



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
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Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Jan 13 2022**

January 13, 2022

## **STATE CLEARINGHOUSE**

Mark Tolentino  
Kern County Planning and Natural Resources Department  
2700 "M" Street, Suite 100  
Bakersfield, California 93301

**Subject: Kudu Solar Farm by 69SV 8ME LLC Draft Environmental Impact Report (DEIR)  
State Clearinghouse No. 2020099017**

Dear Mr. Tolentino:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report from the Kern County Planning and Natural Resources Department for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you will still consider our comments.

After reviewing the DEIR, CDFW does not have any additional recommended mitigation measures at this time. The DEIR states the Project will apply for an Incidental Take Permit (ITP) pursuant Fish and Game Code section 2081 subsection (b). Be advised that some proposed mitigation measures will, or have the potential to, result in take of species listed pursuant to the California Endangered Species Act (CESA) as defined by Fish and Game Code section 86, which includes capture and pursuit, and require an ITP to comply with CESA. For example, if a desert tortoise (*Gopherus agassizii*) or Mohave ground squirrel (*Xerospermophilus mohavensis*), species listed as threatened pursuant to CESA, are present within the permanent exclusion fence or "passively restricted" with temporary exclusion fence as described in Mitigation Measure 4.4-8KC, this would constitute capture and take authorization would be necessary to comply with CESA. If the Project proponent does not acquire an ITP, some proposed mitigation

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<sup>1</sup> 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.

Mark Tolentino  
Kern County Planning and Natural Resources Department  
January 13, 2022  
Page 2

measures specified in the DEIR may not be feasible and consultation with CDFW would be warranted to discuss alternative mitigation measures that may reduce Project-related impacts and avoid take, and/or if take can be avoided.

CDFW appreciates the opportunity to comment on the Project to assist Kern County Planning and Natural Resources Department in identifying and mitigating the Project's impacts on biological resources. If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3200, or by electronic mail at [Jaime.Marquez@wildlife.ca.gov](mailto:Jaime.Marquez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Julie A. Vance  
Regional Manager