

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DIRECTOR'S OFFICE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2023-024-R4**

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**Project:** Beard Ranch Riparian Restoration Project  
**Location:** Kern County  
**Lead Agency:** California Department of Fish and Wildlife, Central Region  
Habitat Conservation Program  
**Lead Agency Contact:** Jim Vang, Environmental Scientist; [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov)

**Background**

Project Location: The Beard Ranch Riparian Restoration Project (Project) is located within Beard Ranch, along 32 acres of the northern and southern perimeter of perennial Caliente Creek and its confluence with Tehachapi Creek, southeast of the town of Caliente, in the County of Kern, California; centered at coordinates 35.293292, -118.616219; or Section 19, 24, 25, 26, Township 30 South, Range 31 East (Mount Diablo Base & Meridian), U.S. Geological Survey (USGS) map Caliente.

Project Description: Beard Ranch is a 5,504-acre property, within the Tehachapi mountains and foothills, that is owned by The Nature Conservancy (TNC) and located adjacent to Parker Ranch (on which TNC holds a conservation easement) to the east, Tollhouse Ranch (TNC-owned and managed land) to the west, and Loop Ranch (TNC-owned and managed land) to the south, all of which exist within the Tehachapi Randall Preserve (TRP). The TRP borders privately conserved lands to the south at Tejon Ranch and conserved lands to the north and east, managed by the Bureau of Land Management (BLM) and the United States Forest Service (USFS). The TRP is therefore a critical component of the Tehachapi-southern Sierra Nevada landscape conservation corridor. The predominant land uses within Beard Ranch are cattle ranching and agriculture. Riparian habitat associated with Caliente Creek has been subject to severe over-grazing, and as a result, habitat is generally below desired reference conditions for Beard Ranch.

Through implementation of the proposed Project, TNC proposes to conserve, restore, protect, and enhance the riparian habitat associated with the Project site, to assist in the recovery of California native fish and wildlife, and the habitat upon which they depend. The Project aims to restore native riparian vegetation communities along Caliente Creek, therefore improving the hydrologic regime and functional diversity within the Project site. The Project includes the following restoration activities:

- Invasive perennial plant species, including tamarisk (*Tamarix spp.*), tree of heaven (*Ailanthus altissima*), edible fig (*Ficus carica*), and tree tobacco (*Nicotiana glauca*) will be removed from the Project site by cutting the plants near the ground using both manual and power hand tools, including chainsaws, handsaws, pruners, and loppers, and applying herbicide to the cut trunks and stems. Biomass will be distributed to long-term debris pile sites located outside of the floodplain. Annual follow-up treatment including cutting and/or herbicide application will occur.
- Up to 631 propagules, consisting of native seeds housed within 13.6-ounce container plant pots, will be planted outside of the low-flow channel at the Project site using hand tools for installation. Propagules species to be planted will include valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), showy milkweed (*Asclepias speciosa*), bladderpod (*Peritoma arborea*), scale broom (*Lepidospartum latisquamum*), grey pine (*Pinus sabiniana*), buckeye (*Aesculus californica*), and California sycamore (*Platanus racemosa*). Any excess soil will be used to build a circular mound and depression around the planting site to collect water. Three-foot-tall plastic tree tubes may be installed to protect saplings of larger species.
- Up to 985 cuttings, obtained from healthy native riparian trees or shrubs along Caliente Creek, will be planted within up to two miles upstream and downstream from the Project site. These cuttings may consist of black willow (*Salix nigra*), cottonwood (*Populus fremontii*), red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), and mulefat (*Baccharis salicifolia*). Cuttings will be collected by removing approximately two-foot sections of branches, ½-inch to ¾-inch diameter with loppers. No more than ten cuttings will be taken per mature tree or shrub. Cuttings will be planted adjacent to and minimally one foot above the low-flow channel within a hole approximately one foot deep.
- A temporary irrigation system may be installed on the ground surface approximately 270 feet north of Caliente Creek to supply water to revegetated areas. The irrigation system will be composed of a 5000-gallon capacity water tank, polyvinyl chloride (PVC) pipe, drip lines with emitters, and a water pump. A water truck parked adjacent to the Project site, along Caliente Bodfish Road, will supply water to the water tank as needed.
- Monitoring and maintenance activities will be completed annually by foot. These activities may include the evaluation of revegetation success, replacement of unsuccessful plantings, repairs to the temporary irrigation system, follow-up invasives treatments, and removal of tree tubes.

