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April 30, 2025

Julie Newton  
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Subject: Coyote Creek Agrivoltaic Ranch  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH No. 2022010271

Dear Julie Newton:

The California Department of Fish and Wildlife (CDFW) received and reviewed the DEIR from Sacramento County for the Coyote Creek Agrivoltaic Ranch Project (Project) in Sacramento County pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup> CDFW previously submitted comments in response to the Notice of Preparation on February 7, 2022.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. 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.

## **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. (Fish & G. Code, § 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.

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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.

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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**

Sacramento Valley Energy Center, LLC proposes to construct and operate a 200-megawatt, alternating current (AC), photovoltaic (PV) solar energy facility on parcels that total approximately 2,704 acres in the Cosumnes community of unincorporated Sacramento County. The project is generally located south of U.S. Route 50, northwest of Rancho Murieta, southeast of the Prairie City State Vehicle Recreation Area (PCSVRA), and south of White Rock Road in the Cosumnes community. Specifically, it is located on what is known as the "Barton Ranch" adjacent to 3830 Scott Road. A dedicated transmission line called a generation tie (gen-tie) line would extend approximately 1.3 miles west to provide an interconnection to the Sacramento Municipal Utility District (SMUD) 230 kilovolt powerline which runs through PCSVRA. The assessor parcel numbers for the gen-tie alignment are 072-3160-002, 072-0100-027, 072-0100-018, 072-0110-031, and 072-0110-068. The applicant is proposing to construct, operate, and at the end of the project's life, decommission a solar generation and energy storage facility. Of the approximately 2,704-acre project site, approximately 1,412 acres would be in the Solar Development Area (SDA). The SDA will include an onsite substation, inverters, fencing, roads, and supervisory control and data acquisition system. Energy storage facilities would be developed at a centralized location or distributed throughout the Project site. The remaining approximately 1,292 acres would not be developed as part of the project.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist Sacramento County in adequately identifying and, where appropriate, 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 document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

CDFW is primarily concerned with the project impacts to California state listed species, fully protected species, and California Native Plant Society (CNPS) species including but

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not limited to: American badger (*Taxidea taxus*) (SSC), bald eagle (*Haliaeetus leucocephalus*) (FP), bank swallow (*Riparia riparia*) (ST), burrowing owl (*Athene cunicularia*) (SCE), California black rail (*Laterallus jamaicensis coturniculus*) (ST), Crotch's bumble bee (*Bombus crotchii*) (SCE), golden eagle (*Aquila chrysaetos*) (FP), grasshopper sparrow (*Ammodramus savannarum*) (SSC), Ringtail (*Bassariscus astutus*) (FP), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) (SSC), Swainson's hawk (*Buteo swainsoni*) (ST), tricolored blackbird (*Agelaius tricolor*) (ST), western pond turtle (*Actinemys marmorata*) (SSC), western Spadefoot (*Spea hammondi*) (SSC), white-tailed kite (*Elanus leucurus*) (FP), Boggs Lake hedge-hyssop (*Gratiola heterosepala*) (SE), Sacramento Orcutt grass (*Orcuttia viscida*) (SE), and Slender Orcutt grass (*Orcuttia tenuis*) (SE).

Additionally, CDFW is concerned about impacts related to sensitive habitats and aquatic resources including vernal pools, wetlands, stream systems, riparian corridors, wildlife corridors and linkages, and nesting and foraging habitats onsite.

**COMMENT 1:** Construction Best Management Practices, Mitigation Measure BR-1a, page 317

**Issue:** Mitigation Measure BR-1a provides construction best management practices to reduce impacts to the habitat and wildlife present in the Solar Development Area (SDA), however some of the included measures do not adequately reduce the potential for impacts to occur to special status species onsite.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure BR-1a for Construction Best Management Practices be revised to the following (additions are noted in **bold** while deletions are noted in strikethrough):

