

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2026-095-R4**

Project: Tule Elk State Natural Reserve Restoration Project
Location: Kern County
Lead Agency: California Department of Parks and Recreation
Lead Agency Contact: Christopher Hon; christopher.hon@parks.ca.gov

Background

Project Location: The Tule Elk State Natural Reserve Restoration Project (Project) is located at the Tule Elk State Natural Reserve (Reserve), a 965-acre property owned and managed by the California Department of Parks and Recreation (CDPR or Lead Agency) in the unincorporated community of Buttonwillow, Kern County; centered at approximately 35.318052, -119.362301; Sections 11, 13, 14, 23, and 24, Township 30 South, Range 24 East; U.S. Geological Survey map Tupman; Assessor's Parcel Numbers 159-050-11-00-4, 159-180-01-00-3, 159-180-02-00-6, 159-180-19-00-6, 159-180-05-00-5, 159-180-20-00-8, and 159-180-18-00-3.

Project Description: Historically, the Reserve contained diverse riparian, wetland, and grassland habitats that provided sanctuary for Tule elk (*Cervus canadensis nannodes*) and other wildlife that occur within the southern San Joaquin Valley. Then in the 1950s, the Isabella Dam was constructed on the upper Kern River, which limited water available downstream and reduced seasonal flooding within the Reserve. The Reserve was also hydrologically modified by the construction of canals and levees for agricultural irrigation and municipal water uses. These anthropogenic modifications resulted in a loss of riparian and wetland habitat within the Reserve. Today, the Reserve primarily consists of non-native grasses with small patches of native forbs and shrubs. These conditions have limited capacity to support wildlife and are inadequate to support the resident herd of Tule elk, due to the lack of suitable native grasses for foraging and wetlands for wallowing.

The Project is intended to restore and enhance habitat upon which California native fish and wildlife depend, to assist in their recovery. River Partners (Project Proponent) proposes to establish up to 825 acres of high-quality riparian, wetland, and upland habitat within the Reserve, to enhance its capacity to support riparian songbirds, reptiles, small mammals, pollinators, and the resident herd of Tule elk. Specifically, the Project consists of activities classified into two categories: habitat enhancement activities and habitat restoration activities (collectively, Implementation). Habitat enhancement activities will occur on portions of the

Reserve that host remnant intact wetland and upland vegetation (Enhancement Activities). Habitat restoration activities will occur in all other areas of the Reserve, including the existing Day Use Area (Restoration Activities). The Project will be implemented in phases to prevent herbivory by Tule elk while vegetation establishes.

Enhancement Activities:

- Weed control via hand-weeding, string-trimming, mowing, herbicide application, and prescribed fire treatments
- Seeding of native forbs and shrubs by drill seeder or broadcast seeder

Restoration Activities:

- Weed control via hand-weeding, string-trimming, mowing, herbicide application, and prescribed fire treatments
- Installation of drip and sprinkler irrigation infrastructure
- Seeding of native forbs and shrubs by drill seeder or broadcast seeder
- Planting of locally and/or regionally-sourced container plants and tree cuttings, from the following plant associations: allscale (*atriplex polycarpa*) scrub; saltgrass (*Distichlis spicata*), Cooper's rush (*Juncus cooperi*), and alkali heath (*Frankenia salina*) interior; mulefat (*Baccharis salicifolia*) thickets; mesquite (*Prosopis* or *Strombocarpa* spp.) thickets; bush seepweed (*Suaeda nigra*) scrub; Fremont cottonwood (*Populus fremontii*) forest; hardstem bulrush (*Schoenoplectus acutus*) and California bulrush (*Schoenoplectus californicus*) marshes; valley oak (*Quercus lobata*) woodland; and California goldfield (*Lasthenia californica*), California plantain (*Plantago erecta*), and small fescue (*Festuca microstachys*) flower fields
- Creation of a pond up to two acres in size near the existing Day Use Area

Upon the completion of Implementation, the Project site will be monitored and maintained for a minimum of three years. Supplemental water will be applied to restored areas via drop and sprinkler irrigation systems and weeds will be retreated as needed. Supplemental water will be sourced from existing wells within the Reserve and/or from water purchased from the local water district.

