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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
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Central Region
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August 26, 2026

Ashley Knight, Assistant Planner
City of Bakersfield
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Subject: Riverview Marketplace Commercial Project (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2025101507

Dear Ashley Knight:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Bakerfield (City), 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, the Project 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.

PROJECT DESCRIPTION SUMMARY

Proponent: DJM Capital Partners

Objective: The Project proposes to construct and operate the Riverview Marketplace; a commercial retail center located on a 46.16-acre parcel in northwestern Bakersfield. The Project would encompass approximately 405,531 square feet of total building space and would include market, retail, and storage uses, as well as restaurants, a medical office, a health club, a car wash, and a gas station with 20 dual-sided pumps.

Other Project components would include vehicular access and circulation improvements on and off the site; surface parking and drive aisles; pedestrian access and circulation improvements; landscape, hardscape, and lighting features; green space and park improvements; site and tenant signage; and infrastructure and utility upgrades.

Location: The Project site is located on approximately 46 acres in the northwestern portion of the City of Bakersfield. The Assessor's Parcel Number associated with the Project is: 368-010-05.

Timeframe: Project buildout is anticipated to occur over an approximately 20-month period, beginning in late 2026 and concluding in the second quarter of 2028.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City 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 DEIR prepared for the Project.

CDFW submitted a comment letter on December 1, 2025 (2025 NOP Letter; Attachment 1) in response to the Project's Notice of Preparation (NOP). The 2025 NOP Letter provided recommendations to identify and mitigate the Project's significant or potentially significant direct and indirect impacts on biological resources. Specifically, CDFW

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recommended mitigation measures for the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*), and State candidate Crotch's bumble bee (*Bombus crotchii*); the State Species of Special Concern American badger (*Taxidea taxus*) and Bakersfield legless lizard (*Anniella grinnelli*); and the State species of special concern and federally proposed threatened western spadefoot toad (*Spea hammondii*). CDFW would like to note that as of August 13, 2026, the California Fish and Game Commission approved western spadefoot toad (WESP) as a candidate for potential listing as a protected species under CESA and is in the process of publishing the Notice of Findings. As such, when the Notice of Findings is published, WESP will be a candidate under CESA and receive the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

Based on a review of the DEIR, CDFW has concerns about the ability of some proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status species, including San Joaquin kit fox, western burrowing owl, and Crotch's bumble bee. CDFW also has concerns regarding the DEIR's cumulative analysis for biological resource impacts. As such, CDFW recommends the following:

San Joaquin Kit Fox

The DEIR concludes that suitable habitat for the San Joaquin kit fox (SJKF) is absent on the Project site based on a single general wildlife survey conducted in November 2025. It does not appear that focused SJKF surveys and analyses were completed within the Project site and vicinity to inform this conclusion. As a result, no species-specific mitigation measures are included in the DEIR.

As discussed in the 2025 NOP Letter, Bakersfield is home to a significant urban population of SJKF, and this population has been recorded to utilize anthropogenically altered habitats throughout the Bakersfield area (Cypher 2013). There are numerous historical and recent SJKF occurrences within the Project vicinity (CDFW 2026), including known occurrences at the Northwest Promenade Center and Lowes Home Improvement Center, as well as the California State University, Bakersfield, which are all in close proximity to the Project, and there is the strong likelihood that SJKF would den and/or forage within the Project site prior to, during, and after construction.

Additionally, the DEIR contains conflicting information regarding the potential for SJKF presence. The DEIR and General Biological Assessment (GBA) state that SJKF is not present; however, the GBA's species list and special-status species table both note that SJKF *was directly observed* during surveys. CDFW strongly recommends the City further confirm and clarify within the Final Environmental Impact Report (FEIR) whether

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SJKF were detected during the biological surveys that were conducted to inform the DEIR.

As discussed in the 2025 NOP Letter, given the Project's anticipated construction activities and duration, the site's location within urban Bakersfield, CDFW's knowledge of the Bakersfield urban population of SJKF, the many historical and recent SJKF occurrences within the Project site and proximity, and the strong likelihood for SJKF to den and/or forage within the Project site, CDFW strongly recommends that the Project proponent consult with CDFW to discuss how to implement the Project and avoid take. CDFW recommends the Project proponent acquire take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA. CDFW also recommends the DEIR be revised to incorporate an adequate discussion and analysis of SJKF impacts, specifically evaluating the Project's individual and cumulative impacts on SJKF denning, foraging, and movement within the Bakersfield area.

In addition to these more general recommendations, CDFW recommends incorporating the following mitigation measures within the DEIR:

Recommended Mitigation Measure 1: SJKF Preconstruction Surveys

CDFW recommends assessing presence/absence of denning SJKF by conducting focused den surveys for the species prior to the initiation of Project ground disturbance activities. Specifically, CDFW recommends conducting these surveys over the entirety of the Project site no less than 14-days and no more than 30-days prior to beginning of ground and/or vegetation disturbing activities.

