

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**DIRECTOR'S OFFICE**  
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**SACRAMENTO, CA 94244-2090**



**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
 RESTORATION PROJECTS  
 CONCURRENCE NO. 21080.56-2026-092-R4**

**Project:** Lower Kern River Restoration Project  
**Location:** Kern County  
**Lead Agency:** City of Bakersfield  
**Lead Agency Contact:** Daniel Maldonado; [drmaldonado@bakersfieldcity.us](mailto:drmaldonado@bakersfieldcity.us)

### Background

**Project Location:** The Lower Kern River Restoration Project (Project) is located within the City of Bakersfield, in Kern County; centered at approximately 35.373884, -119.052489; Sections 6, 13, 18, 24, 26, 27, 31, 32, 33, and 34, Township 29 and 30 South, Range 27 and 28 East; U.S. Geological Survey Maps Gosford and Oildale. Specifically, the Project will occur along eight miles of the Kern River, along the Kern River Parkway, and through the center of Bakersfield, from Manor Street to the intersection of Stockdale Highway and Jewetta Avenue.

**Project Description:** The Project site has been degraded by decades of industrial, agricultural, and urban land uses, as well as a reduction in streamflow associated with the Isabella Dam and diversions. The site can be characterized as low quality habitat, primarily consisting of non-native, invasive grassland with small patches of native riparian forest. The Project Proponent, River Partners, proposes to restore or provide habitat for California native fish and wildlife. Specifically, River Partners will enhance 150 acres of degraded riparian habitat and restore up to 550 acres of riparian and upland habitat along the Kern River. The Project will ultimately increase the abundance and richness of common and sensitive wildlife species onsite. Due to the large Project size, it is likely that the Project will be implemented in phases.

Enhancement activities include the following invasive plant species treatments: mowing, string trimming, hand-weeding, discing, and targeted herbicide application. Restoration activities include:

- Invasive species treatments (consistent with the description for enhancement activities above)
- Planting and seeding of native species from the following vegetation associations: Fremont cottonwood (*Populus fremontii*) forest and woodland, Gooodding's willow (*Salix gooddingii*)/red willow (*Salix laevigata*) riparian woodland, mulefat (*Baccharis salicifolia*) thickets, sandbar willow (*Salix exigua*) thickets, allscale (*Atriplex polycarpa*) scrub, and valley oak (*Quercus lobata*) woodland and forest
- Decommissioning of an existing network of informal, user-created dirt trails (informal

trails)

- Installation of signage, to discourage encroachment by the public into restored areas.
- Removal of concrete rubble and other debris
- Installation of temporary drip irrigation systems, to supply supplemental water to plantings

The Project site will be monitored and maintained for three to five years following implementation of each Project phase. Maintenance activities will include supplemental watering of plantings and upkeep of temporary drip irrigation systems to preserve function. Supplemental water will be sourced from municipal water purchased from the City of Bakersfield. Temporary drip irrigation systems will be removed when it is determined plantings have successfully established.

**Tribal Engagement:** River Partners contacted the Native American Heritage Commission on February 22, 2024, to request a list of California Native American tribal contacts that may be culturally or traditionally affiliated with the Project site. River Partners reached out to California Native American tribal contacts via email on September 10, 2025, and the City of Bakersfield mailed consultation letters on November 10, 2025. To date, meetings have been held with the Tubatulabals of Kern Valley, the Tejon Indian Tribe, and the Kitanemuk & Yowlumne Tejon Indians, to introduce them to the Project.

Interested Party Coordination: River Partners has conducted Project outreach to various interested parties, including the Kern River Parkway Foundation, California Native Plant Society, Bring Back the Kern, Friends of the River, and California Department of Fish and Wildlife (CDFW) staff. A Project summary sheet was shared with attendees of the River Wild Festival in Bakersfield in May 2025. River Partners and City of Bakersfield staff also presented Project information at a November 5, 2025, Bakersfield City Council meeting. Subsequently, the Project presentation was covered in a November 6, 2025, article by KGET-TV, a Bakersfield-based news station. Outreach will continue through presentations, newsletters, site tours, and community volunteer events.

Anticipated Project Implementation Timeframes: Start date: August 2026  
Completion date: December 2035

**Lead Agency Request for CDFW Concurrence:** On January 22, 2026, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from the 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 January 22, 2026, 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: (A) 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; (B) the Project may have public benefits incidental to the Project's fundamental purpose; (C) 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 (D) 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.

The Project is exclusively intended to restore and enhance riparian and upland habitat along approximately eight miles of the Kern River. Project goals include creating self-sustaining riparian and upland vegetation; promoting species richness; providing habitat connectivity between conserved lands; and creating habitat structure and diversity suitable for an abundance of invertebrates, mammals, reptiles, and birds.

- 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.

The Project occurs along the Kern River Parkway, a system of various parks and trails along the Kern River that offer recreational opportunities for the public. Though the

Project is exclusively intended to restore and provide habitat for California native fish and wildlife, it is expected to provide incidental public benefits, such as:

- Consolidated public access along the Kern River Parkway, by decommissioning informal trails and installing signage and fencing.
- Increased shade along designated public trails, from the planting of riparian trees that will mature and provide cover
- Increased opportunities for wildlife viewing, as restored habitats are expected to promote species richness
- Educational and research opportunities for California State University, Bakersfield students and faculty by restoring habitat within the Audubon Bakersfield Environmental Studies Area

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:

Connectivity corridors facilitate wildlife movement between fragmented habitats, therefore connecting isolated populations and promoting adaptation to environmental pressures associated with an increasingly hotter, drier future. The Project will restore and enhance an eight-mile-long connectivity corridor along the Kern River, bounded by a densely populated urban setting. This corridor will connect conserved habitats such as the Kern Water Bank and the Panorama Vista Preserve, and will foster genetic diversity, making wildlife more resilient to environmental changes. Revegetation efforts will provide shaded refugia for wildlife migrating through the Project site and will buffer the connectivity corridor from the impacts of flood events.

