

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



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September 18, 2026

Louis Ramirez, City Planner
City of Bakersfield
7th Standard Road and Calloway Drive
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**Subject: 7th Standard Marketplace Project; Planned Development Review No. 25-0022 and Vesting (Project)
Notice of Preparation (NOP)
State Clearinghouse No.: 2026080701**

Dear Louis Ramirez:

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 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

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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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.

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, 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 may 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).

PROJECT DESCRIPTION SUMMARY

Proponent: Halferty Development Company, LLC

Objective: The Project proposes to construct and operate an approximately 225,365-square foot commercial development. The Project would construct nine single-story commercial buildings with a range of proposed uses, including an automated car wash, four drive-through restaurants, one drive-through financial institution, various retail and restaurant spaces, a Costco warehouse, and an associated fuel facility.

The Project would also include the construction of necessary utility and traffic infrastructure, including roadway and right-of-way improvements along 7th Standard Road and Calloway Drive.

Location: The Project is located at the southwest corner of the 7th Standard Road and Calloway Drive intersection. The Project is located within Assessor’s Parcel Number (APN) 492-060-12.

Timeline: Project construction is anticipated to occur over approximately 15 months beginning in the fourth quarter of 2027 and ending in the beginning of the fourth quarter of 2028.

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,

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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 this Project.

A review of the California Natural Diversity Database (CNDDB) (CDFW 2026) and aerial imagery shows the Project site is located within the geographic range of, and contains suitable habitat for, several special-status animal species, including the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*), western spadefoot (*Spea hammondi*), and Crotch's bumble bee (*Bombus crotchii*); and the State species of special concern American badger (*Taxidea taxus*). The Project is also located within the geographic range of, and may contain suitable habitat for, several special-status plant species, including the California Rare Plant Rank (CRPR) 1B.2 and federally endangered Kern mallow (*Eremalche parryi* ssp. *kernensis*) and San Joaquin woollythreads (*Monolopia congdonii*).

San Joaquin Kit Fox

The Project site is within the known geographic range of San Joaquin kit fox (SJKF) and the City of Bakersfield and surrounding area is known to be home to a significant urban population of this federally endangered and State threatened species. There are also numerous recent and historic occurrences of SJKF in the Project vicinity (CDFW 2026). The urban population of SJKF has been recorded to utilize anthropogenically altered habitats (Cypher 2013) and agricultural lands (Warrick et al. 2007). 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 by 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).

As SJKF are known to utilize the Project vicinity and there are many historical and recent SJKF occurrences within the Project site and proximity, and there is a 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. Additionally, CDFW recommends the Project proponent acquire take authorization

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through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

In addition to these general recommendations, to further assess and minimize potential Project related impacts to SJKF, CDFW recommends that a qualified biologist assess the presence/absence of SJKF by conducting focused surveys to detect SJKF and their sign in all Project areas and a 500-foot buffer of Project areas as part of the biological studies conducted in support of the DEIR. CDFW also recommends the DEIR include the following:

Recommended Mitigation Measure 1: SJKF Preconstruction Surveys

CDFW recommends assessing presence/absence of 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

CDFW recommends that consultation with CDFW occur. 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.

Western Burrowing Owl

The Project site is within the known geographic range of western burrowing owl (BUOW). BUOW are known to utilize agricultural areas and have been documented breeding and foraging along canal banks, retention basins, and roadways within agricultural settings. Aerial imagery shows potential habitat is present within the Project site. As suitable habitat appears to be present within the Project site, CDFW recommends that surveys following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted as part of the biological technical studies conducted in support of the DEIR. CDFW also recommends the DEIR include the following measures:

Recommended Mitigation Measure 4: BUOW Pre-construction Surveys

Depending on the amount of time between survey efforts to inform the DEIR, CDFW recommends that 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.

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Recommended Mitigation Measure 5: 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 the 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 6: 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.

Western Spadefoot

The California Fish and Game Commission (FGC) approved Western Spadefoot (WESP) as a candidate for potential listing under the California Endangered Species Act (CESA) on August 13, 2026, and is in the process of publishing the Notice of Findings. Once the Notice of Findings is published, WESP will be a CESA candidate species and will receive the same legal protections afforded to listed endangered or threatened species (Fish & G. Code, §§ 2074.2 and 2085).

The Project site is within the known geographic range of western spadefoot (WESP) (CDFW 2026). WESP are known to occur within grasslands and seasonal wetlands with appropriate upland habitat, and are also known to utilize agricultural lands, including those in active cultivation. Within agricultural settings, WESP are known to breed within and adjacent to agricultural sumps, irrigation ditches, and retention ponds, as well as in low-lying areas that are inundated for a sufficient duration during the breeding season. Aerial imagery shows potential habitat is present within the Project site. As suitable habitat may be present, CDFW recommends that a qualified biologist conduct a habitat assessment to determine whether potential aquatic breeding habitat or adjacent upland dispersal/burrow habitat for western spadefoot is present. If suitable habitat is identified, the assessment should characterize hydroperiod, vegetation, soils, small mammal burrows, dispersal pathways, and barriers. If potentially suitable habitat is identified, CDFW also recommends that a qualified biologist conduct focused daytime and nighttime surveys for western spadefoot, during and following rainfall events for at least two survey seasons. Two years of surveys demonstrating absence of breeding activity is recommended before work occurs in or adjacent to potential breeding features. If western spadefoot is detected at any life stage, consultation with CDFW is recommended to discuss feasible measures to avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP is necessary to comply with CESA, pursuant to Fish and Game Code section 2081 subdivision (b).

