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November 13, 2020

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Governor's Office of Planning & Research

November 13, 2020

STATE CLEARINGHOUSE

Subject: Stagecoach Solar Project Notice of Preparation Comments
Notice of Preparation of a Draft Environmental Impact Report
State Clearinghouse No. 2020100234

Dear Ms. Mongano:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Stagecoach Solar Project, State Clearinghouse No. 2020100234. CDFW is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act (CEQA) Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Location

The proposed Stagecoach Solar Project (Project) is located in the central portion of San Bernardino County, about 15 miles south of the City of Barstow and 12 miles northwest of the unincorporated community of Lucerne Valley. The Project area boundary encompasses five sections of undeveloped State land under the jurisdiction of the Lead Agency California State Lands Commission (CSLC), as well as adjacent private land owned by Aurora Solar LLC, a wholly-owned subsidiary of Avangrid Renewables (Applicant). Private lands and federal lands managed by the U.S. Bureau of Land Management are adjacent to the Project area. The Project area is located east of Interstate 15, south of Interstate 40, and about 3 miles west of State Route 247. The Assessor's Parcels Numbers for the Project area include 0417-162- 53, 0417-162-54, 0464-301-01, 0464-301-02, 0464-301-04, and 0464-301-05. The Project site is located within the Apple Valley Natural Community Conservation Planning areas attributed with the confluence of wildlife corridors, wildlife linkages, and high-quality desert tortoise habitat.

Project Description

The proposed Project area encompasses approximately 3,000 acres, with photovoltaic (PV) modules and associated infrastructure to be constructed on approximately 1,950 acres. The proposed Project would produce up to 200 megawatts (MW) of solar energy using photovoltaic PV technology. The activities also includes construction of a 9.1-mile-long 220 kV generation intertie (gen-tie) transmission line to carry the electricity generated by the solar facility to the regional transmission system interconnecting at a proposed 7-acre Southern California Edison Calcite Substation. Various project components comprise:

- 5-acre 34.5/220 kilovolt (kV) onsite electric substation and a 5,000-square-foot operations and maintenance (O&M) building.
- Direct current (DC) underground electricity collection system and a 34.5 kV collection system linking the PV modules to the onsite substation.
- Battery storage facility up to 200 MW and 100 acres in size.
- Solar resource and meteorological measurement stations.
- Newly constructed access roads throughout the interior of the proposed Project limits.
- Perimeter fencing and site security systems.
- Septic tank system and leach field serving the O&M building.
- Permanent groundwater wells, or an onsite water tank using water transported from offsite, providing water for the O&M building and to wash the PV panels.

Construction of the proposed Project is anticipated to require approximately 18 months to complete and would require an average daily workforce of up to 175 workers with up to 400 workers per day onsite during the peak construction period (approximately 12 months). During the peak of construction, a typical day at the site would include the transportation and installation of trackers, movement of heavy equipment, and transportation and installation of modules and other materials.

Construction of the PV systems would involve clearing and grubbing of existing vegetation, installing support racks, placing of modules and inverter units, trenching and installation of the underground collection system, and construction of internal service roads. Construction activities for the associated Project facilities would include: clearing and grading; construction of drainage components; foundation construction; development of staging areas and site access roads; and construction of the electrical substation, energy storage facility, O&M building, and transmission facilities. Security fencing would be installed around the perimeter of the Project infrastructure.

Following the construction phase, the Operations and Maintenance building would serve as the Project's office facilities for up to 10 permanent full-time employees. The Project facilities would be monitored during operating (daylight) hours, even though the Project would be capable of automatic start up, shutdown, self-diagnosis, and fault detection. Appropriate levels of security lighting would be installed, and the site would be secured 24 hours per day by onsite private security personnel or remote security services with motion-detection cameras. Maintenance activities for PV modules would include on-site repairs as required. Panel washing may be conducted as necessary based on site conditions. On a regular basis personnel would visit the substation to perform routine maintenance including, but not limited to, equipment testing, monitoring, and repair, routine procedures to ensure service continuity, and standard preventative maintenance. The underground cable system and battery storage facility would be