- Revegetation. Cut-and-fill slopes shall be revegetated **by seeding with a pollinator friendly native or existing noninvasive, non-native plants seed mix of known genetic origin whose original stock seed was collected from a local seed bank (e.g. Sierra Nevada Foothills or the Great Central Valley)** ~~(e.g., non-native grasses)~~ suitable for the altered soil conditions. Non-native plants identified as a State listed noxious weed or as a California Department of Food and Agriculture rated A through C invasive plant are prohibited. **Revegetation shall be completed in the fall before the start of the rainy season and as soon as possible after project activities. Seeded areas shall be covered with broadcast straw, mulch, and/or erosion control blankets.**
- No Pets in Construction Areas. To avoid harm and harassment of native species, workers and visitors shall not bring pets **except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or working dogs and sheep present during grazing activities** onto a project site **during construction and Operation and Maintenance activities.**

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- Minimize Effects from Temporary Channel Re-Routing. If necessary to temporarily **dewater** ~~reroute~~ a stream, creek, or drainage in order to conduct project work activities (i.e., conducting work when the channel is naturally dry is not feasible), **a temporary water diversion plan will be submitted for review and approval to Sacramento County.** The **temporary diversion** ~~re-routing~~ will be completed in a manner that minimizes impacts to beneficial uses and habitat. The following measures will be employed to minimize disturbances that will adversely impact water quality:
  - No Equipment will be operated in areas of flowing or standing water.
  - Construction materials and heavy equipment must be stored **in a designated staging area** outside of the active flow **and where they do not have the potential to enter** ~~of~~ any waters **of the state.**

**COMMENT 2:** Avoid, Minimize, and Mitigate for Impacts on Western Spadefoot, Mitigation Measure BR-1c, page 325

**Issue:** The Spadefoot Friendly Fencing Specification measure outlines using a 3-inch-wide gap between the surface and bottom of the fence. However, this size may not be sufficient for other wildlife present, including but not limited to Western Pond Turtle, from being able to traverse through the solar array fields, therefore impacts will not be reduced to a less-than-significant level.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure BR-1c for Avoid, Minimize, and Mitigate for Impacts on Western Spadefoot be revised to include a 6-inch gap instead of 3-inch.

**COMMENT 3:** Avoid, Minimize, and Mitigate for Impacts on Western Burrowing Owl and Occupied Nesting Habitat, Mitigation Measure BR-1e, page 331

**Issue:** The DEIR does not outline mitigation measures that adequately reduce project impacts to burrowing owl (BUOW). As stated in the DEIR, the project site provides nesting and foraging habitat for BUOW. The DEIR states that the Project is anticipated to permanently impact 1064.03 acres and temporarily impact 220.99 acres of suitable nesting and foraging habitat. BUOW have suffered significant habitat loss due to large-scale development, including wind and solar energy infrastructure development, and from the killing and removal of mammals during significant grading activities whose underground burrows the owls use for nesting. BUOW is designated as a candidate species under CESA and has additional protection under the Migratory Bird Treaty Act and Section 3503.5 of the Fish and Game Code. Additionally, the DEIR proposes to conduct preconstruction surveys 30 days prior to initiating ground disturbing activities. However, such a large survey window prior to construction implementation increases the potential for

