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March 17, 2025

Louis Ramirez, Associate Planner
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Subject: Hageman Industrial Park (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2023070665

Dear Louis Ramirez:

The California Department of Fish and Wildlife (CDFW) received a DEIR from City of Bakersfield, as Lead Agency, for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Hageman Properties, LLC

Objective: The Project proposes to construct warehouse and manufacturing buildings on approximately 78.94 acres of land. No specific development is proposed at this time; however, the preliminary development plan proposes 1,197,643 square feet of building space consisting of 40 percent manufacturing and 60 percent warehouse uses with the required parking spaces to be determined at a later date. The DEIR is being prepared to analyze the potential impacts associated with General Plan Amendment/Zone Change No. 22-0263, which requests to amend the land use designation from Heavy Industrial to Service Industrial and change the zone classification from Heavy Industrial to General Manufacturing. This EIR will be used for future land use approvals such as, but not limited to, Site Plan Reviews and Conditional Use Permits when necessary.

Location: The Project site is located on the southeast corner of the Hageman Road and Landco Drive intersection in the north-central area of the City of Bakersfield. The Project is located on approximately 78.94 acres on Assessor's Parcel Numbers (APN's): 116-080-61 and 365-011-73.

COMMENTS AND RECOMMENDATIONS

Aerial imagery of the Project site and its surroundings show the Project site contains regularly disked and fallowed agricultural lands and is comprised of annual grassland

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and ruderal species. Based on historical imagery, the site has not been utilized for active agriculture production for over 20 years. According to the Initial Study Environmental Analysis, nine (9) oil wells are located on the property and are in various stages of utilization (4 plugged and abandoned, 3 active, and 2 idle). The Project site is bordered by fallowed and regularly disked annual grassland to the north, an abandoned irrigation canal, owned and operated by the City of Bakersfield, to the west, and a railroad right-of-way easement on the southeast perimeter of the Project. CDFW previously commented on the Notice of Preparation (NOP) for the Project in a letter dated August 30, 2023 (NOP Letter).

The DEIR acknowledges that the Project site is within the geographic range of several special-status species, and notes that surveys were conducted in 2020 for San Joaquin kit fox (*Vulpes Macrotis mutica*) and blunt-nosed leopard lizard (*Gambelia sila*). The only special-status species discussions in the DEIR pertain to these two species, and no mitigation measures were proposed for impacts to biological resources. Furthermore, it appears that no additional focused biological resource surveys or assessments were included in the DEIR appendices. While not discussed within the DEIR, even though CDFW identified these species within the NOP Letter, the Project site is also within the geographic range of the State threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern and federally listed proposed threatened western spadefoot (*Spea hammondi*); and the State species of special concern American badger (*Taxidea taxus*), western mastiff bat (*Eumops perotis californicus*), and Bakersfield legless lizard (*Anniella grinnelli*), and suitable habitat may be present within the Project site to support this species.

CDFW would also like note that the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) and associated CESA Incidental Take Permit (ITP), which previously incorporated the Project site and Project vicinity, have expired, and as such, projects are not able to obtain take coverage under those permits. CDFW would also like to point out that the conditions provided within the CESA ITP were meant to minimize (but not avoid) impacts to covered species and implementation of such measures outside of a valid permit would be likely to result in the take of the species identified in the MBHCP and associated CESA ITP.

As the Project DEIR does not provide an adequate biological resource analysis for all of the species listed above, CDFW **strongly recommends that the DEIR be recirculated** with updated biological resource habitat assessments and surveys, that a more detailed biological resource analysis be incorporated within the DEIR, and that appropriate mitigation, minimization, and avoidance measures be incorporated based on the updated surveys and analysis.

