



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

July 15, 2021

July 16 2021

STATE CLEARINGHOUSE

Ms. Sarah Mongano
California State Lands Commission
100 Howe Ave Suite 100-S
Sacramento, CA 95825
CEQA.comments@slc.ca.gov

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

Dear Ms. Mongano:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to provided additional comments to California State Lands Commission to inform preparation of a Draft Environmental Impact Report (DEIR) for the Stagecoach Solar Project (Project), State Clearinghouse No. 2020100234.

On November 13, 2020, CDFW provided comments 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).

On June 16, 2021, the California State Lands Commission (Lead Agency) submitted further Project information to CDFW and requested feedback on solar field layout alternatives and Western Joshua tree. Accordingly, CDFW is providing input described in this letter.

The proposed 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 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 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.

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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 include 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.

CDFW recommends the DEIR provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. 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. 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. 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 acquisition, enhancement, conservation, and management 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, management for invasive species, control of illegal dumping, water pollution, increased human intrusion, and other factors that diminish the habitat value for the target species.

Western Joshua tree (*Yucca brevifolia*) is a candidate for threatened species (see 2020 Cal. Reg. Notice Register, No. 41-Z, pp. 1349, October 9, 2020) under CESA that has high potential to occur within Project footprint. The Project documents present a general layout of the proposed solar field and an alternative design that avoids areas most densely occupied by Joshua trees. The Joshua tree avoidance alternative would minimize impacts to Joshua trees, and would move the solar panels nearly 1,000 feet further south, closer to known golden eagle nesting sites, and leave a wildlife passage zone between the two solar panel areas. CDFW recommends that the DEIR should include risk analysis showing comparative evaluation of adverse impacts of the two layouts on various species and their habitat quality and sustainability over time. Edge effects should be considered. The determination should be based on factors including an assessment of the importance of the habitat in the Project area, the extent to which

the covered activities will impact the habitat, and estimation of the acreage required to provide for adequate compensation.

Avoidance of western Joshua tree and its associated habitat would be a preferred approach. When considering impacts that involve removal of western Joshua tree, including its potential seedbank, impacts to habitat adjacent to western Joshua tree and other suitable habitat should also be evaluated. CDFW recommends the assessment area cover all Project areas that may be impacted and an additional 200-foot-wide area outside of the Project impact area to assess the habitat quality parameters. High quality habitat adjacent to an impact area would generally factor into a quality determination for the impact area. CDFW recommends that assessment of impacts and associated mitigation should evaluate the number and size of western Joshua trees impacted, and the overall quality and extent of habitat that may support western Joshua tree. Generally, areas with greater density, range of size classes, and recruitment of western Joshua tree, along with larger, intact, and connected habitat areas represent high habitat quality areas. The assessment should consider edge effects that may exist from Project design. Areas with larger edge effect and narrow corridors should be considered as having greater indirect impacts on adjacent areas. Impacts include removal of western Joshua tree and its seedbank, and loss of occupied and suitable habitat. Removal of western Joshua tree to “salvage” or relocate elsewhere should be considered an impact at the removal site. Relocation of western Joshua tree is disfavored as relocation is likely to impact habitat at a relocation site and affect other fish and wildlife resources, potentially including special-status species, and a relocation site may not have all required habitat elements for successful reproduction on site, potentially limiting the biological effectiveness of such as measure.

CDFW recommends the amount of compensatory mitigation is related to the extent and type of impacts to the species and the quality of the habitat being affected for the biological resources that may be potentially impacted. CDFW recommends mitigation for western Joshua tree be based on acres of impact to occupied and suitable habitat for western Joshua tree, rather than number of trees impacted. CDFW does not view relocation as adequate mitigation for impacts to western Joshua tree and its habitat. For desert tortoise for example, compensatory mitigation ratios from 1:1 to 5:1 of mitigation acres to impacted acres are most typical. The higher mitigation ratios are often used for impacts that most affect the species, such as impacts to high quality, connected, other important habitat areas, and impacts to areas with a greater distribution and presence of the species. The lower mitigation ratios are often used for impact areas with low habitat value and low to very low presence of the species. California State Lands Commission may choose to take a similar approach with western Joshua tree. CDFW recommends the mitigation site is occupied and is of equivalent or higher value for western Joshua tree than the impact site. For compensatory mitigation, CDFW recommends permanent protection through a conservation easement, development of a long-term management plan, and funding sufficient to implement

Ms. Sarah Mongano
California State Lands Commission
July 15, 2021
Page 4

management plan tasks in perpetuity should be completed before starting Project ground-disturbing activities.

CDFW recommends that a CESA Incidental Take Permit (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.

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. 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.

CDFW appreciates the opportunity to comment on your Project. Questions regarding this letter should be directed to 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