



State of California – Department of Fish and Wildlife
CEQA RESTORATION STATUTORY EXEMPTION REQUEST FORM
 DFW 21080.56 (New 09/09/22)
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CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP) CONCURRENCE REQUEST

Completion and submission of this form is voluntary. This form may be submitted to request concurrence from the Director of Fish and Wildlife pursuant to Public Resources Code section 21080.56.

Submit this form (pdf) and all attachments via the Department's [Environmental Permit Information Management System \(EPIMS\) Document Repository](#).

1. LEAD AGENCY

Lead Agency Name:	California Department of Fish and Wildlife
Contact Person's Name:	Jim Vang
Street Address:	1130 East Shaw Avenue
City, State, Zip:	Fresno, California, 93710
Contact Person's Telephone:	(559) 580-3203
Contact Person's E-mail:	Jim.Vang@wildlife.ca.gov

2. PROJECT PROPONENT

Check Box and Skip to Number 3 if Same as Lead Agency

Business/Agency/Organization:	The Nature Conservancy (TNC)
Contact Person's Name:	Rachel Mason
Street Address:	830 S Street
City, State, Zip:	Sacramento, California, 95811
Contact Person's Telephone:	612-581-2796
Contact Person's E-mail:	Rachel.Mason@tnc.org

3. PROJECT INFORMATION

A. Project Name:	Beard Ranch Riparian Restoration Project
B. County or Counties:	Kern County
C. Estimated Project Start/End Dates:	2023 through 2030

D. Provide a brief description of the Lead Agency's discretionary approval pursuant to CEQA.

Governor Newsom signed Senate Bill (SB) 155, on September 23, 2021, adding Section 21080.56 to California Public Resources Code. This section provides a new California Environmental Quality Act (CEQA) statutory exemption until January 1, 2025, for fish and wildlife restoration projects that meet certain requirements. CDFW, as the Lead Agency, will make its own independent determination that the statutory exemption applies, and must seek concurrence from the CDFW Director that the Project meets the qualifying criteria set forth in subdivisions (a) to (d) of the Public Resources Code section 21080.56. In accordance with CDFW's lake and streambed alteration regulatory authority, CDFW is issuing an LSA Agreement as part of a discretionary approval process pursuant to Fish and Game Code section 1600 et seq.



E. Provide a brief description of the project location, size, and funding sources. Please cite and attach any supporting documents.

The Project is located along the northern and southern perimeter of Caliente Creek, and its confluence with Tehachapi Creek, southeast of the town of Caliente, in the County of Kern, California; Latitude 35.29518, Longitude -118.61170; or Section 19, 24, 25, 26, Township 30 South, Range 31 East, U.S. Geological Survey (USGS) map Caliente. Removal of invasive perennial species will occur within an area of approximately 32 acres (Attachment 1; Project Site). The Natural Resources Conservation Service (NRCS) and The Nature Conservancy (TNC) funds the Project. Funding comes from NRCS's Environmental Quality Incentives Program (EQIP) Conservation Program contract with Quarter Circle 11, totaling approximately \$108,000.

F. Provide a brief project description and summarize the expected environmental benefits (e.g., acres or stream-miles restored/enhanced, species benefitted, etc.). Please cite and attach any supporting documents.

Beard Ranch is a core portion of the northern arm of the Randall Tehachapi Preserve, connecting habitats at Tollhouse Ranch to those at Parker Ranch. Along with Parker Ranch, it provides connectivity to the Loop Ranch arm of the Preserve to the south. Beard Ranch is zoned Exclusive Agriculture but is zoned as Limited Agriculture to the south along State Route 58. The property has been ranched historically by the Beard family.

