Species	<p><u>No more than fourteen (14) to thirty (30) days prior to the commencement of operations or ground disturbing activities,</u> whichever comes first, the project developer shall ensure that a preconstruction survey, is performed by a qualified biologist, to ensure that no special-status wildlife protected under the Endangered Species Act have occupied the property. The results of the survey shall be summarized in a written report that shall include site-specific recommendations, if found necessary. A copy of the biological report shall be submitted to the Kern County Planning and Natural Resources Department – Community Development Division for transmittal to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, where applicable. Additionally, exclusion zones shall be established and maintained until all construction activities are complete, unless said agencies prefer that any affected special-status species be removed and/or relocated, in accordance with said agencies adopted guidelines or standard procedures.</p>
Floodplain Management	<p><u>All approved development plans shall comply with the following standards:</u></p> <ol style="list-style-type: none"> 1) In accordance with HUD regulations, no structures or improvements are to be developed or located within the floodway-affected areas of the project as denoted on FEMA Map No. 06029C1426E. 2) To ensure no development or encroachment occurs within the floodway, a minimum five-foot setback from the extent of floodway, as determined by site survey and/or based on the findings of the extent of the floodway as shown in <i>Flood Analysis Report for Linda Kissack Skate Park Lake Isabella</i>, conducted for the project. 3) As noted in the flood insurance mitigation, Flood insurance must be acquired and maintained for the life of the improvements, in order to mitigate possible flood damage. 4) All skatepark areas developed at or below the elevation of 2,466.9 feet must be developed with

	<p>concrete in order to achieve a flood resistance rating and to provide for favorable insurance rate under NFIP requirements. If a different material other than concrete is used for the pad, further analysis may be needed to determine materials proposed can withstand flood related forces.</p> <p>5) To avoid any development or encroachment into the floodway-affected areas of the project, the footprint of the skatepark shall not exceed the size of 5,553 sq. feet to avoid any development or encroachment into the floodway affected areas of the project.</p> <p>6) If the design of the skatepark includes a build-up so the site is level, the pad sides are not permitted to encroach into the floodplain areas.</p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	<u>Prior to issuance of grading or building permits,</u> design elements shall be incorporated to address how the improvements can best accommodate storm-water runoff with channelization and/or drainage improvements.
Solid Waste Disposal / Recycling	<u>Prior to final permit or occupancy approval,</u> site signage should be placed at the entrance to remind skatepark users to dispose of trash in receptacles and maintain the clean conditions of the site for continued use.
Transportation and Accessibility	<u>Prior to issuance of any building or grading permits,</u> in accordance with Section 19.08.120 of the Zoning Ordinance and planned future right-of-way for Lake Isabella Boulevard, the structure should be setback as minimum of 55-feet from the centerline of Lake Isabella Boulevard. Or, as an alternative, obtain the necessary permit approvals to reduce the setback from the County of Kern Engineering and Survey and Permit Services Department and Planning and Natural Resources Department, as applicable.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature:  Date: 9/16/2020

Name/Title/Organization: James Golden, Planner III, Planning and Natural Resources
Department Community Development Division _____

Certifying Officer Signature:  Date: 9/16/2020

Name/Title: Lorelei H, Oviatt, AICP, Director of Planning and Natural Resources

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

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Appendix

- I. CEQA – Notice of Exemption**
- II. Mitigation Monitoring Plan**
- III. Site Related Maps**
- IV. FEMA Consultation Response Letter**
- V. California Historical Resources Information System (CHRIS) Letter and Response**
- VI. SHPO Consultation Letter**
- VII. U.S. Fish and Wildlife Service (USFWS) Consultation Code: 08ESMF00-2020-SLI-2427
Event Code: 08ESMF00-2020-E-07477**
- VIII. General Consultation Letter and Agency Public Response**
- IX. Floodplain Notices**

NOTE: Due to the size of the environmental studies related to the Project and the current Covid-19 Pandemic, all studies will be made available on a request basis at goldenj@kerncounty.com or may be contacted directly at (661) 862-5130. For quicker response and review, environmental studies may be requested through email and an electronic copy will be provided electronically. If another format is requested, please allow minimum five working days for receipt and processing of the request:

- 1. Flood Analysis Report (Hydrology)**
- 2. 8 – Step Evaluation (Flood and Hydrology)**

I. CEQA – Notice of Exemption

NOTICE OF EXEMPTION

TO: County Clerk
County of Kern
1115 Truxtun Avenue
Bakersfield, CA 93301

FROM: County of Kern
Planning and Natural Resources Dept.
2700 "M" Street, Suite 250
Bakersfield, CA 93301

Project Title: CD Activity #28.19.1 – Lake Isabella - Linda Kissack Skatepark Improvements

Project Location: Linda Kissack Park, 5000 Lake Isabella Blvd., Lake Isabella, CA 93240

Project Description: Project consists of the design and construction of an approximate 7,000 sq. foot skate-park within Linda Kissack Park proposed to be located on the northwest corner of intersection of Elizabeth Norris Road and Lake Isabella Boulevard. Project activities will benefit a service area of 7,555 persons, 65.85% of which are low to moderate income (2018 HUD; 2011-15 ACS LMISD).

Project Funding: At least 120,000 of HUD funds + Matching funds of \$89,548 (Cash in the amount of \$64,798.58, Pledges in the amount of \$2,000.00 and In kind material and services for \$22,7500.00)

Name of Public Agency Approving Project: County of Kern Planning and Natural Resources Department

Name of Person or Agency Carrying out Project: California Recreation Foundation; County of Kern General Services Division

Exempt Status: (Check One)

Statutory Exemptions. (Sec. 15260 to 15285, CEQA Guidelines). State code and number:

- ☐ Ministerial (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269[a])
- ☐ Emergency (Sec. 15269[b] and [c])
- ☐ Other (Sec. _____)

☐ Exemption. (General Rule - Section 15061 (b) (3), CEQA Guidelines)

☒ Categorical Exemption. (Article 19 - Sec. 15300 to 15332 CEQA Guidelines),

State type and section number: Class 3 – Sec 15303 – New Construction Conversion of Small Structures

Reasons why project is exempt: The skatepark is a new small accessory facility structure within an existing park that will convert unused area of the park for the new use.

Contact Person: James Golden, Planner III


Telephone: (661) 862-5130

Prepared By:


James Golden, Planner III

Date: 9/16/20_____

Approved By:


Lorelei H. Oviatt, AICP, Director

Date: 9/16/20_____

[X] Signed by Lead Agency

Date received for filing:
Date of Hearing: October 6, 2020

II. Mitigation Monitoring Plan

9/16/20

Mitigation Monitoring Plan

CD Project Nos. 28.19.1 – Lake Isabella – Linda Kissack Skatepark Improvements

Project Location: Linda Kissack Park, 5000 Lake Isabella Blvd., Lake Isabella, CA 93240

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Project consists of the design and construction of an approximate 7,000 sq. foot skate-park within Linda Kissack Park proposed to be located on the northwest corner of intersection of Elizabeth Norris Road and Lake Isabella Boulevard. Project activities will benefit a service area of 7,555 persons, 65.85% of which are low to moderate income (2018 HUD; 2011-15 ACS LMISD).

HUD Use Code 03F - Parks, Neighborhood Facilities; National Objective Citation 570.208(a)(1)(i); Eligible activities under 570.201(c) - Public Facilities and Improvements.

Proposed Mitigation Measures Lake Isabella - Linda Kissack Skatepark Improvements per Part 58 review

Factor: Flood Insurance

Reason: Site Located in FEMA Floodplain; Zoned FPP under Zoning Ordinance

- 1) In accordance with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 for any insurable structures modified or constructed as a result of the activity, flood insurance would need to be obtained and maintained for the life of the property.

Steps to compliance: Through completion of the methods above, the owner shall obtain flood insurance for the rehabilitated property and provide a copy of the policy to the Planning and Natural Resources Community Development Division for inclusion in the Project record. Current insurance status for the improvements shall be maintained for the life of the structure.