In addition to the more general comment provided above, CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the

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State endangered and fully protected and federally endangered blunt-nosed leopard lizard; the State threatened and federally endangered San Joaquin kit fox; the State threatened Swainson's hawk; the State candidate western burrowing owl and Crotch's bumble bee; the State species of special concern and federally listed proposed threatened Western spadefoot; and the State species of special concern American badger, western mastiff bat, and Bakersfield legless lizard. As such, CDFW offers the following comments and recommendations to assist the City of Bakersfield in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

Comment 1: Blunt-Nosed Leopard Lizard

The DEIR includes a discussion of the Blunt-nosed leopard lizard (BNLL) protocol surveys conducted for the Project in 2020. Blunt-nosed leopard lizard was not observed during any of the protocol-level surveys and it was concluded that BNLL is not likely to occur in the Project's footprint. Suitable BNLL habitat includes all areas of grassland and shrub habitat that contains required habitat elements, such as small mammal burrows and open areas for basking. BNLL are also known to utilize open space patches between suitable habitat features including disturbed sites and unpaved access roadways, and canals. Although the surveys resulted in no direct observations when performed approximately five (5) years ago, based on aerial images, suitable BNLL habitat features appear present on the Project site and Project vicinity.

As BNLL have the potential to occupy the Project site and approximately five (5) years have passed since the last surveys were conducted, CDFW recommends the following:

Recommended Mitigation Measure 1: BNLL Surveys

CDFW recommends that a qualified biologist conduct protocol surveys in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFW 2019) prior to the initiation of any ground-disturbance activities that may occur as part of this Project. This survey protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species.

Recommended Mitigation Measure 2: BNLL Avoidance Buffer

CDFW also recommends that any BNLL detection, known burrows, or egg clutch sites have a minimum 395-acre buffer. This buffer is based on unpublished data from Dr. David Germano documenting that "male BNLL have home ranges up to 52 acres and that female BNLL have home ranges exceeding 98 acres, the known maximum home range sizes observed for the species, the unknown

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specific footprint of the individual BNLL's home range relative to where the lizard was observed on the surface, and the unknown location of the lizard underground when construction commences." CDFW would like to additionally refer to a 2018 study from Tennant, Germano, and others titled "Investigating blunt-nosed leopard lizard population size, demographics, space use, and future population trends on Department Ecological Reserves". Among other findings, this study recorded female BNLL in competitive areas dispersing over a kilometer before returning back to their home range. One surveyed female was identified 1,344 meters from her original detection point (Tennant 2018). CDFW also recommends that even with negative surveys, an appropriate number of qualified biologists be present during all ground disturbing activities that occur as part of this Project to monitor for BNLL, not just the initial surface disturbance activities, and that any individual that may enter the Project site be allowed to leave unobstructed of its own accord.

Comment 2: San Joaquin Kit Fox

Bakersfield is home to a significant urban population of San Joaquin kit fox (SJKF) with multiple recorded occurrences in the California Natural Diversity Database (CNDDDB) (CDFW 2025). While the Project may not contain typical native habitat for SJKF, as acknowledged in the response to CDFW's NOP comment letter, it is within a geographic range occupied by SJKF, and the Bakersfield SJKF population in particular, is known to regularly utilize anthropogenic and industrial environments.

In addition to native habitats, SJKF can den in rights-of-way, vacant lots, under buildings, and other urban habitats and populations can fluctuate over time. Additionally, any Project related ground-disturbing activity could attract SJKF and the EIR appendices note that there are no barriers that would prohibit transient SJKF from traversing the Project property. San Joaquin kit fox may be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. SJKF will readily use shipping containers, portable buildings, and stacks of materials (e.g., I-beams, wooden boards) with spaces within or underneath them for denning, in addition to pipes and culverts (Cypher et al. 2023). Therefore, CDFW recommends thoroughly inspecting all construction materials or structures with sufficient spaces for SJKF, in addition to pipe- and culvert-like structures, before these materials are used or moved in any way. To deter SJKF from creating dens under construction materials, CDFW recommends elevating materials one foot or more off the ground using k-rails or similar structures. The urban population of SJKF has also been recorded to utilize anthropogenically altered habitats while maintaining a robust population (Cypher 2013).

