



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Aug 31 2022

STATE CLEARINGHOUSE

August 30, 2022

Terrance Smalls
Kern County Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, California 93301
(661) 862-8607

Subject: **Rosamond South Solar Project by Golden Fields Solar IV, LLC (Project)**
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
State Clearinghouse No. 2021060079

Dear Terrance Smalls:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from Kern County, as Lead Agency, for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ 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.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

As a responsible agency, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: Golden Fields Solar IV, LLC

Objective:

The Rosamond South Solar Project, as proposed by Golden Fields Solar IV, LLC would develop a photovoltaic solar facility and associated infrastructure necessary to generate up to 154 megawatt-alternating current (MW-AC) of renewable energy, including up to 200 megawatts of energy storage, on approximately 1,292 acres of privately-owned land. The project site consists of 4 sites (Sites 1 through 4) located on 64 parcels. The project would be supported by a 230-kilovolt (kV) gen-tie overhead and/or underground electrical transmission line(s) originating from one or more on-site substations and terminating at either the Teddy Substation or the Southern California Edison's Whirlwind Substation. The project's permanent facilities would include, but are not limited to, service roads, a power collection system, inverter stations, transformer systems, transmission lines, electrical switchyards, project substations, energy (battery) storage system, and operations and maintenance facilities.

Location: The project site is located in southeastern Kern County and is approximately 11 miles west of the unincorporated community of Rosamond. The proposed project is in the eastern high desert region of unincorporated Kern County. The project is in the western extent of the Mojave Desert near approximately 7.5 miles southwest of Mojave, California, within the western Antelope Valley and approximately 50 miles southeast of the city of Bakersfield. All project CUP sites areas are located within Section 24 Township 9 North, Range 15 West and Sections 20, 21, 27, and 28, Township 9 North, Range 14 West, and Sections 30 and 31 Township 9 N Range 13W, San Bernardino Base and Meridian. Additionally, the project is within the Willow Springs Specific Plan.

Timeframe: Unspecified

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document.

Aerial imagery of the Project boundary and its surroundings show the area contains undeveloped land that may have suitable habitat for special status species. Based on a review of the Project description, a review of California Natural Diversity Database (CNDDB) records, and the surrounding habitat, several special-status species could potentially be impacted by Project activities.

Currently, the DEIR acknowledges that the Project area is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some of the proposed mitigation measures, for the State threatened desert tortoise (*Gopherus agassizii*), to reduce impacts to less than significant and avoid unauthorized take.

COMMENT 1: Desert Tortoise (*Gopherus agassizii*)

Mitigation Measure 4.4-10:

The DEIR states, "No desert tortoises or positive sign of the species (burrows, scat) were present during the on-site surveys". According to Appendix D-1 section 2.4 the survey methodology consisted of walking transects spaced 50-100 feet apart. The Department does not recognize these surveys as sufficient to determine absence of desert tortoise as the surveys performed do not meet the 30 foot spacing transect requirement in the recommended protocol as well as the additional survey requirements outlined in "Preparing for any action that may occur within the range of the desert tortoise (*Gopherus agassizii*)" (USFWS, 2010).

The DEIR states that 30-foot transect surveys that meet the guidelines will be done 14 days prior to construction activities. In this case, the Department does not concur that surveys conducted so close to commencement of construction activities is advisable. Based on aerial imagery, the Project site has potential habitat of good enough functional quality to support desert tortoise foraging, movement, and reproduction. Furthermore; the Department finds this is not an adequate measure to conclude that an ITP is not needed and, in the location of the proposed project area where historical and recent desert tortoise detections are frequent, is not an appropriate risk to assume to conclude CEQA. Specifically, in the event of detection during protocol level surveys and in the absence of having already obtaining an ITP, construction delays are liable to occur. Therefore, CDFW would recommend the pursuit of an ITP to avoid risk of inadvertent take and any potential delays to the project that may come with desert tortoise detection. Protocol desert tortoise surveys should be performed prior to the CEQA

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process being completed, or desert tortoise should be assumed to be present, and the obtainment of an ITP required prior to construction.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

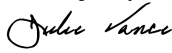
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist Kern County in identifying and mitigating Project 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.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

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REFERENCES

United States Fish and Wildlife Service (USFWS). (2010). Preparing for any action that may occur within the range of the Mojave Desert tortoise (*Gopherus agassizii*). United States Fish and Wildlife Service.