Factor: Clean Air

Reason: The Project site is located within the jurisdictional boundaries of the Eastern Kern Air Pollution Control District (District) – Lake Isabella area. The District area is non-attainment for certain criteria pollutants. The District has provided comment noting the Project has the potential to be a source of fugitive dust and exhaust emissions and odors from equipment may be generated during construction. In addition, the Project activities must conform to the State Implementation Plan (SIP) for attainment. Obtain all District required operation permits and implement measures to ensure compliance with all District rules to regulate air emissions during operations and construction.

- 1) **Prior to commencement of operations**, the Eastern Kern Air Pollution Control District shall be contacted regarding any air permits needed to ensure the above noted activities are completed in compliance with the applicable air related standards and/or regulations.
- 2) **Prior to construction related activities**, all required permits shall be obtained unless otherwise permitted by Eastern Kern Air Pollution Control District.

- 3) **At all times during the development of the site,** the project, the developer, contractors and subcontractors shall comply with applicable requirements of the Eastern Kern Air Pollution Control District. All activities undertaken including control of fugitive dust generated during construction, as well as exhaust emissions and odors from construction vehicles or equipment deployed to the site during construction shall be completed in compliance with the applicable air quality rules and all permits issued for the project.

Steps to compliance: The contractor shall obtain all air quality permits required for the commencement of operations and project development. All operations and site development activities shall be undertaken in manners consistent with permits issued for the site and all applicable regulations and laws.

Factor: Endangered Species

Reason: Protected Species are known to be present in area of the project, as evidenced by the U.S. Fish and Wildlife Service IPAC service Consultation List; Protected species include both U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) regulated.

- 1) **No more than fourteen (14) to thirty (30) days prior to the commencement of operations or ground disturbing activities,** whichever comes first, the project developer shall ensure that a preconstruction survey, is performed by a qualified biologist, to ensure that no special status wildlife protected under the Endangered Species Act have occupied the property. The results of the survey shall be summarized in a written report that shall include site-specific recommendations, if found necessary. A copy of the biological report shall be submitted to the Kern County Planning and Natural Resources Department – Community Development Division for transmittal to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, where applicable. Additionally, exclusion zones shall be established and maintained until all construction activities are complete, unless said agencies prefer that any affected special status species be removed and/or relocated, in accordance with said agencies adopted guidelines or standard procedures.

Steps to compliance: The contractor shall ensure that the reviewing biologist is contacted and an evaluation is conducted prior to commencement of operations within periods provided. All recommendations of the reviewing biologist shall be complied with to ensure the protection of listed species. Prior to commencement of actions or the undertaking any ground disturbing activities, evidence of completion of the report shall be provided to the Kern County Planning and Natural Resources Department – Community Development Division and the report shall be submitted to the U.S. Fish and Wildlife Service. Where exclusion zones are found to be necessary by the biologist, the developer/contractor shall cooperatively participate to ensure the protection of the exclusion zones and species within the areas for protection, unless said agencies prefer that any affected special status species be removed and/or relocated, in accordance with said agencies adopted guidelines or standard procedures.

Factor: Floodplain Management

Reason: Site is located in FEMA floodplain and Zoned FPP under Zoning Ordinance; Substantial Improvements are needed to rehabilitate the Historic structure to proposed new use as visitor center. An

Eight-Step public review was completed which resulted in the following mitigation measures. ADA related improvements are excluded from compliance with this part:

All approved development plans shall comply with the following standards:

- 1) In accordance with HUD regulations, **no structures or improvements are to be developed or located within the floodway-affected areas of the project** as denoted on FEMA Map No. 06029C1426E.
- 2) To ensure no development or encroachment occurs within the floodway, **a minimum five-foot setback from the extent of floodway**, as determined by site survey and/or based on the findings of the extent of the floodway as shown in *Flood Analysis Report for Linda Kissack Skate Park Lake Isabella*, conducted for the project.
- 3) As noted in the flood insurance mitigation, **Flood insurance must be acquired and maintained for the life of the improvements**, in order to mitigate possible flood damage.
- 4) All skatepark areas developed at or below the elevation of 2,466.9 feet must be developed with concrete in order to achieve a flood resistance rating and to provide for favorable insurance rate under NFIP requirements. **If a different material other than concrete is used for the pad**, further analysis may be needed to determine materials proposed can withstand flood related forces.
- 5) To avoid any development or encroachment into the floodway-affected areas of the project, **the footprint of the skatepark shall not exceed the size of 5,553 sq. feet.**
- 6) If the design of the skatepark includes a build-up so the site is level, the pad sides are not permitted to encroach into the floodplain areas.

Steps to Compliance: Obtain flood insurance policy for the project improvements. The site plan developed shall incorporate the above mitigation steps into the project design and construction shall be implemented in a manner consistent with HUD regulations and the flood analysis conducted and incorporated in the ERR for the site.

Factor: Soil Suitability/Slope/Erosion/Drainage/Storm Water Runoff

Reason: The project site is located within a floodplain. Design improvements are necessary to account for site drainage and storm water runoff that will be generated by the installation of impervious surfaces.

- 1) **Prior to issuance of any building or grading or permits**, design elements shall be incorporated to address how the improvements can best accommodate storm-water runoff with channelization and/or drainage improvements.

Steps to compliance: The design shall incorporate features that can accommodate and/or minimize the amount of drainage and storm water runoff generated by the installation of the impervious surface within the floodplain.

Factor: Solid Waste Disposal / Recycling

Reason: The project will result in additional park visits while being active. It is anticipated that trash from consumption of food and beverages will accumulate if not addressed. This is a concern as to the health and aesthetic quality of the area, due to the current Pandemic and since the site is visible from nearby roadways. While there are trash receptacles in the park for disposal of refuse, the additional refuse may not always end up disposed of in a manner fitting to maintain acceptable conditions for other park users.

- 1) **Prior to final permit or occupancy approval**, site signage should be placed at the entrance to remind skatepark users it is their skatepark and responsibility to dispose of trash in receptacles and maintain the clean conditions of the site for continued use.

Steps to compliance: Signage to address trash disposal shall be provided at the entrance of the skate park.

Factor: Transportation and Accessibility

Reason: The current location of the proposed skatepark site is within the 55-foot setback of Lake Isabella Boulevard.