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take of BUOW if individuals move onsite to breed or overwinter within the Project Area. Therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure BR-1e for Avoid, Minimize, and Mitigate for Impacts on Western Burrowing Owl and Occupied Nesting Habitat be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Burrowing Owl Survey. No more than 14 days prior to beginning activities (including ground disturbing O&M), a qualified biologist shall conduct at least four surveys using the methods described in CDFW's [Staff Report on Burrowing Owl Mitigation, Appendix D \(2012\)](#). Surveys shall be conducted during the breeding season (February 1 to August 31) and include no fewer than four survey visits: at least one site visit between February 15 and April 15 and a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Surveys shall also be conducted during the non-breeding season (September 1 to January 31) before the start of construction activities to determine seasonal residency. Non-breeding season surveys shall consist of at least four visits, spread evenly, throughout the nonbreeding season. The presence of BUOW individuals, BUOW complexes or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within a 1650-foot accessible radius around the Project Area shall be recorded and mapped. The qualified biologist shall submit the results of the survey, including a Burrow Complex Map to Sacramento County for approval in consultation with CDFW prior to beginning Project activities. If changes in BUOW presence are detected (e.g., BUOW have moved onsite or changed burrow use), the qualified biologist shall contact Sacramento County within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project to BUOW and the qualified biologist shall establish buffers in consultation with CDFW.** ~~A qualified biologist shall conduct a preconstruction survey for burrowing owl no more than 30 days prior to ground-disturbing activities to provide updated information on owl locations and occupied burrows for impact avoidance, minimization, and mitigation planning. The survey shall cover the limits of ground disturbance and potentially suitable habitat within 500 feet. The survey shall be consistent with CDFG (2012), or more current CDFW guidelines. If ground-disturbing activities are delayed, then additional surveys shall be conducted such that no more than 7 days elapse between the survey and ground-disturbing activities.~~

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- **Burrowing Owl Preconstruction Surveys. No more than 14 days prior to beginning O&M Project activities, a qualified biologist shall conduct a preconstruction survey for the BUOW. Surveys shall be conducted during the breeding (February 1 to August 31) and overwintering (September 1 to January 31) seasons. The presence of BUOW individuals, BUOW complexes prescribed by Condition of Approval 6.25 or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within a 1650-foot accessible radius around the Project Area shall be recorded and mapped. The qualified biologist shall submit the results of the survey to Sacramento County for approval in consultation with CDFW prior to beginning Project activities. If changes in BUOW presence are detected (e.g., BUOW have moved onsite or changed burrow use), the qualified biologist shall contact Sacramento County within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project to BUOW and the qualified biologist shall establish buffers in consultation with CDFW. If a lapse in Project-related work of 14 calendar days or longer occurs, another preconstruction survey and consultation with Sacramento County and CDFW shall be required before project work can be reinitiated. Survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted.**
- A Burrowing Owl Mitigation and Management Plan shall be developed in consultation with CDFW and consistent with CDFG's Staff Report on Burrowing Owl Mitigation (March 2012), or more current CDFW guidelines prior to project construction. The CDFW approved Burrowing Owl Mitigation and Management Plan shall be submitted to the County of Sacramento for review prior to the start of construction. The plan shall address long-term ecological sustainability and maintenance of the site for burrowing owls, where feasible in the solar development area (i.e., temporary impact areas) and in adjacent areas. The Plan shall require the applicant to achieve a performance standard of no net loss of burrowing owl nesting and foraging habitat **and a minimum of 3 acres for each acre habitat replacement for nesting sites**, function, and values and shall include the following elements:
  - A description of the preconstruction distribution and abundance of burrowing owls and existing habitat conditions at the project site, **including a burrow complex map showing natural burrow complexes and atypical burrows (e.g. culverts, buckled concrete, etc.) utilized by the BUOW.** The map

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**shall show details and locations of all burrow sightings capable of supporting the BUOW and shall indicate potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and sign. The map shall include a title, an outline of the Project Area, north arrow, scale bar, and legend.**

- Avoidance and minimization measures to be implemented during project construction to avoid direct and indirect impacts on burrowing owls (e.g., establishment by a qualified biologist of a minimum of 165 feet, up to 1650 feet, non-disturbance buffers around active burrows depending on the time of year and type of activity, consistent with CDFW's 2012 Staff Report guidelines); ~~including a discussion of any proposed passive relocation activities, if necessary (e.g., non-breeding season active burrows that cannot feasibly be avoided).~~
- Proposed management of burrowing owl nesting and foraging habitat during project operation and maintenance to achieve the goal of no net loss of existing habitat value for burrowing owls within temporary impact areas;
- A monitoring and reporting plan addressing implementation and success of the management plan and identifying actions needed to maintain foraging and nesting habitat and reduce stressors on wintering and nesting burrowing owls;
- An adaptive management plan that includes additional measures described below if the performance standards of no net loss of burrowing owl nesting and foraging habitat value are not being met;
- If CDFW determines that off-site compensatory mitigation is necessary to comply with the performance standard of no net loss of habitat acreage, function, and values for burrowing owls, compensation shall be implemented consistent with the SSHCP goals of preserving and linking high-quality habitat, preserving and reestablishing natural land covers that provide suitable habitat, and maintaining or expanding the existing distribution of the species within the SSHCP Area. The applicant may provide off-site compensatory mitigation to achieve the no net loss performance standard through acquisition of a conservation easement or mitigation credits from an appropriate mitigation bank, or another form of mitigation, as approved by CDFW. Compensation may be layered with other mitigation requirements,