CDFW notes that a site visit for a SJKF assessment was prepared in June 2020 and concluded that there was no suitable habitat that could support denning or foraging

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SJKF. It is important to note that SJKF populations are known to fluctuate and a negative finding from biological surveys at any given time does not necessarily demonstrate absence of SJKF on a site. As such, CDFW recommends reassessing presence/absence of SJKF by conducting den surveys following the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011). These measures should be implemented no less than 14 days and no more than 30 days prior to the beginning of ground and/or vegetation disturbing activities. Additionally, CDFW recommends a qualified biologist conduct on-site worker awareness training and inspect all construction materials for SJKF before use. Any pits or trenches created should be sloped or covered to prevent inadvertent capture or entrapment (take).

Additionally, CDFW recommends adding the following:

Recommended Mitigation Measure 3: SJKF Avoidance Buffer

CDFW recommends implementing no-disturbance buffers, as described in the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011) around potentially suitable or known SJKF den sites.

Recommended Mitigation Measure 4: SJKF Take Authorization

If the no-disturbance buffers outlined in the USFWS Protocol for SJKF is not feasible, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, CDFW recommends the Project proponent pursue take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

Comment 3: Swainson's Hawk

Swainson's Hawk (SWHA) have been documented to occur near the Project site (CDFW 2025). The habitat types present at and surrounding the Project site all provide suitable foraging habitat for SWHA, increasing the likelihood of SWHA occurrence within the vicinity. In addition, any trees in the Project vicinity have the potential to provide suitable nesting habitat and any power poles may be utilized for perching. SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat limits their local distribution and abundance (CDFW 2016). SWHA are known to travel up to 18 miles to forage and are also attracted to ground disturbing activities such as disking because these activities may prey vulnerable by reducing cover (Estep 1989). In addition, conversion of undeveloped land can directly influence distribution and abundance of SWHA, due to the reduction in foraging habitat.

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As SWHA are known to occur within the Project vicinity and suitable foraging habitat is present within the Project site, CDFW recommends the following:

Recommended Mitigation Measure 5: SWHA Surveys Prior to Construction

CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) the breeding season immediately prior to any ground disturbing activities that occur as part of this Project.

Recommended Mitigation Measure 6: SWHA Avoidance Buffer

If Project-specific ground disturbance activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 7: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 8: SWHA Foraging Habitat Mitigation

Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.

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- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised

Comment 4: Western Burrowing Owl

The California Fish and Game Commission named western burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024. This action advanced the species to candidacy under CESA and as such BUOW now receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). It is illegal to import, export, take (hunt, pursue, catch, capture, or kill, or attempt engage in any of these activities), possess, purchase, or sell BUOW or any part or product thereof (Fish & G. Code, §§§ 86, 2080, 2085).

The Project site is within the known geographic range of BUOW and there are multiple historic and recent occurrences located within five miles of the Project site (CDFW 2025). BUOW inhabit open grasslands and desert scrublands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Based on aerial imagery and the information provided in the DEIR, the Project site and adjacent lands contain suitable habitat for BUOW nesting and foraging.

As BUOW are known to occur within the Project vicinity and suitable nesting and foraging habitat is present within the Project site, CDFW recommends following:

Recommended Mitigation Measure 9: BUOW Pre-construction Surveys

CDFW recommends that a qualified biologist conduct surveys for BUOW following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) be conducted the survey season immediately prior to initiation of ground-disturbance activities.

Recommended Mitigation Measure 10: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 11: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement

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the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Comment 5: Crotch's Bumble Bee

The DEIR notes that Crotch's bumble bee is unlikely to occur within the Project site, but no focused surveys were conducted for the species and there is limited information on whether an adequate habitat assessment for CBB was conducted. Suitable CBB habitat, such as areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows, appear to be present within the Project site and Project vicinity.

As CBB are known to occur within the Project vicinity and suitable nesting and foraging habitat is present within the Project site, CDFW recommends following:

Recommended Mitigation Measure 12: CBB Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

Recommended Mitigation Measure 13: CBB Surveys

If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

Recommended Mitigation Measure 14: CBB Avoidance

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

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Recommended Mitigation Measure 15: CBB Take Authorization

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

Comment 6: State Species of Special Concern

The DEIR does analyze or address potential Project-related impacts to American badger (AMBA), western mastiff bat, Bakersfield legless lizard (BLL), and western spadefoot (WESP). As noted in CDFW's NOP Letter, the Project is within the geographic range of these species and suitable habitat may be present within the Project site. As such, CDFW recommends the following:

Recommended Mitigation Measure 16: Pre-construction Surveys

CDFW recommends that a qualified biologist conduct focused surveys, using appropriate survey methodologies, for the special-status species referenced above prior to any ground disturbing activities that may occur as part of the Project.