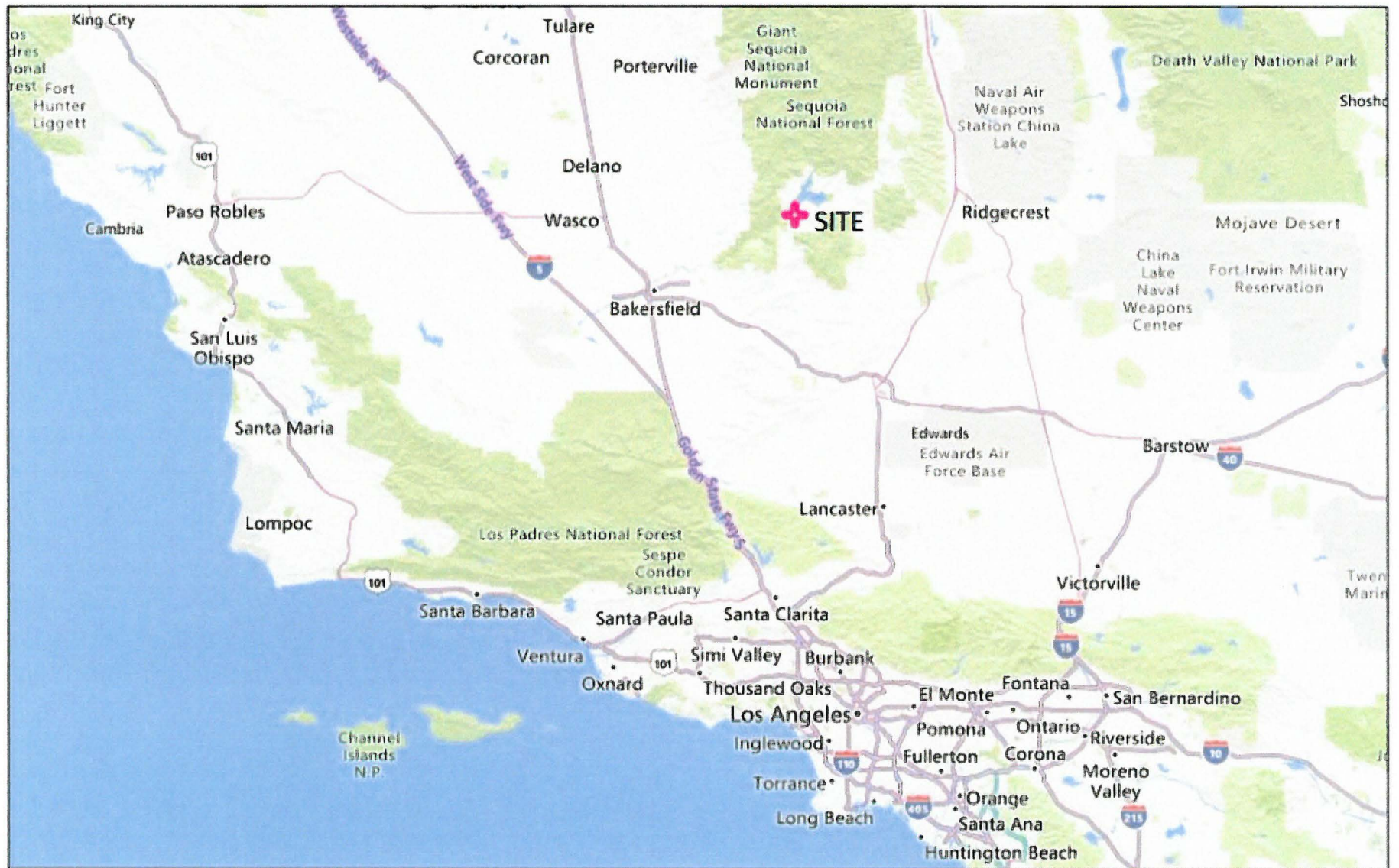
- 1) **Prior to issuance of any building or grading permits**, in accordance with Section 19.08.120 of the Zoning Ordinance and planned future right-of-way for Lake Isabella Boulevard, the structure should be setback as minimum of 55-feet from the centerline of Lake Isabella Boulevard. Or, as an alternative, obtain the necessary permit approvals to reduce the setback from the County of Kern Engineering and Survey and Permit Services Department and Planning and Natural Resources Department, as applicable.

Steps to compliance: The design of the project shall determine the extent of the 55-foot setback and design the location as necessary or obtain the necessary permit approvals to reduce the setback requirement from County authorities.

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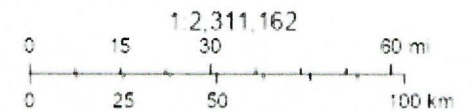
III. Site Related Maps

Project Region Map



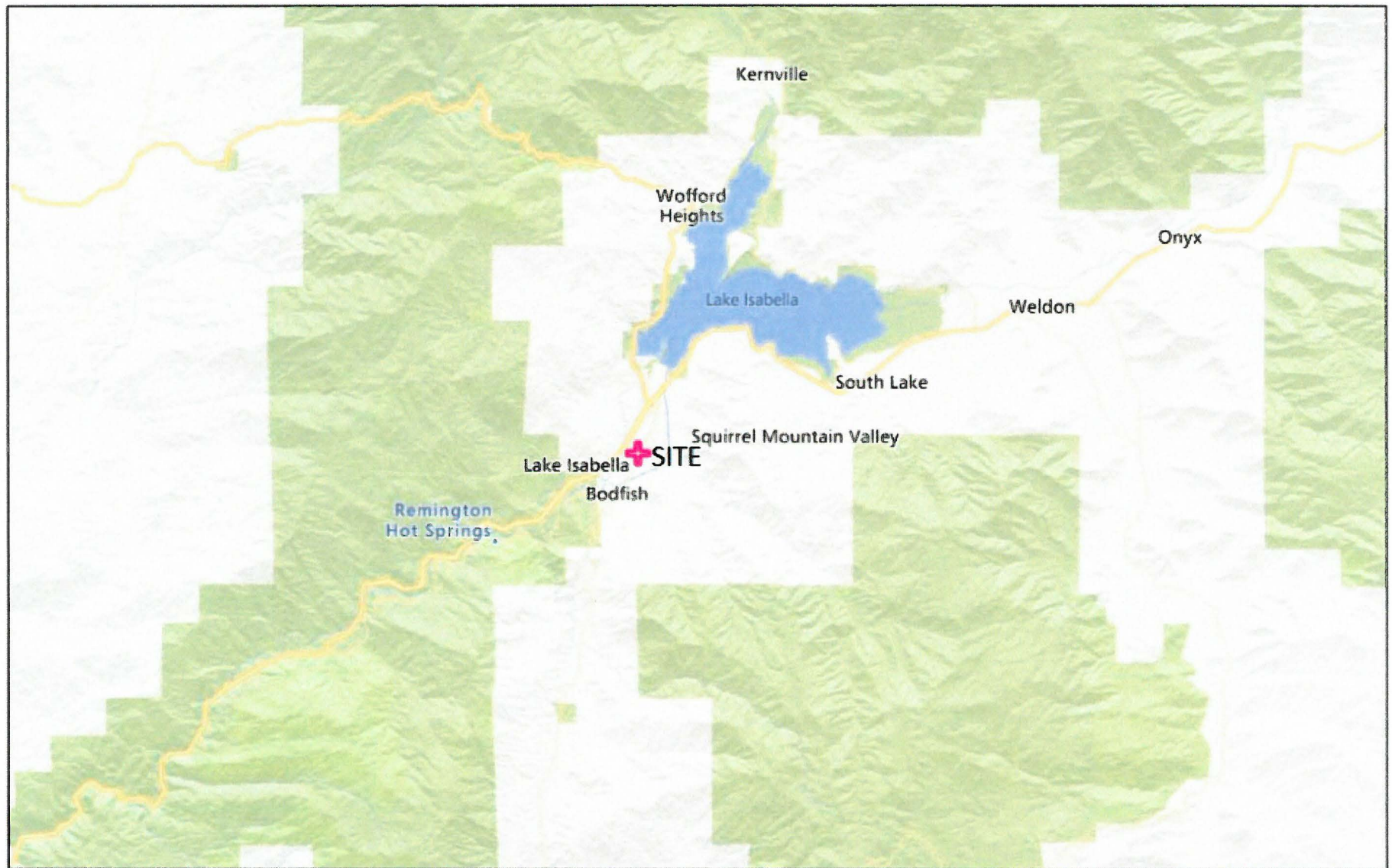
September 16, 2020

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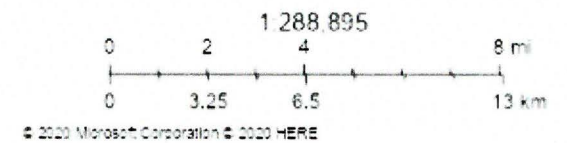
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Project Area Map