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such as for Swainson's hawk foraging habitat (see Mitigation Measure BR-1f, if acceptable by CDFW);

- **If impacts on BUOW individuals cannot be avoided during the breeding or non-breeding season, obtain an Incidental Take Permit (ITP) from CDFW for anticipated exclusion of BUOW during construction and O&M activities.**

**COMMENT 4:** Avoid, Minimize, and Mitigate for Impacts on Tricolored Blackbird, Mitigation Measure BR-1g, page 340

**Issue:** The project site is less than a mile from suitable tricolored blackbird (TRBL) nesting habitat, and construction activities could result in significant impacts to nesting tricolored blackbird through loss of foraging habitat, noise, fugitive dust, human presence, and/or night lighting. Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise. Mitigation Measure BR-1g is not adequate in reducing impacts to TRBL to a less-than significant level.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure BR-1g for Avoid, Minimize, and Mitigate for Impacts on Tricolored Blackbird be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct a preconstruction survey for nesting tricolored blackbird approximately two days prior to vegetation or tree removal or ground-disturbing activities during the nesting season (approximately April through August). The survey shall cover the limits of construction and suitable nesting habitat within  $\frac{1}{4}$  mile ~~500 feet~~. **The surveys shall be based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented.**
- If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be  $\frac{1}{4}$  mile ~~500 feet~~ and shall be determined based on factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. **This buffer**



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**may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed.** Construction limits shall be based on the biologist-defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.

- If an active nest is identified within ¼ ~~mile~~ 500 feet of the work area after construction has started, work within ¼ ~~mile~~ 500 feet of the nest shall be suspended until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. **This buffer may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed.**

**COMMENT 5:** Avoid, Minimize, and Mitigate for Impacts on American badger, Mitigation Measure BR-1j, page 346

**Issue:** American badgers (*Taxidea taxus*) are a CDFW species of special concern (SSC) and have been experiencing serious population declines that, if continued or resumed, could qualify it for State threatened or endangered status.

The American badger utilize different types of dens throughout their life: reproductive (natal and rearing), over-wintering and hunting. The American badger mates between July and September with delayed implantation of the embryo occurring between January and February (Long, 1973). Females give birth underground between March and April. Kits typically disperse from the reproductive den at three to four months of age (Messick et al., 1981) although some young American badgers have delayed dispersal until their second year. Mitigation Measure BR-1j states if dens are found during the preconstruction survey, they will be excavated or blocked to discourage use if they are potentially active. However, forced relocation of kits prior to their ability to disperse on their own can result in unforeseen stressors or impacts to local badger populations. Therefore, this measure does not reduce project impacts to a less-than significant level.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure BR-1j for Avoid, Minimize, and Mitigate for Impacts on American