Long-term Net Benefits to Biodiversity:

The Project site is dominated by non-native annual grasses and forbs, such as mustard (*Brassica spp.*), giant reed (*Arundo donax*), and wall barley (*Hordeum murinum*). Non-native species outcompete native plants for sunlight, water, space, and nutrients. They can become invasive, effectively replacing diverse ecosystems with monocultures of low habitat quality. The Project will eliminate non-native species and re-establish native plant communities such as Fremont cottonwood (*Populus fremontii*) and western sycamore (*Platanus racemosa*.) forests and saltbush (*Atriplex spp.*) scrub. Low-quality habitats will be converted to biodiverse communities with valuable structure, providing essential food and shelter for wildlife. Restoration of the Project site is expected to foster increased utilization of habitat by an abundance of species, ultimately contributing to the development of a more complex food web.

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

By restoring riparian and upland habitat along eight miles of the Kern River, several sensitive birds, mammals, pollinators, and reptiles are expected to experience long-term net benefits that will aid in their recovery.

The southwestern willow flycatcher (*Empidonax traillii extimus*), a species listed as endangered under the Endangered Species Act (ESA) and the California Endangered Species Act (CESA), has established breeding sites along the Kern River. By restoring dense riparian habitat along presently degraded and/or denuded reaches of the Kern River, the Project will create habitat suitable for southwestern willow flycatcher breeding, foraging, and migration.

The Project revegetation palette includes milkweed (*Asclepias spp.*), the obligate host plant for the western monarch butterfly (*Danaus plexippus plexippus*), a species proposed as threatened under the ESA. The palette also includes other floristic species intended to provide foraging habitat for Crotch's bumble bee (*Bombus crotchii*), a species that is a candidate for listing as endangered under CESA.

The Project may also benefit the Bakersfield legless lizard (*Anniella grinnelli*), a CDFW Species of Special Concern, because it will provide shaded tree and shrub canopy. Trees and shrubs will reduce the temperature at ground level, retain moisture, and produce leaf litter, which will improve soil and cover conditions for Bakersfield legless lizard.

In upland areas, allscale scrub will be planted and non-native grasses will be eliminated. This will establish suitable habitat for local populations of San Joaquin kit fox (*Vulpes macrotis mutica*), a species listed as endangered under the ESA and threatened under CESA. The San Joaquin kit fox prefers habitats that are arid and sparsely vegetated.

### Procedures for the Protection of the Environment:

River Partners has prepared a draft Restoration Plan which outlines Project goals, objectives, and implementation details. The Restoration Plan will be finalized before implementation of the Project. During implementation of the Project, River Partners will follow best management practices (BMPs) to protect the environment. These BMPs may include, but are not limited to:

- Pre-activity surveys will be performed to identify special-status wildlife species and measures will be implemented to avoid and minimize impacts.
- Project personnel will undergo environmental awareness training.
- Staging, refueling, and storage areas will be located away from aquatic features.
- No work will occur during rain events of  $\frac{1}{4}$ -inch or more or within 24 hours of such rain events.

The Lead Agency is requiring River Partners to consult with CDFW and the U.S. Fish and Wildlife Service to develop measures to avoid and minimize impacts to special-status species during Project activities.

Ongoing Management for the Protection of the Environment:

Aside from Project goals, objectives, and implementation details, the Restoration Plan will also outline success criteria, monitoring methods, and potential maintenance needs. Monitoring will be conducted to evaluate the success of the Project in meeting goals and objectives. Monitoring parameters will include, but may not be limited to, plant survivorship, wildlife utilization of habitat, and habitat quality. Maintenance activities are anticipated to include the application of supplemental water via temporary drip and/or sprinkler irrigation systems, maintenance of irrigation systems to keep them in working order, and mowing and herbicide application to retreat non-native species. The temporary irrigation systems will be removed once plants are established.

Upon completion of the Project, long-term management of the Project site will be overseen by the City of Bakersfield.

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 does not include construction activities, though Project activities will require use of equipment and vehicles. Notably, equipment and vehicles will be used for the decommission of informal trails and the installation of signage and fencing. Trail decommissioning will include scarifying and seeding the informal trail footprints. Signage and fencing will discourage the public from disturbing restored areas, and will consolidate public access along the Kern River Parkway. The Project does not include the creation of new trails nor improvements to existing informal trails or Kern River Parkway trails. Other Project activities that may require operation of equipment and vehicles include discing and digging to prepare the site for planting and installation of temporary irrigation systems. All Project activities are solely related to habitat restoration.

### **Scope and Reservation of Concurrence**

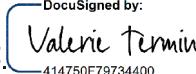
This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or 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**

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By:  \_\_\_\_\_ Date: 2/6/2026  
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Valerie Termini, Acting Director  
California Department of Fish and Wildlife