TNC began assembling the Frank & Joan Randall Tehachapi Preserve in 2008 with a conservation easement over the Parker Ranch. At the end of 2020, the Preserve comprised of 76,267 acres, and TNC continues to pursue conservation opportunities in the region. TNC purchased Beard Ranch in fee title in July 2020. Several non-native plants have been detected on the Beard Ranch property and, consistent with TNC's goal of addressing climate change and biodiversity loss, restoration efforts are being pursued. This proposed restoration project will help TNC to achieve its goals by removing invasive species, restoring native plants, and providing for connectivity of habitat for native species along riparian corridors.

The Project includes the removal of invasive perennial plant species (i.e., tamarisk (*Tamarix spp.*), tree of heaven (*Ailanthus altissima*), edible fig (*Ficus carica*), and tree tobacco (*Nicotiana glauca*)) and revegetation with 631 propagated native plants and 985 cuttings from healthy native riparian trees. Revegetation will include the following species: valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), showy milkweed (*Asclepias speciosa*), bladderpod (*Peritoma arborea*), scale broom (*Lepidospartum squamatum*), grey pine (*Pinus sabiniana*), buckeye (*Aesculus californica*), and sycamore (*Platanus racemosa*); cuttings will include the following species: black willow (*Salix nigra*), cottonwood (*Populus fremontii*), willow spp. (red and arroyo; *Salix laevigata* and *Salix lasiolepis*), and mulefat (*Baccharis salicifolia*). Additionally, the Project contains ongoing management and contingency planning to ensure successful restoration within the Project site, which may include the installation of a temporary irrigation system. Tamarisk, tree of heaven, edible fig, and tree tobacco control will be conducted by cutting the plants near the ground and applying an approved herbicide to the cut trunks and stems. Cutting will be done using both manual and power hand tools including chainsaws, hand saws, pruners, loppers, pickups, and skid steer. Removal of invasive perennials will require crossing the creek and removing above-ground biomass from any plants growing in the channel. There will be no digging associated with treatment of these species. There will be limited foot-traffic through the channel, but all efforts will be made to cross the channel at dry locations. All biomass will be moved to long-term debris pile sites outside of the stream channel using multiple techniques depending on the amount of biomass within the area. Areas with small and low-density trees will be carried away by people on-foot to the closest staging area and from there by vehicle to the nearest long-term debris pile. Areas with large trees at high densities will require biomass to be moved in the buckets of skid steers to the nearest staging area. Travel routes for skid steers will be designated to avoid impacts to sensitive species and mature native trees and shrubs. (Attachment 2; LSA Notification)

Following invasive species removal, revegetation will occur in winter 2023 and/or 2023 and planting sites will be located on the small bench above the creek channel and out of any wetted area. Holes for revegetation will be dug by hand using shovels to accommodate the 13.6-ounce container plants. Tree cuttings will also be planted



adjacent to and approximately one foot above the typical wet season water level in the stream channel; approximately 985 cuttings will be planted. For each cutting, a small hole about 30 centimeters deep will be made with a rock bar or similar tool. The cutting will be placed inside and then the soil will be packed around the cutting simply by stepping on all sides of the cutting until the soil is well compacted. Because no digging will occur in the channel, no debris will be created during the restoration efforts. Project activities are planned to occur in the fall outside of the bird nesting season. However, if Project activities must occur during the bird nesting season, the avoidance buffers below in the Procedures for the Protection of the Environment will be followed.

The Project will result in several key environmental benefits from the restoration of native vegetation on 32 acres along Caliente Creek. Benefits include the removal of an invasive species seed source and the curtailment of the down creek spread of invasive plants, the restoration of native habitats that are more conducive to an array of avian and terrestrial species, the restoration of natural ecology along this portion of the Caliente creek, a reduction in water use by removal of the invasive, water-loving species, and the planting of native species that require less overall water from the water table to survive and thrive. Sensitive species that may benefit from the Project include the State threatened Tehachapi slender salamander, the State threatened Swainson's hawk, the State and federally endangered Bakersfield cactus, the State endangered and federally threatened San Joaquin adobe sunburst, the State candidate-listed as endangered Crotch bumblebee, and the State endangered and federally proposed endangered foothill yellow-legged frog.