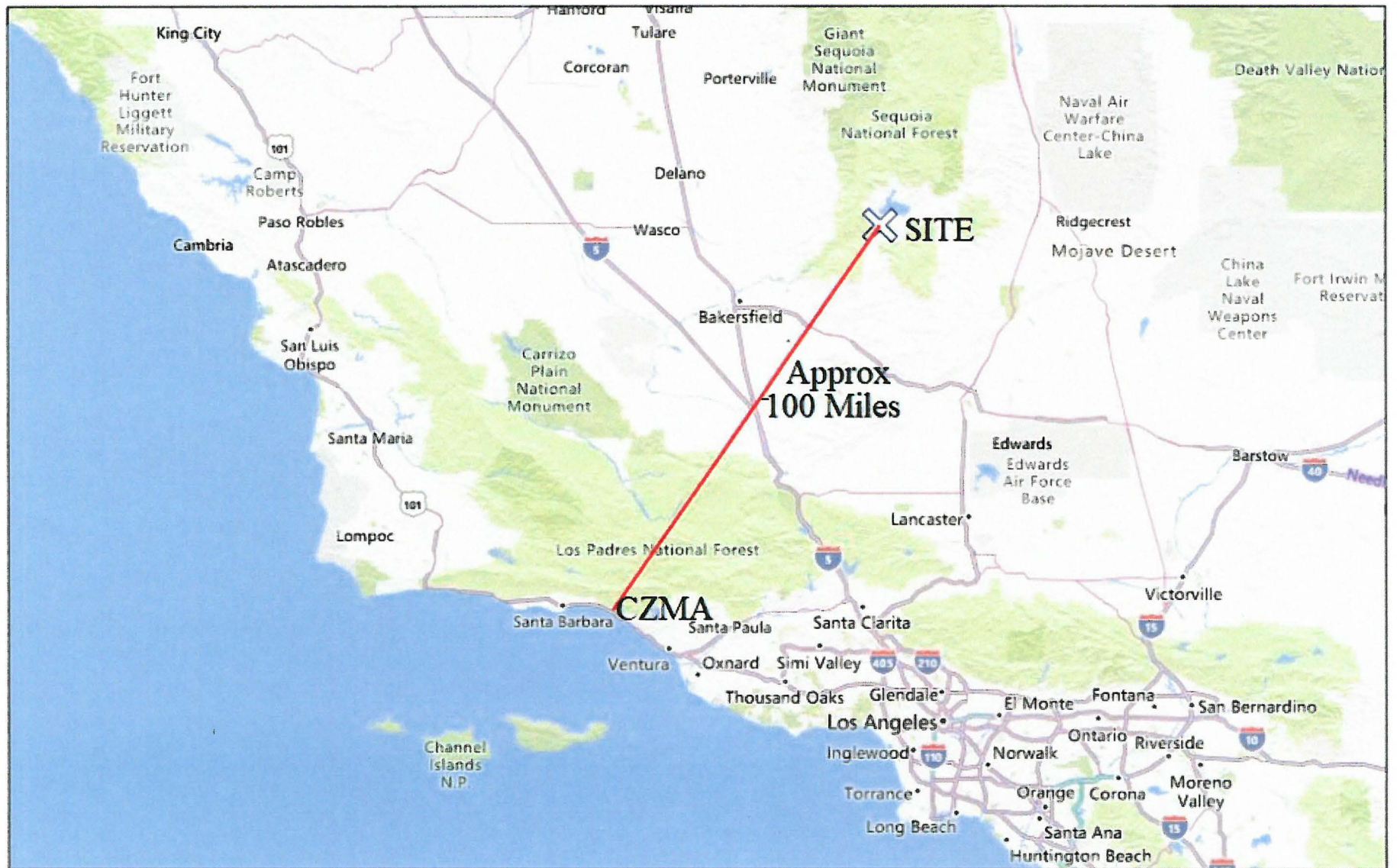


September 16, 2020

+ SITE



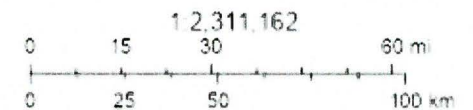
Coastal Zone Map



July 21, 2020

— Distance

 Project Site



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U.S. Fish and Wildlife Service

National Wetlands Inventory

NWI Wetlands Map



July 23, 2020

Wetlands

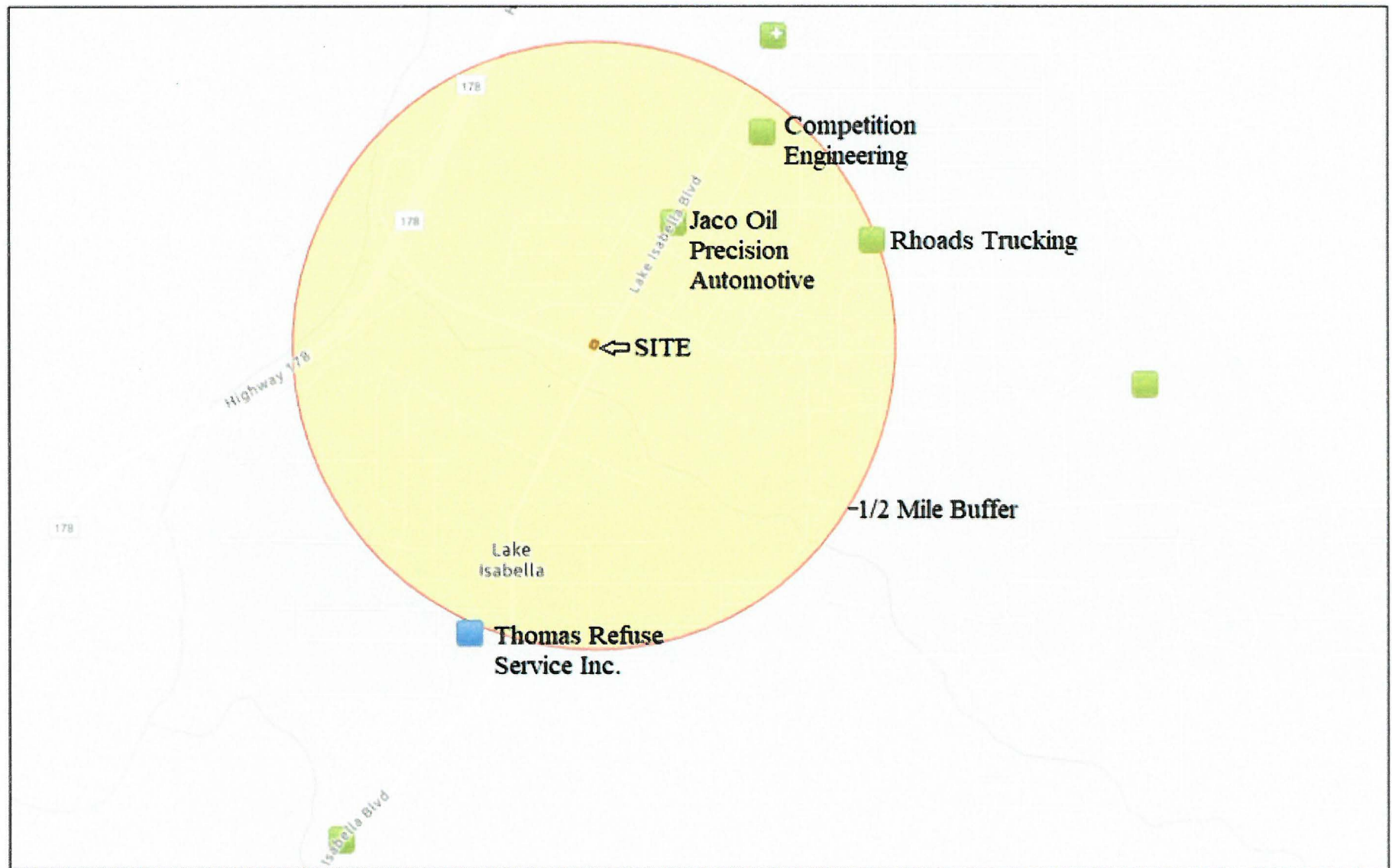
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

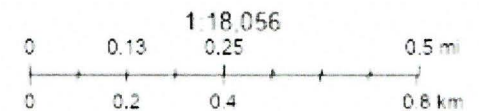
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Contamination and Hazards



July 21, 2020

- Water Dischargers (NPDES)
- + Hazardous Waste (RCRAInfo)
- Hazardous Waste (RCRAInfo)
- Project Buffer
- Project 1