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Crotch's Bumble Bee

The Project site is within the known geographic range of the State candidate Crotch's bumble bee (CBB) (CDFW 2026). CBB inhabits a variety of habitats, including grasslands, scrublands, openings in woodlands, and ruderal areas with sufficient floral and nesting resources (Xerces Society et al. 2018). Based on aerial imagery, suitable ruderal habitat may be present within the Project site. As suitable habitat may be present within the Project site, CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the entire 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 suitable habitat is determined to be present, CDFW recommends the DEIR include the following measures:

Recommended Mitigation Measure 7: CBB Pre-construction Surveys

CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features within and adjacent to the Project site following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023), during the blooming period immediately prior to Project initiation.

Recommended Mitigation Measure 8: CBB Avoidance Buffer

If CBB is detected, 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 CBB are detected during surveys and ground-disturbing activities will occur during the overwintering to nesting period (year-round, except possibly September), 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 9: CBB Take Authorization

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.

American Badger

The Project is within the known geographic range of American badger (AMBA), and based on aerial imagery, suitable habitat may be present. As such, CDFW recommends the DEIR include the following:

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Recommended Mitigation Measure 10: AMBA Surveys

CDFW recommends that a qualified biologist conduct focused surveys for AMBA, as well as their requisite habitat features, to evaluate potential impacts resulting from ground disturbance.

Recommended Mitigation Measure 11: AMBA Avoidance

Avoidance whenever possible is encouraged via delineation and a 50-foot no disturbance buffer around burrows. CDFW also advises that any individuals observed be allowed to leave the Project site of their own volition.

Special-Status Plants

The Project is within the known geographic range of several special-status plants, including Kern mallow and San Joaquin woollythreads, and, based on aerial imagery, suitable habitat may be present. As such, CDFW recommends that a qualified biologist conduct a habitat assessment to determine whether potential suitable is present for special-status plants. If suitable habitat is determined to be present, CDFW recommends that the Project site 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 Sensitive Natural Communities (CDFW 2018) as part of the biological technical studies conducted to inform the DEIR. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. Please note that adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special-status plants in the surveyed area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude presence or identification of special-status plants in any given year. If special-status plants are identified in the Project area, CDFW recommends special-status plant species 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), specific habitat type(s) required by special-status plant species, and sensitive natural community. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

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

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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.

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>.

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FILING FEES

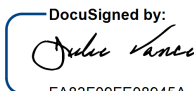
If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required 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.

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 Evelyn Barajas-Perez, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 503-5738, or by electronic mail at evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

Attachment 1- MMRP

ec:

State Clearinghouse
and Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

U.S. Fish and Wildlife Service (USFWS)
Justin Sloan
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References

- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2018. Protocols for surveying and evaluating impacts to special-status native plant populations and sensitive natural communities. California Department of Fish and Wildlife. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act (CESA) candidate bumble bee species. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2026. Biogeographic Information and Observation System. <https://www.wildlife.ca.gov/Data/BIOS>. Accessed August 25, 2026
- 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.
- Warrick, G., H. Clark, P. Kelly, D. Williams, and B. Cypher. 2007. Use of agricultural lands by San Joaquin kit foxes. *Western North American Naturalist* 67(2): 270-277.
- Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.
- 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

Attachment 1

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

PROJECT: Grants Check Structure Project

SCH No.: 2026080657

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA Pre-Activity Surveys	
Recommended Mitigation Measure 2: SWHA No-Disturbance Buffer	
Recommended Mitigation Measure 3: SWHA Take Authorization	
Western burrowing owl (BUOW)	
Recommended Mitigation Measure 4: BUOW Pre-Activity Surveys	
Recommended Mitigation Measure 5: BUOW No-Disturbance Buffer	
Recommended Mitigation Measure 6: BUOW Take Authorization	
Western spadefoot (WESP)	
Recommended Mitigation Measure 7: WESP Habitat Assessment	
Recommended Mitigation Measure 8: WESP Avoidance and Take Authorization	
Crotch's bumble bee (CBB)	
Recommended Mitigation Measure 9: CBB Habitat Assessment	
Recommended Mitigation Measure 10: CBB Pre-Activity Surveys	
Recommended Mitigation Measure 11: CBB Avoidance	
Recommended Mitigation Measure 12: CBB Take Authorization	

<i>During Activities</i>	
Swainson's hawk (SWHA)	
Recommended Mitigation Measure 2: SJKF No-Disturbance Buffer	
Recommended Mitigation Measure 3: SWHA Take Authorization	
Western burrowing owl (BUOW)	
Recommended Mitigation Measure 5: BUOW No-Disturbance Buffer	
Recommended Mitigation Measure 6: BUOW Take Authorization	
Western spadefoot (WESP)	
Recommended Mitigation Measure 8: WESP Avoidance and Take Authorization	
Crotch's bumble bee (CBB)	
Recommended Mitigation Measure 11: CBB Avoidance	
Recommended Mitigation Measure 12: CBB Take Authorization	