inspected, maintained, and repaired as necessary, following construction. If, at the end of the Lead Agency's lease and/or contract term to sell energy to the utility buyer, no contract extension is available or no other buyer of the energy emerges, the solar plant would be decommissioned and dismantled. After removal of all construction related on-site improvements, remediation and restoration of the area would be performed on the site to its pre-construction condition.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). CDFW offers the comments and recommendations presented below to assist California State Lands Commission (Lead Agency) in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW to adequately review and comment on the Project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance-and/or association-based mapping and assessment be completed following 2009 or current version of The Manual of California Vegetation. Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Please note, CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the potential presence of species within the general area of the Project site.

3. A complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

CDFW recommends species-specific surveys for the threatened desert tortoise and Mohave ground squirrel. CDFW approved desert tortoise pre-construction surveys cover 100 percent of the project area and adjacent habitat using the methods described in the most recent *United States Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual*. The *Mohave Ground Squirrel Survey Guidelines* (Department of Fish and Game, July 2010) are available on CDFW's website (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>).

CDFW also recommends a survey for burrowing owl, a Species of Special Concern. Survey recommendations and guidelines are provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012) (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>).

Development of a desert kit fox and American badger mitigation and monitoring plan is recommended. Desert kit fox is a protected species, and American badger is a Species of Special Concern.

CDFW also recommends a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (<https://www.wildlife.ca.gov/Conservation/Plants>).

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that

Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by zoning of development Projects or other Project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future Projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Several Fully Protected Species (Fish and Game Code § 3511) have the potential to occur within or adjacent to the Project area, including, but not limited to: White-tailed kite (*Elanus leucurus*), American peregrine falcon (*Falco peregrinus anatum*), and golden eagle (*Aquila chrysaetos*). Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis appropriate avoidance, minimization and mitigation measures to reduce any possible indirect impacts to fully protected species.

2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in the 2009 or current version of The Manual of California Vegetation. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts. Minimization measures may include transplanting perennial species, seed collection and dispersal from annual species, and other conservation strategies that will protect the viability of the local population. If minimization measures are implemented, monitoring of plant populations will be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation will be no net reduction in the size or viability of the local population.
3. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
4. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures

that will be implemented should a nest be located within the Project site. If pre-construction surveys are proposed in the DEIR, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. Preconstruction survey for burrowing owls should be conducted in areas supporting potentially suitable habitat and within 30 days prior to the start of construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, CDFW recommends the site be resurveyed. Surveys for burrowing owls should be conducted in accordance with protocols established in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012) or current version. If burrowing owls are detected, disturbance to burrows should be avoided during nesting season (February 1 through August 31) to avoid take. Buffers should be established around occupied burrows in accordance with guidance provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012) or current version. Outside of the nesting season, if passive owl relocation techniques are proposed, CDFW recommends review by CDFW and compensatory mitigation for permanent loss of owl habitat consistent with the guidance provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012) or current version..

5. *Moving out of Harm's Way*: The proposed project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). A CESA Incidental Take Permit (ITP) is issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. CDFW recommends that a CESA ITP be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of CESA-listed species.

Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). If the Project, including the Project construction or any Project-related activity during the life of the Project, results in take of CESA-listed species, CDFW recommends that the Project proponent seek appropriate authorization prior to Project implementation through an ITP. Desert tortoise and Mohave ground squirrel are two CESA-listed threatened species that have potential to occur within the Project Area, presence needs to be determined by protocol surveys required by the Lead Agency.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures should be sufficient for CDFW to conclude that the Project's impacts are minimized and fully mitigated and adequate funding is ensured to implement the measures and for monitoring compliance with, and effectiveness of, those measures.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "Project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the Project and recommends that the Lead Agency addresses CDFW's comments and concerns in the forthcoming DEIR. If you have questions regarding this letter, please contact Dr. Shankar Sharma, Senior Environmental Scientist Specialist at Shankar.Sharma@wildlife.ca.gov or (909) 228-3692.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

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