Funding derives from the Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program, which supports Quarter Circle 11 Cattle, LLC, the entity that currently leases Beard Ranch for cattle grazing, in adopting conservation management strategies on Beard Ranch, a working ranch.

Tribal Engagement: The California Department of Fish and Wildlife (CDFW) formally requested the Native American Heritage Council (NAHC) provide a list of tribal contacts which may be affiliated with the Project site geographical area. A response was received from

the NAHC, which included a list of twelve tribal contacts. Project notification letters were sent to tribal representatives, and CDFW conducted follow up emails and calls to ensure that tribal representatives were informed of the Project and provided opportunity to engage. No tribal representatives have expressed concern with the Project. CDFW commits to additional engagement with any tribe that requests to consult on the Project.

Anticipated Project Implementation Timeframes: Start date: 2023  
Completion date: 2030

Lead Agency Request for CDFW Concurrence: On March 20, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from CDFW Central Region Habitat Conservation Program (Lead Agency) pursuant to Public Resources Code section 21080.56, subdivision (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on March 17, 2023, that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

### **Concurrence Determination**

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, the CDFW Director concurs with the Lead Agency that the Project meets all of the following conditions: (1) the Project is exclusively to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (2) the Project may have public benefits incidental to the Project's fundamental purpose; (3) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (4) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: <https://wildlife.ca.gov/Notices/CEQA>.

This Concurrence is based on best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

## Discussion

- A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

Restoration efforts will restore riparian biota within Caliente Creek to more natural conditions. The Project will improve upon the structural and functional integrity of the riparian ecosystem by supporting biodiversity, promoting high native plant cover, and prompting improvements to water storage capabilities of the streambed. The Project will result in enhanced riparian, upland, and rangeland habitat and will likely support special status species known to occur within the Project vicinity.

- B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

There are no incidental public benefits associated with Project implementation. The Beard Ranch property is privately owned by TNC and utilized by ranchers under lease agreements.

- C. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery, and includes procedures and ongoing management for the protection of the environment.

### Long-term Net Benefits to Climate Resiliency:

Invasive plant species threaten the existence of native species as they have intensive root systems that compete for resources, and often grow so densely that they smother the root systems of surrounding vegetation. By removing invasive species throughout the Project site, planted native species will be more likely to thrive from reduced competition. Invasive plants also degrade rangeland and increase the potential for wildfire and flooding. Native species, on the other hand, produce less litter, are generally compact and low to the ground, and may survive with little to no water for extensive periods of time, making them much more climate-efficient. Native plants enhance surface-groundwater connections, whereas invasive plants absorb valuable water resources to a greater scale and also produce chemicals that prevent other plants from establishing nearby. Tree of heaven is especially successful at establishing within riparian areas and changes streambed ecology by crowding native plants and altering the physical habitat. Eradication of this species, and other non-natives, will allow more native, climate-resilient species to thrive.

### Long-term Net Benefits to Biodiversity:

Due to prolonged drought conditions, wildlife populations inhabiting Beard Ranch and

adjacent corridors have resided in exposed slopes with low native plant cover. Restoration efforts will directly increase the functional diversity of the Caliente Creek landscape, as an abundance of native propagules and cuttings will be planted along the riparian zone. The reintroduction of native species into areas dominated by invasives will improve the capability of the streambed to support the growth and reproduction of planted species. Restoration of the riparian zone will provide increased habitat for nesting birds and cover for terrestrial species. Therefore, wildlife populations will be more likely to utilize the riparian corridor as it offers more complex habitat, refuge from dry conditions, and increased food availability.