Recommended Mitigation Measure 17: Avoidance

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens or burrows/refugia of these species. If these species are observed on the Project site, CDFW recommends that Project construction activities in their immediate vicinity cease, allowing individuals to leave the Project site on their own accord.

Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to BNLL and SJKF. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any Project activities.

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

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CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Lake and Streambed Alteration: The Project's impact analysis notes that the Beardsley One Ditch is located along the Project's western perimeter. Additionally, the analysis notes that as a result of grading on the Project site, the internal drainage pattern at the site would be altered from existing conditions. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on

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notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

CNDDDB:

Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, could have an impact on biological resources, and an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

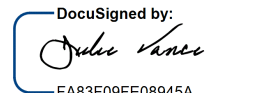
CDFW appreciates the opportunity to comment on the DEIR to assist the City of Bakersfield in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist

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the City of Bakersfield with incorporating the recommended mitigation measures provided above.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at marile.colindres@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie A. Vance
FA83F09FE08945A...
Julie A. Vance
Regional Manager

ATTACHMENT

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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REFERENCES

- California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. Sacramento, California, USA.
- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Wildlife, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2016. Five year status review for Swainson's hawk (*Buteo swainsoni*). California Department of Fish and Wildlife, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2019. Approved survey methodology for the blunt-nosed Leopard Lizard. California Department of Fish and Wildlife, Sacramento, California.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 4 March 2025.
- Cypher, B., Phillips, S., and Kelly P. 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. *Canid Biology and Conservation* 16(7): 25-31.
- Cypher B., E. Noel, E. Kelly, T. Westall, N. Deatherage, and A. Gabaldon. 2023. Response of San Joaquin kit foxes to road construction sites. California State University-Stanislaus – Endangered Species Recovery Program, Turlock, California, USA.
- Estep, James A. 1989. Biology, movements, and habitat relationships of the Swainson's hawk in the Central Valley of California 1986-1987. State of California, The Resources Agency, Department of Fish and Game, Wildlife Management Division.
- Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.
- Tennant, E., D. Germano, J. Stewart, H. Butterfield, and M. Westphal. 2018. Investigating blunt-nosed leopard lizard population size, demographics, space

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use, and future population trends on Department Ecological Reserves. California Department of Fish and Wildlife, Sacramento, California, USA.

U. S. Fish and Wildlife Service. 2011. Standard recommendations for the protection of the San Joaquin kit fox prior to or during ground disturbance. U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Sacramento, California.

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

**PROJECT: Hageman Industrial Park (Project)
Draft Environmental Impact Report (DEIR)
SCH No.: 2023070665**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Blunt-nosed leopard lizard (BNLL)	
Recommended Mitigation Measure 1: BNLL Surveys	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 4: SJKF Take Authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 5: SWHA Surveys	
Recommended Mitigation Measure 7: SWHA Take Authorization	
Recommended Mitigation Measure 8: SWHA Foraging Habitat Mitigation	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW Preconstruction Surveys	
Recommended Mitigation Measure 11: BUOW Take Authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 12: CBB Habitat Assessment	
Recommended Mitigation Measure 13: CBB Surveys	
Recommended Mitigation Measure 15: CBB Take Authorization	
State Species of Special Concern	
Recommended Mitigation Measure 16: Preconstruction Surveys	
<i>During Construction</i>	
Blunt-nosed Leopard Lizard	
Recommended Mitigation Measure 2: BNLL Avoidance Buffer	
San Joaquin Kit Fox (SJKF)	

Recommended Mitigation Measure 3: SJKF Avoidance Buffer	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 6: SWHA Avoidance Buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 10: BUOW Avoidance Buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 14: CBB Avoidance	
State Species of Special Concern	
Recommended Mitigation Measure 17: Avoidance	