G. CDFW recommends that lead agencies meet and confer with tribes, representatives of any affected local agencies, and other interested parties prior to submitting a SERP request to CDFW. Please provide a summary of project consultation with tribes, agencies, and other interested parties. Please cite and attach any supporting documents.

On October 21, 2022, CDFW contacted the Native American Heritage Council (NAHC) and requested a Sacred Lands File Search and List of Tribal Contacts. CDFW received a response from the NAHC on November 28, 2022 (Attachment 3; NAHC Response) stating that the Sacred Lands File search was negative and to contact a list of tribes that are traditionally and culturally affiliated with the geographic area of the Project site. In accordance with Public Resources Code Section 21080.3.1, twelve notification letters describing the proposed restoration Project and including Project location information, were sent to tribal representatives of the following tribes on December 30, 2022: Kitanemuk & Yowlumne Tejon Indian Tribe, Big Pine Paiute Tribe of the Owens Valley, Chumash Council of Bakersfield, Coastal Band of the Chumash Nation, Kern Valley Indian Community, Tejon Indian Tribe, Tubatulabals of Kern Valley, and the Tule River Indian Tribe (Attachment 4; Tribal Notice Letter). Tribal representatives were advised of the Project and invited to request formal consultation with CDFW regarding the Project within 30 days of receiving the notification letters. On January 18, 2022, a letter was returned from the Post Office indicating that there was no receiver for the Tubatulabals of Kern Valley address. On 1/26/2023, the letter was resent to a new address to the Tubatulabals of Kern County.

Beginning the week of January 30th, 2023, each tribal representative was contacted via phone and/or email to help facilitate consultation regarding this restoration project and to ensure that the written communication had been received and reviewed. Several tribal representatives were reached and they either provided valuable experience and recommendations related to the proposed project and methods of invasive eradication or stated they had no tribal related concerns after reviewing the information with CDFW. A record of this additional outreach is documented in Attachment 5. At the time of this concurrence, no tribal representative was concerned with the proposed project and no additional consultation is required. However, CDFW commits to consultation with any tribe that requests to meet and confer on the Project and it is possible that a tribe may reach out to consult further about the project. CDFW will follow through on any additional tribal consultation requested, should any additional tribal representatives previously contacted request additional coordination with CDFW.

**4. REQUIRED DETERMINATIONS**

Provide a full description for each determination below:

A. The project is exclusively one or both of the following: (1) a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, or (2) a project to restore or provide habitat for California native fish and wildlife. Please cite and attach any supporting documents.

CDFW has made the determination that the Beard Ranch Riparian Restoration Project will conserve, restore, protect, enhance, and assist in the recovery of California native fish and wildlife, and restore or provide habitat for California native fish and wildlife. As shown in the attached LSA Notification application (Attachment 2) and as described in the Integrated Resource Management Plan for Beard Ranch (Attachment 6), the proposed Project will remove non-native and invasive plants and trees from the creek, riparian corridor, and associated uplands, and replace those with a diversity of native vegetation. CDFW has made the determination that the Project will help restore this section of Caliente creek and improve water quality, quantity, and a diversity of habitats upon which native species, including avian, terrestrial, and aquatic, can thrive.

B. An eligible project may have incidental public benefits, such as public access and recreation. Please cite and attach any supporting documents.

CDFW has made the determination that the Project may not have incidental public benefits. The Project site is on private property and will neither provide public access nor recreation.

C. The project does both of the following: (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment. Please cite and attach any supporting documents.

Overview:

CDFW has made the determination that the Beard Ranch Riparian Restoration Project will result in long-term net-benefits to climate resiliency, biodiversity, and sensitive species recovery. The Project also incorporates adaptive management procedures and success criteria along with ongoing management to help ensure the Project's success and for the protection of the environment.