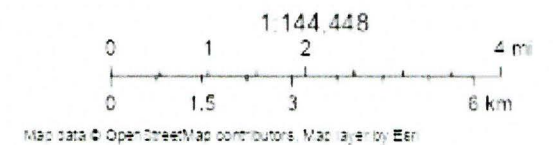
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community

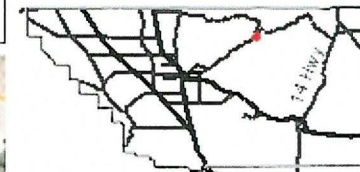
Airport Map



July 21, 2020

- Project 2
- Project 1





Legend

- Parcels Land
- Roads**
 - Freeway
 - Highway
 - Major
 - Minor
 - Local
 - Ramp
 - Unpaved
- City Incorporated
- Townsites Unincorporated Area

1:2,257



0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

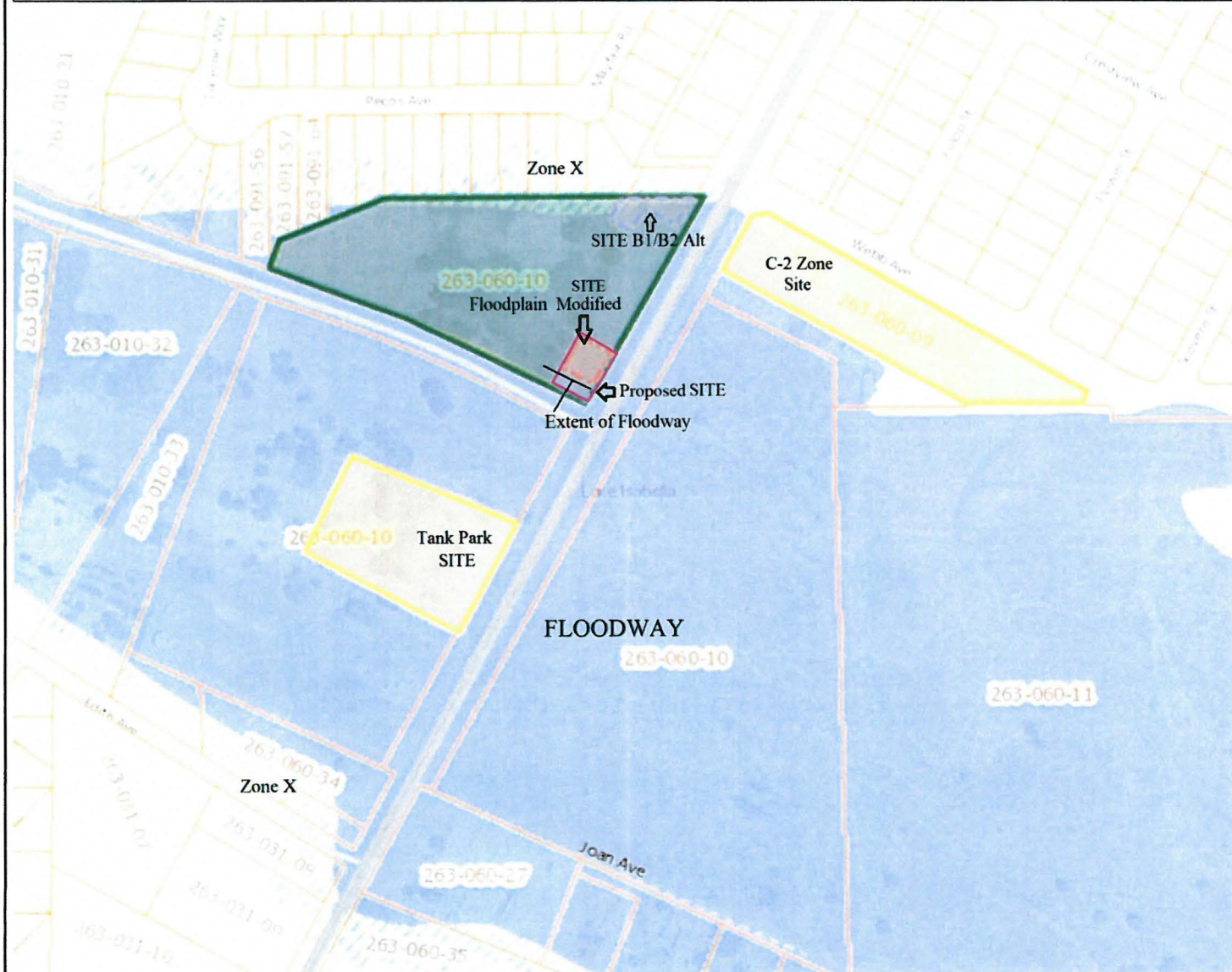
This map is a user generated static output from an Internet mapping site and is for general reference only. The County of Kern assumes no liability for damages, incurred by the user of this information, which occur directly or indirectly as a result of errors, omissions or discrepancies in the information.

Notes



Kern County
Online Mapping System

CD Project 28.19.1 - Lake Isabella - Linda Kissack Skatepark Alternatives



Legend

- Parcels Land
- Roads 3k-5k**
 - Freeway
 - Highway
 - Major
 - Minor
 - Local
 - Ramp
 - Unpaved
- City Incorporated
- Townsites Unincorporated Area:
- DFIRM Flood Zones**
 - 0.2 PCT ANNUAL CHANCE FLOOD
 - A; AE; AH; AO
 - D
 - X

1:4,514



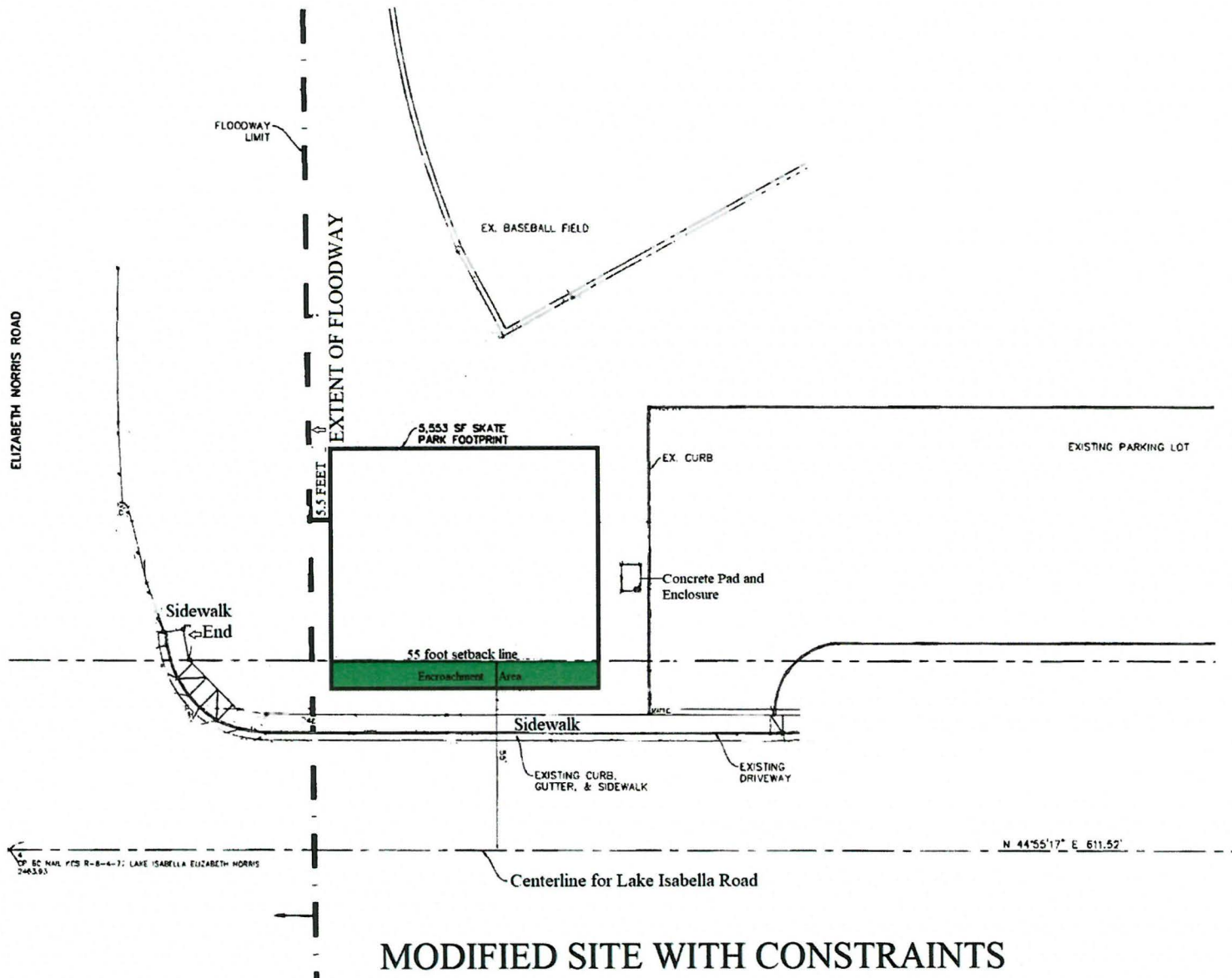
0.1 0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for general reference only. The County of Kern assumes no liability for damages, incurred by the user of this information, which occur directly or indirectly as a result of errors, omissions or discrepancies in the information.

