



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY

Gavin Newsom, Governor

DEPARTMENT OF FISH AND WILDLIFE

Charlton H. Bonham, Director

North Central Region

1701 Nimbus Road | Rancho Cordova, CA 95670

August 21, 2023

Julie Newton

Principal Planner

Sacramento County

827 7th Street, Room 225

Sacramento, CA 95814

ceqa@saccounty.gov



Subject: Sloughhouse Solar Facility - DRAFT ENVIRONMENTAL IMPACT REPORT
(DEIR) SCH# 2021100444

Dear Julie Newton:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR of a Draft Environmental Impact Report (DEIR) from Sacramento County for the Sloughhouse Solar Facility (Project) in the County of Sacramento pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on November 19, 2021.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

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

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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for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW provides, 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.

CDFW may also act 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located southwest of the intersection of Meiss Road and Dillard Road, adjacent to an existing solar energy facility at 7794 Dillard Road.

The Project consists of the construction, operation, and eventual decommissioning of solar-energy generation, energy storage, and electrical distribution facilities on approximately 400 acres. The project parcels would be developed with solar panel arrays and ancillary facilities, energy storage facilities, an electrical substation, internal roads, retention basins, and distribution lines connecting to the regional power grid. The project is located on agricultural grazing lands and is adjacent to an existing solar energy facility. The electrical power provided by the project would be supplied to the Sacramento Municipal Utility District (SMUD) using existing, adjacent SMUD distribution facilities.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist Sacramento County 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 EIR address the following:

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Comment 1:

Issue: Mitigation measures for Impact BR-6 do not mitigate to less-than-significant.

Specific impact: Impacts to South Sacramento Habitat Conservation Plan (SSHCP) landcover types will not have full compensatory mitigation, thus are not inconsistent with the SSHCP.

Why impact would occur: Project development would result in permanent impacts to SSHCP landcover types, including Valley Grassland, Seasonal Wetlands, and Vernal Pools.

Recommendations/ mitigation measure: As a non-covered activity outside the SSHCP Urban Development Area, the Project has potential to conflict with the SSHCP. Specifically, the SSHCP requires fee payment for each acre of SSHCP landcovers that are permanently impacted by Project activities. While this Project is not subject to the SSHCP itself, the DEIR does not describe how the Project's compensatory mitigation structure will be consistent with the SSHCP. For the project to be consistent with the provisions of the SSHCP, impacts to all SSHCP landcover types described in Table BR-8 should have a corresponding description and compensation component in Impact BR-6. To be consistent with the SSHCP, impacts to these land cover types should be mitigated for by providing, at minimum, one acre of compensation for each acre impacted. In this case the Project should consider an even higher ratio because the SSHCP relies on an interconnected preserve system, consistent management techniques, and preserve design criteria at a regional level, whereas the Project will consider standalone compensatory mitigation. As such, CDFW recommends the lead agency revise the description for BR-6 and include a corresponding component that describes compensatory mitigation for each SSCHP land cover type.

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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed

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form can be submitted online or 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 effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by Sacramento County 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

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the DEIR to assist Sacramento County in identifying and mitigating Project impacts on biological resources.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Ben Huffer, Environmental Scientist at (916) 216-6253 or benjamin.huffer@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Billie Wilson
0782645E72B54D0...

Billie Wilson
Acting Regional Manager

ec: Dylan Wood, Senior Environmental Scientist (Supervisor)
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Ben Huffer, Environmental Scientist
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Department of Fish and Wildlife
Office of Planning and Research, State Clearinghouse, Sacramento