Long-Term Net Benefits to Climate Resiliency:

CDFW has made the determination that invasive plants degrade rangeland, increase the potential for wildfire and flooding, consume valuable water, and pose a serious threat to California's native plant and animal species. Invasive plants can entirely replace natural vegetation communities and out-compete California's native flora for resources such as space, light, water, and nutrients. Native plants, on the other hand, are better adapted to natural fire regimes and may provide for less-intense burns; native plants are fire adapted and are thus able to recolonize/reestablish quickly compared to invasive, non-fire-adapted vegetation (Lavery, L., 2000. *Protecting people and sustaining resources in fire-adapted ecosystems: a cohesive strategy*. Forest Service.).

Riparian habitats in parts of Caliente Creek and Tehachapi Creeks have low vegetation diversity and cover, presumably from historical overgrazing and invasive root structures. The Project's eradication of invasive plants will help remove stressors since invasive plants outcompete natives, simplify community structure, and change ecosystem properties (e.g., fire regimes) that reduce vegetation cover and diversity. The Project's revegetation effort is to promote high native plant cover and diversity that will increase functional diversity, increase



resistance to invasion by nonnative species, provide habitat for native fauna, and enhance resilience to climate change.

Long-Term Net Benefits to Biodiversity:

CDFW has made the determination that the Project's eradication of dominant invasive perennial plant species will benefit biodiversity by removing nonnative stressors from the environment and will increase resistance to invasion by nonnative species through the restoration of the area with native species. The Project will promote high native plant cover and diversity that will maintain and enhance plant and animal species diversity, and increase functional diversity and habitat quality of the ecosystems and the native plant and animal species that rely upon them to maximize their resilience to climate change. Long-term benefits to biodiversity include (1) promoting viable populations of special status species, native species that are ecologically or evolutionary unique, and those that play important ecological roles; (2) maintain and restore natural hydrologic regimes and surface-groundwater connections to maximize extent of riparian and wetland systems; and (3) maintain or restore natural sediment regimes in the watershed to ensure aquatic habitat is suitable to support native invertebrate and amphibian breeding.

Long-Term Net Benefits to Sensitive Species Recovery:

CDFW has made the determination that removing invasive plants species will reduce competition and open up habitat (i.e., light, space, nutrients) for native plant species (Gioria, M., & Osborne, B. A. (2014). Resource competition in plant invasions: emerging patterns and research needs. *Frontiers in plant science*, 5, 501. <https://doi.org/10.3389/fpls.2014.00501>). Sensitive species that may benefit from the Project include the State and federally endangered Bakersfield cactus and State threatened Tehachapi slender salamander. While there are no direct records of Tehachapi slender salamander in the Project site per the California Natural Diversity Database, it has been detected in suitable habitat immediately adjacent to Beard Ranch. This species inhabits moist oak and mixed woodlands in arid to semi-arid locations, particularly under leaf litter, under logs and bark, and implementation of the Project may be beneficial to this species by providing native cover. This Project will also result in benefits to avian species that have been found during surveys in the area including Coopers Hawk, yellow warbler, golden eagle, great horned owl, northern harrier, and California condor. Increased vegetation cover and restoration of the riparian zone within the Project area will provide increased habitat for nesting birds, particularly for prey birds for various raptor species. Restoration of the riparian zone in this area will also provide habitat for rabbits, California legless lizards, Sierra garter snakes, and other species. Providing additional habitat for these species will help to improve the overall ecology and provide stability to many of the species that live in and/or move through the Project and surrounding area.