Notes

CD Project No. 28.19.1 - Lake Isabella - Linda Kissack Skatepark



IV. FEMA Consultation and Response

Lorelei H. Oviatt, AICP, Director
2700 "M" Street, Suite 250
Bakersfield, CA 93301-2323
Phone: (661) 862-5050
Fax: (661) 862-5052 TTY Relay 1-800-735-2929
Email: kerncd@kerncounty.com
Web Address: <http://kernplanning.com>



**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

November 6, 2019

FILE: ERR (Environmental Review Record)

Henry Chau
Federal Emergency Management Agency, Region IX
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

**RE: Early Environmental Consultation Review for CD Activity # 28.19.1 – Linda Kissack
Skatepark Improvements Project**

Dear Mr. Chau,

Pursuant to the National Environmental Policy Act (NEPA) (Title 24 of the Code of Federal Regulations, Part 58) and California Environmental Quality Act (CEQA) Section 21080.3 of the Public Resources Code, and the Department of Housing and Urban Development (HUD) regulations, the Planning and Natural Resources - Community Development Division (PLNR) is conducting an Environmental Review whereby the appropriate level of environmental clearance will be determined for the referenced project. The environmental clearance to be prepared may be in the form of a FONSI for NEPA and a Categorical Exemption for CEQA.

Our purpose for this inquiry is to determine any potential environmental effects that may be associated with the proposed project. Your response will help to ensure that the environmental decision by this department will reflect the concerns of all federal, State and local agencies responsible for administering their respective programs that may be directly or indirectly affected by this project.

Please provide this office with a written statement concerning the potential impacts that the project will or may have on the environment and indicate with your comments if you wish to receive a copy of the completed Environmental Review. It is very important that we receive your written response by **December 6, 2019**. If we do not receive a response, this office will assume that you have no comments and we will proceed accordingly as required by 24 CFR, Part 58.

If you have any questions or require additional information in order to conduct your review, please do not hesitate to contact me at (661) 862-5130.

Sincerely,

A handwritten signature in black ink, appearing to read "James Golden".

James Golden
Planner III

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



November 14, 2019

James Golden, Planner III
Kern County, Planning and Natural Resources Department
2700 "M" Street, Suite 250
Bakersfield, California 93301-2323

Dear Mr. Golden:

This is in response to your request for comments regarding the Early Environmental Consultation Review for CD Activity #28.19.1 – Lake Isabella – Linda Kissack Skatepark Improvements Project.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Kern (Community Number 060075), Maps revised September 26, 2008. Please note that the County of Kern, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

James Golden, Planner III

Page 2

November 14, 2019

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Kern County floodplain manager can be reached by calling Greg Fenton, P.E., Director, Building and Development Department, at (661) 862-5093.

If you have any questions or concerns, please do not hesitate to call Brian Trushinski of the Mitigation staff at (510) 627-7183.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Greg Fenton, P.E., Director, Building and Development Department, Kern County
Garret Tam Sing, State of California, Department of Water Resources, Southern Region
Office

Brian Trushinski, Floodplain Manager Specialist, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

V. California Historical Resource Information System (CHRIS) Letter



To: James Golden
Kern County Planning & Natural Resources Dept.
2700 M Street, Suite 250
Bakersfield, CA 93301

Record Search 19-353

Date: September 9, 2019

Re: CD Program Project 28.19.1 – Lake Isabella – Linda Kissack Skatepark Improvements Project

County: Kern

Map(s): Lake Isabella South 7.5'

CULTURAL RESOURCES RECORDS SEARCH

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

The following are the results of a search of the cultural resource files at the Southern San Joaquin Valley Information Center. These files include known and recorded cultural resources sites, inventory and excavation reports filed with this office, and resources listed on the National Register of Historic Places, Historic Property Directory, California State Historical Landmarks, California Register of Historical Resources, California Inventory of Historic Resources, and California Points of Historical Interest. Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area.

PRIOR CULTURAL RESOURCE STUDIES CONDUCTED WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

According to the information in our files, there have been no previous cultural resource studies conducted within the project area. There have been 12 studies within the one-half mile radius, KE-01400, 01597, 01622, 02069, 02274, 02497, 03389, 03565, 03751, 03916, 04049, and 04096.

KNOWN/RECORDED CULTURAL RESOURCES WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

There are no recorded cultural resources within the project area, and it is not known if any exist there. There are three recorded resources within the one-half mile radius, P-15-000017, 000043, and 000574. These resources consist of prehistoric era bedrock milling features, pictographs, petroglyphs, and habitation debris.

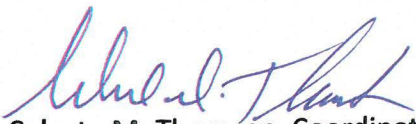
There are no recorded cultural resources within the project area that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

COMMENTS AND RECOMMENDATIONS

We understand this project consists of design and construction of a 7,000 square foot skate-park within the existing Linda Kissack Park, located at 4901 Lake Isabella Blvd., Lake Isabella, CA. The age of the park was not provided. According to our records, this park has never been evaluated for historical significance. If the park is more than 45 years old, we recommend it be recorded and evaluated for historical significance prior to project activities. If the park is less than 45 years old, no further cultural resource investigation is recommended prior to project activities. However, this region of Kern County is considered highly sensitive for cultural resources. Waterways and their surrounding areas were utilized by indigenous people as permanent villages, temporary camps, and task specific sites. There is a reasonable probability that subsurface cultural resources will be encountered during ground disturbance activities. Therefore, we also recommend a qualified, professional consultant be present during all ground disturbance activities to identify any unearthed cultural resources and make the appropriate mitigation recommendations. A list of qualified consultants can be found at www.chrisinfo.org.

We also recommend that you contact the Native American Heritage Commission in Sacramento. They will provide you with a current list of Native American individuals/organizations that can assist you with information regarding cultural resources that may not be included in the CHRIS Inventory and that may be of concern to the Native groups in the area. The Commission can consult their "Sacred Lands Inventory" file in order to determine what sacred resources, if any, exist within this project area and the way in which these resources might be managed. Finally, please consult with the lead agency on this project to determine if any other cultural resource investigation is required. If you need any additional information or have any questions or concerns, please contact our office at (661) 654-2289.