Tribal Engagement: River Partners contacted the Native American Heritage Commission to request a list of California Native American tribal contacts that may be culturally or traditionally affiliated with the Project site. On September 10, 2025, River Partners emailed each California Native American tribal contact to provide a description of the Project and solicit tribal input. Project-specific meetings have since been held with three tribes.

Interested Party Coordination: River Partners has pursued Project-specific engagement with the following interested parties: California Department of Fish and Wildlife (CDFW), Kern Water Bank, Buena Vista Water Service District, Bring Back the Kern, the local Sierra Club chapter, neighboring landowners, the Kern chapter of the California Native Plant Society, and faculty at California State University, Bakersfield.

Anticipated Project Implementation Timeframes:

Start date: August 2026

Completion date: December 2035

Lead Agency Request for CDFW Concurrence: On February 9, 2026, the Director of CDFW (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 February 9, 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 native habitat, to assist in the recovery of California native fish and wildlife that may occur within the southern

San Joaquin Valley. The Project will increase the cover and richness of native vegetation by replacing monocultures of non-native grass cover with dryland-adapted native shrubs, forbs, and grasses, and by treating the invasion of other non-native vegetation. As a result, the Project is expected to increase the abundance and species richness of common and sensitive California native wildlife. The Project has been designed to incorporate plant species that will provide forage for Tule elk and native pollinators, as well as cover and nesting habitat for other avian, reptile, and amphibian species. A new emergent wetland (pond) will also be created to increase water availability onsite for wildlife.

- 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.

As a California State Natural Reserve, the Project site is open to the public for access and recreation. The Project does not include the construction of structures or facilities intended to benefit the public. However, the public may experience incidental benefit in the form of enhanced wildlife viewing opportunities, due to an expected increase in wildlife utilization of the Project site. The public may also benefit from increased shade, due to the planting of Fremont cottonwood forest and valley oak woodland within the Day Use Area. The Project site contains interpretive signage that will provide visitors the opportunity to learn about the history of the Reserve, the native habitats restored and enhanced onsite, and wildlife that may occur within the Reserve.

- 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:

The Reserve offers a large natural space for wildlife in an area surrounded by agriculture, oil extraction, and water banking operations. The Project site, as well as other nearby conserved areas, are crucial to the conservation and recovery of special status species. The Project will implement the conservation strategy of restoring suitable habitat within a designated natural space. Native vegetation will be restored and enhanced with species that tolerate a wide range of climate and hydrological conditions. This adaptability will be beneficial for species persistence as climate change conditions worsen.

Long-term Net Benefits to Biodiversity:

When the Reserve was established in the 1930s, the southern portion consisted of seasonally inundated sloughs lined with cottonwoods, willows (*Salix spp.*), and other riparian vegetation. The northern portion was dominated by scrub and grassland communities. The construction of the Isabella Dam on the upper Kern River in the 1950s limited seasonal flooding along Buena Vista Slough, which prompted the

decline of habitat quality onsite. The Project will re-establish native riparian, wetland, and upland habitats with biodiverse species that are likely to survive under the altered hydrologic conditions that exist at the Reserve. This direct restoration of vegetative species richness and abundance will promote biodiversity amongst wildlife.