Procedures for the Protection of the Environment:

CDFW has made the determination that invasive vegetation will be removed on-foot to the closest staging area and taken by vehicle to the nearest long-term debris pile site. Where channel crossing may be warranted, all efforts will be made to cross the channel at dry locations to prevent impacts to the bank and bed. Areas with large, high-density trees will require biomass to be moved in the buckets of skid steers to the nearest staging area. Travel routes for skid steers will be determined prior to implementation to avoid impacts to mature native vegetation. Follow-up invasives removal will occur annually and only on-foot. All treatments are planned to occur outside of bird nesting season. However, if Project activities must occur during the bird nesting season, the avoidance buffers described in the Procedures for the Protection of the Environment will be followed.



Revegetation will include tree cuttings that will be collected from healthy, mature trees and shrubs within the general Project area. The Project will incorporate no more than ten cuttings per tree or shrub. Cuttings will be placed adjacent to and approximately one foot above the typical water level and soil will be packed around each cutting to prevent discharge into the stream. Any excess soil after planting will be used to build a circular mound and depression around the site to collect and hold water. Physical protection will be provided for plantings in order to enhance survival.

In the event supplemental water is necessary for plant survival, irrigation lines will be placed on the ground surface so that repairs can be done on foot. A water tank will be placed outside of the stream channel and will be refilled by water truck – when needed, pumped from the nearest road.

To temporarily stabilize soil and prevent the movement of loose soil into the creek, the Project will manage sediment loads by maintaining adequate hillslope cover (IRMP). Permittee will follow erosion and sediment prevention measures outlined within the Project's Draft Lake and Streambed Alteration Agreement EPIMS-KER-31680-R4.

To avoid potential impacts to special status plant and wildlife species during Project implementation, the Project proponents will do the following:

- The Project site will be surveyed for special status plants by a qualified botanist following the "*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*" (CDFG, March 20, 2018). Special status plant species, such as Bakersfield cactus, will be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s).
- Project activities are planned to occur outside the bird nesting season. If Project activities occur during the bird nesting season (February 1st through September 15th), the following measures will be followed: (1) a pre-construction survey for active nests for non-listed birds and raptors will be conducted by a qualified biologist no more than 10 days prior to the start of Project activities to maximize the probability that nests that could potentially be impacted are detected; 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 will be observed; and (2) for potential impacts to Swainson's hawk, surveys will be conducted 1/2 miles around the Project site following the methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) prior to Project implementation; if an active nest is found, a no-disturbance buffer of 1/2-mile will be delineated around the active nest(s) until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Ongoing Management for the Protection of the Environment:

CDFW has made the determination that, as stated in the Integrated Resource Management Plan for Beard Ranch (Attachment 6), the Project site will be monitored and adaptively managed for approximately five years following implementation to assure revegetation success criteria are met. Invasives will be treated annually via the same treatment method except that all vegetation removal will occur by hand; no skid steers or other equipment will be used. If necessary, plantings will be given supplemental water to ensure success. Water necessity will be evaluated during routine monitoring. Depending on the amount and timing of precipitation in the fall 2022 through spring 2023, or between fall and the following spring when the Project will be implemented, a temporary irrigation system may be installed in the spring of 2023 (or 2024, depending on the year the Project is implemented) after the risk of flooding has passed. No ground-disturbing activities will occur as all irrigation components will be installed on the ground surface. A water tank will be placed in the uplands adjacent to Caliente Creek. A system of PVC pipe and drip lines with emitters will be installed running from the tank to each plant to provide the supplemental water necessary to establish the restoration plantings.




D. The project does not include any construction activities, except for construction activities solely related to habitat restoration. Please cite and attach any supporting documents.

CDFW has made the determination that all Project activities are solely related to habitat restoration.

5. CERTIFICATION

I certify that I have the authority to determine whether a project is exempt pursuant to CEQA Guidelines section 15025(a)(1), and this project meets all the requirements described in Public Resources Code section 21080.56, and that I have submitted all the determinations required therein necessary to obtain the concurrence of the Director of Fish and Wildlife.

DocuSigned by:


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Date: 3/17/2023

Lead Agency Signature

Printed Name and Title: Julie A. Vance, Regional Manager