#### Long-term Net Benefits to Sensitive Species Recovery:

An abundance of sensitive species may benefit from the Project. The California Natural Diversity Database (CNDDDB) record for the Project site includes historical occurrences of Crotch bumble bee (*Bombus crochii*), which is a candidate species under the California Endangered Species Act (CESA); foothill yellow-legged frog (*Rana boylei*), which is listed as endangered under CESA; and Tehachapi slender salamander (*Batrachoseps stebbinsi*), which is listed as threatened under CESA. Crotch bumble bee and Tehachapi slender salamander are presumed extant at the Project site, while foothill yellow-legged frog are assumed extirpated at the Project site. Tehachapi slender salamander have been detected in suitable habitat immediately adjacent to Beard Ranch, and with implementation of the Project, the species may benefit from the newly established native cover. More recent special status species occurrences include Swainson's hawk (*Buteo swainsoni*), which is listed as threatened under CESA; San Joaquin coachwhip (*Masticophis flagellum*), which is a CDFW species of special concern; Southern California legless lizard (*Anniella stebbinsi*), which is a CDFW species of special concern; and Bakersfield cactus (*Opuntia basilaris* var. *treleasei*), which is listed as endangered under CESA and the federal Endangered Species Act (ESA). Beard Ranch also reportedly hosts yellow-blotched ensatina (*Ensatina eschscholtzii croceator*), a CDFW species of special concern; California condor (*Gymnogyps californianus*), which is listed as endangered under the federal ESA; and golden eagle (*Aquila chrysaetos*), which is a fully protected species under the Fish and Game Code. Each of these special status species may benefit from habitat enhancement associated with Project implementation.

#### Procedures for the Protection of the Environment:

The Project includes procedures for the protection of the environment. Impacts to special status species and riparian resources will be avoided and minimized following the measures set forth in the final CDFW Lake and Streambed Alteration (LSA) Agreement, which CDFW has not yet issued. On July 8, 2022, TNC submitted an LSA notification to CDFW for the Project. On March 3, 2023, CDFW issued a draft LSA Agreement to TNC for the Project (EPIMS-KER-31680-R4). Measures outlined in the draft LSA Agreement include, but are not limited to, specified work windows, pre-construction special-status species surveys, erosion control practices, worker environmental awareness training, and herbicide application measures. The final LSA Agreement will include reasonable measures necessary to protect fish and wildlife resources.

Ongoing Management for the Protection of the Environment

The Project includes ongoing management for the protection of the environment. The final LSA Agreement for the Project will address ongoing Project management and monitoring. The Beard Ranch Integrated Resource Management Plan (IRMP) addresses ongoing management and monitoring associated with Beard Ranch. The draft LSA Agreement describes the installation and management of a temporary irrigation system to provide supplemental water to plantings, revegetation monitoring and reporting, removal of tree tubes, and reporting of special status species observations to the CNDDDB. The IRMP describes conservation visions, objectives, and management tasks which align with the goals of the Project.

- D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration. The Project-related construction activities described are all related to the overall goal of the Project to restore or enhance habitat in the Project site.

All construction activities associated with Project implementation are solely related to habitat restoration. This includes equipment and material mobilization, staging, and preparation, as well as invasives removal and revegetation activities. Post-construction and monitoring, all equipment will be removed from the Project site and Beard Ranch lessee access will be restored to pre-Project conditions.

**Scope and Reservation of Concurrence**

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or approve the Project, shall submit a new lead agency determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

**Other Legal Obligations**

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

**CDFW Director's Certification**

By:   
Charlton H. Bonham, Director  
California Department of Fish and Wildlife

Date: 5/12/23