



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



February 19, 2026

Yazid Alawgarey, Assistant Planner
City of Bakersfield, Development Services Department
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**Subject: General Plan Amendment/Zone Change No. PP-CGPA-25-0008 (Project)
Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2026010517**

Dear Yazid Alawgarey:

The California Department of Fish and Wildlife (CDFW) received an MND 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 agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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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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 be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed 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 (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T under CEQA Guidelines section 15380, CDFW recommends it should be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Cornerstone Engineering, Inc.

Objective: The Project proposes a general plan amendment to change existing land use from Resource-Intensive Agriculture to Low Density Residential and a pre-zoning from Agricultural to Single-Unit Dwelling on approximately 10.44 acres. The Project proposes a vesting tentative tract map to ultimately develop 39 single-family residential lots.

Location: The Project site is located on the east side of Calloway Drive between Tortuga Del Mar Drive and Snow Road in the central northern portion of the City of Bakersfield. The Project is located within Assessor's Parcel Numbers (APNs) 492-080-11, 12, and 37.

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)

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resources. Editorial comments or other suggestions may also be included to improve the MND.

Based on a review of the MND and aerial imagery of the Project area, the Project site is primarily comprised of vacant land with small patches of ruderal vegetation, as well as several buildings including two for residential use, a barn, and several accessory working buildings. A condominium complex is located across Calloway Drive and single-family residences are located adjacent to the north, east, and south of the Project site.

Currently, the MND acknowledges that the Project site has the potential to result in significant impacts to some special status wildlife species. The MND proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some of these measures to reduce impacts to less than significant and avoid unauthorized take for special-status animal species, including but not limited to, the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*; SJKF) and the State threatened Swainson's hawk (*Buteo swainsoni*; SWHA).

San Joaquin Kit Fox

The MND notes that during the biological field study, evidence of a "known" SJKF den was observed on the proposed Project site. This detection is further supported by multiple historical and recent observations near the Project site (CDFW 2026). The MND includes several mitigation measures to mitigate for impacts to SJKF, including requiring the Project to implement the recommendations outlined in the U.S. Fish and Wildlife Service (USFWS) Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) document (USFWS 2011 Protocol) if known or natal SJKF dens are identified at any time during construction. The measure also requires the installation of escape ramps on vertical sided trenching deeper than two feet and capping of pipes, conduit, and similar material measuring three inches or greater. CDFW concurs with these measures as the Bakersfield area is home to a significant urban population of SJKF and this population of SJKF has been recorded to utilize certain types of anthropogenically altered habitats (Cypher 2013). Additionally, SJKF 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, as an additional avoidance measure during construction, 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. Another recommended minimization measure which would help deter SJKF from creating dens under construction materials is to elevate materials one foot or more off the ground using k-rails or similar structures.

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Further, 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 pursue SJKF 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 inclusion of the following measures in the MND:

Recommended Mitigation Measure 1: SJKF Preconstruction Surveys

CDFW recommends assessing presence/absence of SJKF by conducting surveys following the USFWS 2011 Protocol 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 2011 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, acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is required to comply with CESA.

Swainson's Hawk

Biological Resources Impact Mitigation Measure 3.j-m of the MND is included to mitigate for potential Project related impacts to migratory birds and briefly references appropriate buffer distances for sensitive raptors (which presumably includes SWHA). The Project site is within the known geographic range of Swainson's hawk (SWHA). 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). There are several occurrences documented within the Project vicinity (CDFW 2026). SWHA are known to breed within the Central Valley of California and prefer to nest near and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, the Project site is near suitable habitat for SWHA foraging and habitats within the Project vicinity may provide suitable habitat for SWHA nesting and foraging.

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As the MND does not contain specific SWHA mitigation measures, CDFW recommends including the following measures in the MND:

Recommended Mitigation Measure 4: 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 5: 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 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.

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

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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.

CNDDDB: Please note that the California Natural Diversity Database (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>.

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FILING FEES

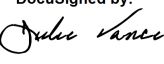
The Project, as proposed, could have an impact on biological resources, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 MND 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,

DocuSigned by:

FA83F09FE08945A...
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

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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. California Department of Fish and Game, Sacramento, California, USA.

California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 4 February 2026.

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.

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, J. 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.

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, USA.

Attachment 1

Attachment 1

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

**PROJECT: General Plan Amendment/Zone Change
No. PP-CGPA-25-0008 (Project)
Mitigated Negative Declaration (MND)
SCH No.: 2026010517**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 1: SJKF Preconstruction Surveys	
Recommended Mitigation Measure 3: SJKF Take Authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 4: SWHA Surveys Prior to Construction	
Recommended Mitigation Measure 6: SWHA Take Authorization	
<i>During Construction</i>	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 2: SJKF Avoidance Buffer	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 5: SWHA Avoidance Buffer	