By:



Celeste M. Thomson, Coordinator

Date: September 9, 2019

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

VI. State of California SHPO Consultation Letter

Lorelei H. Oviatt, AICP, Director
2700 "M" Street, Suite 250
Bakersfield, CA 93301-2323
Phone: (661) 862-5050
Fax: (661) 862-5052 TTY Relay 1-800-735-2929
Email: kerncd@kerncounty.com
Web Address: <http://kernplanning.com>



**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

July 24, 2020

Ms. Polanco, State Historic Preservation Officer,
Attn: Lucinda Woodward
Office of Historic Preservation, Dept. Parks & Recreation
State of California,
P.O. Box 942896
Sacramento CA 94296-0001

Re: CD Project No. 28.19.1 – Lake Isabella – Linda Kissack Skatepark Improvements, Lake Isabella, CA

Dear Ms. Polanco or Ms. Woodward:

This letter is a request pursuant to Section 106 of the National Historic Preservation Act. Specifically we ask for your views and concurrence with regard to identification of historic resources (36 CFR 800.4) and assessment of adverse effects (36 CFR 800.5). The Area of Potential Effects (APE), as defined at 36 CFR 800.16 (d), is located within Linda Kissack Park or 4901 Lake Isabella Blvd., Lake Isabella, CA 93240 and areas within the project's immediate vicinity.

Project consists of the design and construction of a 7,000 sq. foot skate-park within Linda Kissack Park proposed to be located on the northwest corner of intersection of Elizabeth Norris Road and Lake Isabella Boulevard. Project activities will benefit a service area of 7,555 persons, 65.85% of which are low to moderate income (2018 HUD 2011-15 ACS LMISD). 03F Parks, Neighborhood Facilities; National Objective Citation 570.208(a)(1)(i); Eligible activities under 570.201(c) - Public Facilities and Improvements.

Alternatives considered include the reduction of the park outside of the floodway to be consistent with HUD regulations for floodway development and in accordance with the required Eight Step review process conducted for the site, which officially closed as of July 23, 2020. The flood study recommended that the park be located at a smaller 5,536 square foot location outside of the floodway but within the floodplain for Erskine Creek.

Both consultation with the SSJVIC and the Native American Heritage Commission were contacted during the early consultation process. A sacred inventory list was obtained from the NAHC and all tribal contacts identified were included in a consultation notification. The consultation included a copy of the SSJVIC letter and commenced on December 18, 2019. No tribal comments were received in response to the consultation notification.

Based on information contained in the record, we have made the following finding(s) regarding the proposed undertaking and its impact on Historic Properties within the Area of Potential Effects for the project:

☒ [X] No Historic Properties, as defined at 36 CFR 800.16 (l), will be affected by the undertakings.

☐ [] The undertaking **will not** have an adverse effect, as defined at 36 CFR 800.5, on Historic Properties.

[] The undertaking **will** have an adverse effect on Historic Properties, as defined at 36 CFR 800.5 (a), and requires further consultation and resolution between this Agency, SHPO and the Advisory Council on Historic Preservation, in accordance with 36 CFR 800.6.

If you have questions or require further documentation, please contact me at (661) 862-5130 or email me at goldenj@kerncounty.com. Thank You.

Sincerely,



James Golden, Planner III
Planning and Natural Resources Department
Enclosures; Project Description, Site Map(s) and SSJVIC comments

I:\CEDD\PLANNING\Golden\Environmental Reviews\2019-20\Isabella Skate Park\SHPO_Ltr1.docx

VII. U.S. Fish and Wildlife (USFWS) Consultation



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

July 22, 2020

Consultation Code: 08ESMF00-2020-SLI-2427

Event Code: 08ESMF00-2020-E-07477

Project Name: CD Activity #28.19.1 – Lake Isabella - Linda Kissack Skatepark Improvements

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2020-SLI-2427

Event Code: 08ESMF00-2020-E-07477

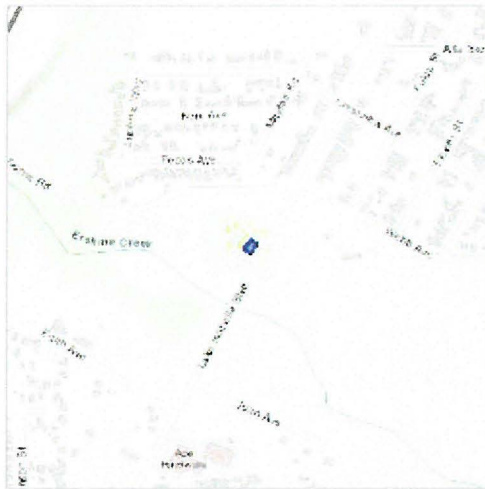
Project Name: CD Activity #28.19.1 – Lake Isabella - Linda Kissack Skatepark Improvements

Project Type: RECREATION CONSTRUCTION / MAINTENANCE

Project Description: Project consists of the design and construction of an approximate 5,000 sq. foot skate-park within Linda Kissack Park proposed to be located on the northwest corner of intersection of Elizabeth Norris Road and Lake Isabella Boulevard.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.609327574079515N118.48359052665319W>



Counties: Kern, CA

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Fisher <i>Pekania pennanti</i> Population: SSN DPS No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3651	Endangered

Birds

NAME	STATUS
California Condor <i>Gymnogyps californianus</i> Population: U.S.A. only, except where listed as an experimental population There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8193	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

VIII. General Consultation Letter and Agency Public Response

Lorelei H. Oviatt, AICP, Director
2700 "M" Street, Suite 250
Bakersfield, CA 93301-2323
Phone: (661) 862-5050
Fax: (661) 862-5052 TTY Relay 1-800-735-2929
Email: kerncd@kerncounty.com
Web Address: <http://kernplanning.com>



**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

September 6, 2019

California Dept. of Fish and Game
Central Region (Fresno)
1234 East Shaw Avenue
Fresno, CA 93710

RE: Early Environmental Consultation Review for CD Activity # 28.19.1 – Linda Kissack – Lake
Isabella Skatepark Project

To Whom It May Concern,

Pursuant to the National Environmental Policy Act (NEPA) (Title 24 of the Code of Federal Regulations, Part 58) and California Environmental Quality Act (CEQA) Section 21080.3 of the Public Resources Code, and the Department of Housing and Urban Development (HUD) regulations, the Planning and Natural Resources - Community Development Division (PLNR) is conducting an Environmental Review whereby the appropriate level of environmental clearance will be determined for the referenced project. The environmental clearance to be prepared may be in the form of a Categorical Exclusion or Environmental Assessment for NEPA and a Categorical Exemption for CEQA.

Our purpose for this inquiry is to determine any potential environmental effects that may be associated with the proposed project. Your response will help to ensure that the environmental decision by this department will reflect the concerns of all federal, State and local agencies responsible for administering their respective programs that may be directly or indirectly affected by this project.

Please provide this office with a written statement concerning the potential impacts that the project will or may have on the environment and indicate with your comments if you wish to receive a copy of the completed Environmental Review. It is very important that we receive your written response by **October 7, 2019**. If we do not receive a response, this office will assume that you have no comments and we will proceed accordingly as required by 24 CFR, Part 58.

If you have any questions or require additional information in order to conduct your review, please do not hesitate to contact me at (661) 862-5130.

Sincerely,

A handwritten signature in black ink, appearing to read "James Golden".

James Golden
Planner III

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources
Department
James Golden

Date: September 16, 2019

From: Public Works Department
Floodplain Management Section
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098
Email: BlaseB@kerncounty.com

Subject: Early Environmental Consultation Review - CD Activity #28.19.1
Linda Kissack – Lake Isabella Skatepark Project

Our section has reviewed the attached subject documents and has the following comments:

The subject property is subject to flooding.