Recommended Mitigation Measure 2: 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" (2011) (USFWS Protocol) around potentially suitable or known SJKF den sites.

Recommended Mitigation Measure 3: 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 acquire take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

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Western Burrowing Owl

The DEIR includes mitigation measures MM BIO-1 and BIO-2 to mitigate for potential significant impacts to western burrowing owl (BUOW). MM BIO-1 and BIO-2 requires a qualified biologist to conduct surveys and implement avoidance measures following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012). CDFW concurs with these measures and recommends MM BIO-2 be modified to note that, in the event 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 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.

Crotch's Bumble Bee

The DEIR concludes that suitable habitat for Crotch's bumble bee (CBB) is absent from the Project site and no species-specific mitigation measures were included to avoid unauthorized take or mitigate potentially significant impacts. This conclusion is based on a single survey conducted in November 2025 and was not timed appropriately during the plant blooming period to adequately assess potential suitable habitat. Additionally, no species-specific surveys were conducted during the active period of February through October (CDFW 2023). As the DEIR did not include an adequate habitat assessment or surveys for CBB, CDFW recommends incorporating the following mitigation measures within the DEIR:

Recommended Mitigation Measure 4: 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. This habitat assessment should be timed during the appropriate blooming period.

Recommended Mitigation Measure 5: 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).

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Recommended Mitigation Measure 6: 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.

Recommended Mitigation Measure 7: CBB Take Authorization

If CBB is detected, 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.

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 California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, 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 in identifying and mitigating Project impacts on biological resources. 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

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A Mitigation and Monitoring Program (MMRP) (Attachment 2) is included to assist the City with incorporating the recommended mitigation measures provided above. If you have any questions regarding this letter or further coordination, please contact Evelyn Barajas-Perez, Environmental Scientist, at the address provided on this letterhead, by telephone at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachments

Attachment 1 – 2025 NOP Letter

Attachment 2 - MMRP

ec: State Clearinghouse
Land Use and Climate Innovation
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California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed 22 July 2026.

California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act (CESA) candidate bumble bee species. Sacramento, California, USA.

Cypher, B., S. Phillips, and P. Kelly. 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. Canid Biology and Conservation 16(7): 25-31.

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, California.

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Attachment 1

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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 1, 2025

Ashley Knight, Assistant Planner
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(661) 326 – 3673
aknight@bakersfieldcity.us

Subject: Riverview Market Commercial Project (Project)
Notice of Preparation (NOP)
State Clearinghouse No.: 2025101507

Dear Ashley Knight:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Bakersfield, as Lead Agency, for the above-referenced Project pursuant to 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.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

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: Coffee Road Ventures, LLC

Objective: The Project proposes the construction and operation of a commercial retail center that would encompass 405,531 square feet of total building space. The Project would construct market, retail, and storage space, restaurants, and a gas station, car wash, and health club. Other Project components will include vehicular access and circulation, various landscape, hardscape, and lighting improvements, green space/park improvements, site and tenant signage, and infrastructure and utility improvements.

Location: The Project site is located on approximately 46 acres in the northwestern portion of the City of Bakersfield. The Assessor's Parcel Number associated with the Project is: 368-010-05.

Timeframe: Approximately 20 months commencing in early 2026 and ending in 2027.

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COMMENTS AND RECOMMENDATIONS

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 Draft Environmental Impact Report (DEIR) prepared for this Project.

Special-status Species

Aerial imagery shows the Project site contains vacant, undeveloped land comprised of regularly tilled ruderal vegetation and annual grasslands, with internal dirt paths and staging areas for equipment and /materials. The Project site is bordered by a Pacific Gas and Electric Company power generation site on the west and south portions of the Project site; a commercial development and vacant undeveloped land is located to the east; and commercial development is located north of the Project site. The Kern River Parkway is approximately one mile south and California State University, Bakersfield is approximately two miles south of the Project site.

Based on a review of the NOP, aerial imagery, the surrounding habitat, and California Natural Diversity Database (CNDDB) records (CDFW 2025), the Project is within the range of several special-status animal species including, but are not limited to, the federally endangered and State threatened San Joaquin kit fox (*Vulpes macrotis mutica*); 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 American badger (*Taxidea taxus*) and Bakersfield legless lizard (*Anniella grinnelli*); and the State species of special concern and federally proposed threatened western spadefoot toad (*Spea hammondii*).

To adequately assess potential Project related impacts to biological resources in the DEIR, CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Project area, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site. CDFW recommends this initial work be documented and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

San Joaquin Kit Fox

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Based on aerial imagery, the Project site and the vacant parcels surrounding the site contain suitable habitat for San Joaquin kit fox (SJKF) denning and foraging. The Project site is within the known geographic range of SJKF, and there are multiple recent and historical nearby occurrences listed on CNDDB (CDFW 2025). Bakersfield is home to a significant urban population of SJKF and this population has been recorded to utilize anthropogenically altered habitats (Cypher 2013). 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), and it is likely that these materials would be present within the Project site, prior to, during, and after construction. Therefore, CDFW recommends thoroughly inspecting all construction materials or structures with sufficient spaces for SJKF, in addition to pipes and culvert-like structures, before these materials are used or moved in any way during Project implementation. 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. 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).