Long-term Net Benefits to Sensitive Species Recovery:

The Project is expected to provide long-term net benefits to many special status species that occur within the Reserve:

- Swainson's hawk (*Buteo swainsoni*), a threatened species under the California Endangered Species Act (CESA), may find restored riparian vegetation suitable for nesting.
- Western burrowing owl (*Athene cunicularia*), a candidate species for listing under CESA and a CDFW Species of Special Concern, will benefit from restored native grassland communities.
- Tricolored blackbird (*Agelaius tricolor*), a threatened species under CESA, may utilize the tules, bulrushes, and willows planted around the new pond for nesting and roosting substrate.
- Western spadefoot (*Spea hammondi*), a species proposed for listing as threatened under the federal Endangered Species Act (ESA), may utilize ephemeral wetlands onsite for breeding, and the grassland and oak woodlands established by the Project may be suitable for aestivation.
- Buena Vista Lake ornate shrew (*Sorex ornatus relictus*), an endangered species under ESA and a CDFW Species of Special Concern, will benefit from the structure of dense understories established by the Project. The Project site contains final critical habitat for the species, as designated by the U.S. Fish and Wildlife Service.
- Slough thistle (*Cirsium crassicaule*), a species designated by the California Native Plant Society with a Rare Plant Rank of 1B.1, will be incorporated into the Project planting palette.
- Crotch's bumble bee (*Bombus crotchii*), a candidate species for listing under CESA, may utilize the California goldfields planting alliance for foraging.
- Several sensitive species may favor the sparsely vegetated allscale scrub and bush seepweed scrub alliances that will be established by the Project, including, but not limited to: the blunt-nosed leopard lizard (*Gambelia sila*), a fully protected species and an endangered species under CESA and ESA; Tipton kangaroo rat (*Dipodomys mitratooides nitratoides*), an endangered species under ESA and CESA; and San Joaquin kit fox (*Vulpes macrotis mutica*), an endangered species under ESA and threatened species under CESA.

Procedures for the Protection of the Environment:

Surveys are currently being conducted to evaluate the potential for special status species to occupy the Project site. Additional surveys will be conducted prior to Implementation of each Project phase, to detect wildlife presence. Impacts to wildlife

will be avoided and minimized as feasible through various protective measures, such as the implementation of avoidance buffers and development of a worker environmental awareness training program. Additional measures for the protection of the environment will be carried out, such as the development of a burn plan prior to conducting prescribed burning and ensuring a licensed applicator will apply herbicide in a manner consistent with label instructions. Project-specific permits or approvals will be obtained prior to Implementation, which may include additional measures for the protection of the environment.

Ongoing Management for the Protection of the Environment:

Monitoring of the Project site was conducted in 2025 to establish pre-Project baseline conditions. These monitoring efforts included, but were not limited to avian point counts, pollinator transect surveys, and environmental DNA sampling. Monitoring will be conducted again upon the completion of Implementation of each Project phase to compare pre-Project site conditions to restored Project site conditions. Restored Project site conditions will also be compared to a nearby reference site, the Coles Levee Ecosystem Preserve.

Maintenance activities will occur for a minimum of three years after each Project phase. Maintenance activities are anticipated to include supplemental watering of plantings via drip and/or sprinkler irrigation systems, maintenance of irrigation systems to keep them in working order, and retreatment of non-native species to control their density and promote native abundance.

Upon completion of the Project, long-term management activities will be conducted by C DPR, as land steward and manager of the Reserve.

- 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.

All Project activities are solely related to habitat restoration. The Project does not include the construction of permanent structures or facilities but will include the installation of temporary drip or sprinkler irrigation systems. The Project also includes the excavation of a new pond, intended to provide emergent wetland habitat valuable for wildlife that occupy the Reserve. Other ground disturbances will be limited to the creation and backfilling of holes for container plantings and drill seeding.

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

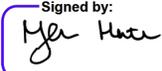
Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

In its request for a concurrence, the Lead Agency set forth potential bases for a determination that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery. Although the CDFW Director agrees with the Lead Agency that the Project will provide such long-term net benefits, this Concurrence is not intended to be and should not be construed as an endorsement of every argument set forth in the Lead Agency's concurrence 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

Signed by:

By: _____
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Date: 3/25/2026

Meghan Hertel, Director
California Department of Fish and Wildlife