Therefore, this section recommends the following be included as conditions of approval for this project:

Associated flood hazard requirements will need to be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

James Golden

From: chuck socalsk8andsurf.com <chuck@socalsk8andsurf.com>
Sent: Tuesday, October 15, 2019 4:02 PM
To: James Golden
Cc: TIM LINCOLN; chuck socalsk8andsurf.com
Subject: SK8 PARK LOCATION

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

THE LOCATION AT THE CORNER OF ISABELLA AND ELIZABETH (NW) SEEMS TO ME TO THE BEST LOCATION. I WAS TOLD IT IS IN A FLOOD ZONE. THE SK8 ERS USING THE PARK WOULD HAVE NO PROBLEM WITH THAT. IS THERE A PROBLEM WITH THAT?

CHUCK DUNN
6101 LAKE ISABELLA
LAKE ISABELLA CA. 93240
951-685-3419

IX. Floodplain Notices

Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

July 15, 2020

County of Kern – Planning and Natural Resources Department
2700 M Street, Suite 250

To: All interested Agencies, Federal Emergency Management Agency (FEMA), State of California, Groups and Individuals

This is to give notice that the County of Kern acting as Responsible Entity under 24 CFR Part 58 has conducted an evaluation as required by Executive Order 11988, in accordance with Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity known as **CD Project No. 28.19.1 – Lake Isabella – Linda Kissack Skatepark Improvements** is partially funded under the Community Development Block Grant (CDBG) Program, under Title 1 of the Housing and Community Development Act of 1974 and under grant for Fiscal Year 2018-2019 as B-19-UC-06-0502. The early notice was published in the Kern Valley Sun on October 30, 2019 and this second and final evaluation notice is required under the eight-step process for floodplain development for projects assisted with HUD funds. The proposed project is to be located at 4901 Lake Isabella Blvd or Linda Kissack Park, in the unincorporated community of Lake Isabella, County of Kern. Park improvements are proposed at the northwest corner of the intersection of Lake Isabella Road and Elizabeth Norris Road. As proposed, the project consists of the design and construction of an approximate 7,000 skate-park within the park. Project activities will benefit a service area of 7,555 persons, 65.85% of which are low to moderate income (2018 HUD 2011-15 ACS LMISD). 03F Parks, Neighborhood Facilities; National Objective Citation 570.208(a)(1)(i); Eligible activities under 570.201(c) - Public Facilities and Improvements.

The majority of the 5.15-acre park is located within a Special Flood Hazard Area for nearby Erskine Creek. The proposed location of the skate park site is in an area classified as Zone AE (or an area with a 1% annual chance of flooding - floodplain), according to Federal Emergency Management Agency (FEMA) Flood Map Service Flood Insurance Rate (FIRM) Map No. 06029C1426E, dated effective September 26, 2008. Proposed HUD assisted projects to be located within a 100-Year Floodplain must consider and determine whether there are practicable alternatives to locating the project within a floodplain and obtain flood insurance for improvements. Furthermore, a portion of the 7,013.9 sq. foot area for the planned skate park is located within a Regulatory Floodway (Zone AE - hatched), the area of which is located along the north-side of Elizabeth Norris Road. With the exception of very limited circumstances not applicable under this circumstance, HUD financial assistance is prohibited in floodways.

In addition to the proposed project, the County of Kern considered the following alternatives: 1) locate the project at Park Site within Linda Kissack Park with smaller footprint; 2) locate the project at nearby Tank Park to the south of the project site; 3) filing a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) for the proposed project site; 4) reviewing other sites and in the area of the proposed project; 5) locate the project at another Park Site within Linda Kissack Park; 6) other possible sites in area of the project considered; and, 7) the no project alternative. After consideration of the alternatives and conclusions the flood analysis performed for the proposed project site, it has been determined that the

skate park with the smaller footprint at 5,553 sq. feet is best suited to the area of the project within Linda Kissack Park. The smaller project footprint is located at least five-feet from the boundary of the restricted floodway area, meets the criteria for site selection and will reduce encroachment within right-of-way for Lake Isabella Boulevard, and Arterial Major Highway. The flood analysis report recommended additional mitigation measures to address and reduce the potential to minimize adverse impacts and to restore and preserve natural and beneficial values of the floodway and floodplain. Measure includes: 1) development of the small skate park footprint of 5,553 sq. feet to avoid the Floodway Area; 2) all skate park areas shall be developed at or below the elevation of 2,466.9 feet with concrete to achieve flood resistance rating and to provide for favorable insurance rate under NFIP requirements. If concrete is not used, further analysis may be needed to determine materials proposed can withstand flood related forces; and, 3) if the skate park earth pad is to be built up so the site is level, the pad sides shall not encroach into the floodplain areas. The above measures will ensure compliance with local rules under the Kern County Floodplain Management Ordinance and Federal Emergency Management Agency (FEMA) regulations. Under the flood analysis report, FEMA documents, maps and the Kern County Floodplain Management Ordinance have been researched and a topographic survey completed to determine the 100-year base flood characteristics of the area and the requirements for favorable FIRM insurance rate for the improvements.

The County of Kern has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copies by email at goldenj@kerncounty.com. The information can also be obtained on PLNR's website at <https://kernplanning.com/community-development-2/>, by mail request at 2700 "M" St., Suite 250, Bakersfield, California, by phone at (661) 862-5050 upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the County of Kern at the following address or on or before July 23, 2020: James Golden can be reached by email at goldenj@kerncounty.com by mail at 2700 "M" St., Suite 250, Bakersfield, California or the department by phone at (661) 862-5020, Attention: James Golden, Planner III. A full description of the project may also be obtained from 8 a.m. to 5:30 p.m. Monday thru Thursday. Due to the current pandemic and limited public access the contacts noted above should be used to obtain all information and if possible the web address goldenj@kerncounty.com for the most rapid response during this time. Comments may also be submitted via that email address.

Date: Wednesday 15, 2020

**Early Notice and Public Review of a Proposed
Activity in a 100-Year Floodplain**

October 30, 2019

County of Kern – Planning and Natural Resources Department
2700 M Street, Suite 250

To: All interested Agencies, Federal Emergency Management Agency (FEMA), State of California, Groups and Individuals

This notice first published on October 16, 2019, is being republished to clarify and give the public further notice that the County of Kern, under 24 CFR Part 58, has determined that the following proposed action to be funded in part with Community Development Block Grant (CDBG) funds under Title 1 of the Housing and Community Development Act of 1974, as amended, is located in the 100-year floodplain. CDBG program funding is provided by the U.S. Department of Housing and Urban Development (HUD). The County of Kern will be identifying and evaluating practicable alternatives to locating the action in the floodplain and the potential impacts on the floodplain from the proposed action, as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. **CD Project No. 28.19.1, Lake Isabella - Linda Kissack Skatepark Improvements** which consists of the design and construction of an approximate 7,000 sq. foot skate-park, within Linda Kissack Park. The entire park, which is approximately 5.15-acres in size, is located within a Special Flood Hazard Area for nearby Erskine Creek. The proposed site is classified as Zone AE, according to FEMA's Flood Map Service Flood Insurance Rate (FIRM) Map No. 06029C1426E, dated September 26, 2008. Proposed HUD assisted projects to be located within a 100-Year Floodplain must consider and determine whether there are practicable alternatives to locating the project within a floodplain. The park is located at 4901 Lake Isabella Blvd, and is on the northwest corner of the intersection of Elizabeth Norris Rd. and Lake Isabella Blvd., in the unincorporated community of Lake Isabella, County of Kern. Furthermore, an approximate 1,100 sq. feet of at least one area proposed for improvement is located within a Regulatory Floodway (Zone AE - hatched), the area of which is located along north-side of Elizabeth Norris Road.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the floodplain, alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

To be considered under the extended comment period written comments must be received by the County of Kern at the following address on or before November 13, 2019 at Kern County Planning and Natural Resources Department: Community Development Division, 2700 M Street, Suite 250, Bakersfield, CA 93301 and (661) 862-5130, Attention: James Golden, Planner III. A full description of the project may also be reviewed from 8:00 a.m. to 5:00 p.m. at the County Office address noted above and <https://kernplanning.com/community-development/>. Comments may also be submitted via email at goldenj@kerncounty.com.

Date: October 30, 2019