In addition the general recommendations above, as SJKF have a high potential to den and/or forage within the Project site and have been documented within the Project vicinity, CDFW strongly recommends that the Project proponent consult with CDFW to discuss how to implement the Project and avoid take, or, if take cannot be avoided, to acquire SJKF take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b).

Additionally, CDFW recommends adding the following as mitigation measures within the DEIR:

Recommended Mitigation Measure 1: SJKF Preconstruction Surveys

CDFW recommends assessing presence/absence of denning SJKF by conducting focused den surveys for the species prior to the initiation of Project ground disturbance activities. Specifically, CDFW recommends conducting these surveys over the entirety of the Project site no less than 14-days and no more than 30-days prior to beginning of ground and/or vegetation disturbing activities.

Recommended Mitigation Measure 2: SJKF Avoidance Buffer

CDFW recommends implementing no-disturbance buffers, as described in the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit

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Fox Prior to or During Ground Disturbance" (2011) (USFWS Protocol) around potentially suitable or known SJKF den sites.

Recommended Mitigation Measure 3: 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 acquire take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

Swainson's Hawk

Swainson's hawks (SWHA) are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Several large parcels of lands to the south and east of the Project site may be utilized for foraging and infrastructure such and power and light poles in the Project vicinity may be utilized for perching. 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 make prey vulnerable by reducing cover (Estep 1989). CNDDB occurrences are noted within this 18-mile distance of the Project site. SWHA exhibit high nest-site fidelity year after year and lack of suitable habitat limits their local distribution and abundance (CDFW 2016).

As suitable SWHA foraging and nesting habitat appear to be present within the Project site and vicinity, and SWHA have been documented within the surrounding area, CDFW recommends surveys for SWHA be conducted as part of the biological technical studies conducted in support of the DEIR by a qualified biologist following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000).

In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 4: SWHA Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee, be repeated the survey season immediately prior to any ground disturbing activities that occur as part of this Project.

Recommended Mitigation Measure 5: SWHA Avoidance Buffer

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If Project-specific 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 6: 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 7: 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.
- 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.

Western Burrowing Owl

The California Fish and Game Commission (FGC) approved BUOW as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

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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, and they are known to forage in agricultural lands. Based on aerial imagery, 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 assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) as part of the biological studies conducted in support of the DEIR. In addition to conducting surveys for BUOW, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 8: BUOW Pre-construction Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted the survey season immediately prior to construction. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 9: 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 10: 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 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.

Crotch's Bumble Bee

The Project site is within the known geographical range of Crotch's bumble bee (CBB), and several recent occurrences have been documented within three miles of the Project site (CDFW 2025). CBB are known to inhabit areas of grasslands and scrub that contain

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requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements may be present within the Project site and Project vicinity.

As the Project site is within the known range for CBB and suitable nesting and foraging habitat may be present within the Project site and vicinity, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR 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. 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). If suitable CBB habitat is identified during the habitat assessment, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 11: CBB Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that a qualified biologist conduct additional 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 12: 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.

Recommended Mitigation Measure 13: CBB Take Authorization

If CBB is detected, 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.

State Species of Special Concern

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The Project is within the geographic range of species of American badger (AMBA), Bakersfield legless lizard (BLL), and western spadefoot (WESP), and suitable habitat may be present within the Project site. As such, 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 AMBA, BLL, and WESP. If suitable habitat is determined to be present, CDFW recommends that a qualified biologist conduct focused surveys for these species as part of the biological technical studies conducted in support of the DEIR. In addition to conducting habitat assessments and surveys for AMBA, BLL, and WESP, CDFW recommends the DEIR include the following measures.

Recommended Mitigation Measure 14: 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 15: 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

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.

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

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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.

Project Alternative Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Project's CEQA document be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources should be mitigated to reduce impacts to a less than significant level, if feasible.

CNDDB: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB 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 CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to the CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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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 NOP 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 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,

Julie A. Vance
Regional Manager

ATTACHMENT 1: Mitigation Monitoring and Reporting Program

ec: State Clearinghouse
Governor's Office of Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov mailto:State.Clearinghouse@opr.ca.gov

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Attachment 2

Docusign Envelope ID: 99463F4F-018E-817D-8004-F51894983C54

Attachment 2

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

PROJECT: Riverview Market Commercial Project (Project)
Draft Environmental Impact Report (DEIR)

SCH No.: 2025101507

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 1: SJKF Preconstruction Surveys	
Recommended Mitigation Measure 3: SJKF Take Authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 4: CBB Habitat Assessment	
Recommended Mitigation Measure 5: CBB Surveys	
Recommended Mitigation Measure 7: CBB Take Authorization	
During Construction	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 2: SJKF Avoidance Buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 6: CBB Avoidance	