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Badger be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct focused surveys for American badger dens within **7 calendar days** ~~two weeks~~ prior to ground-disturbing activities in suitable habitat (i.e., undeveloped grassland, blue oak woodlands, and seasonally inundated wetlands/waters) within the solar development area. The survey shall cover the limits of ground disturbance and a 100-foot buffer. Any potentially active American badger dens located during the survey that show signs of recent activity shall be evaluated (typically with remote cameras) to determine activity status.
- If an active American badger den is detected during the breeding season (typically from March 1 through **June 1** ~~May~~), then prior to construction, the qualified biologist, **in coordination with CDFW, shall determine an appropriate no disturbance buffer (e.g., staking, flagging, or similar measures) to avoid impacts to the den.** ~~shall establish a 100-foot no-disturbance buffer (e.g., staking, flagging, or similar measures) around the den.~~ The buffer shall be maintained until the qualified biologist determines that the den is no longer active, and the young are no longer dependent upon the den for survival. If a natal den site cannot be avoided throughout the life of the project (including operations and maintenance), **excavation and exclusion implementation shall take place between the non-breeding season (typically September 1 through January 1) in consultation with CDFW.** ~~destruction of the natal den burrow shall only proceed den excavation after the natal den is no longer active and no badgers are present within the burrow.~~
- If construction occurs during the non-breeding period (i.e., typically from **September 1 through January 1** ~~June through February~~) and an active non-natal den is found in or immediately adjacent to the construction footprint, a qualified biologist, **in coordination with CDFW,** shall attempt to trap or flush the individual (e.g., passive exclusion with one-way doors). After exclusion is completed, the vacated or unoccupied den can be excavated, and construction can proceed.

**COMMENT 6:** Avoid, Minimize, and Mitigate for Impacts on Nesting Raptors and Migratory Birds, Mitigation Measure BR-1k, page 348

**Issue:** Mitigation Measure BR-1k requires preconstruction surveys and buffer implementation for nesting birds within the Solar Development Area (SDA). However the buffer radius should be variable depending on the species present and other site factors including but not limited to the level of anticipated disturbance, topographic features, or timing relative to nesting cycle. Additionally, the measures currently do not include a requirement to coordinate with Sacramento County to review and approve the proposed

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buffer sizes. Without these additions to Mitigation Measure BR-1k, the projects impacts are not reduced to a less-than significant level.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure BR-1k for Avoid, Minimize, and Mitigate for Impacts on Nesting Raptors and Migratory Birds be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct a survey for nesting birds within one week prior to vegetation/tree removal or ground-disturbing activities within suitable habitat during the nesting season (i.e., February 1 through August 31). The survey shall cover the limits of construction and accessible suitable nesting habitat within **a minimum ¼ mile radius of project activities** ~~500 feet (and within 0.25 mile for potential raptor nests)~~. If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than seven days elapse between the survey and vegetation removal activities.
- If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The buffer distance **shall be determined and established by a qualified biologist, in coordination with the Sacramento County. The buffer shall be kept in place until after the breeding nesting season or the qualified biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season.** ~~shall typically range from 50 to 500 feet (or more for some raptors) and~~ **The extent of these buffers** shall be determined based on factors such as the species of bird, topographic features, existing background disturbance levels, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. ~~Typical nest buffers implemented are as follows:~~
  - ~~50-150 feet for passerines and other non-raptors~~
  - ~~500 feet for raptors and owls~~
- If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be suspended as needed until the **qualified project biologist, in coordination with Sacramento County**, can provide appropriate avoidance and minimization measures to ensure

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that the nest is not disturbed by construction. Appropriate measures may include a no disturbance buffer until the nest has fledged and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest.

**COMMENT 7:** Avoid, Minimize, and Mitigate for Impacts on Bats, page 350

**Issue:** Mitigation Measure BR-1I requires preconstruction surveys for bats within the Solar Development Area (SDA). However, the DEIR does not provide adequate reporting requirements or mitigation measures to better understand bat populations in the area and to reduce impacts to bat colonies or their roosting structures if they are found onsite during the surveys. Survey results should include additional information including but not limited to the location, size of roost, type of roost, and proposed mitigation measures for the loss of bat roosts, if present prior to tree removal activities.

**Recommendation or Recommended Measure:** CDFW recommends that Mitigation Measure BR-1I for Avoid, Minimize, and Mitigate for Impacts on Bats be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- A qualified biologist shall conduct a preconstruction habitat assessment for potential communal bat roosts within the solar development area and a 300-foot buffer to the solar development area, ideally one year in advance of, but no less than 30 days prior to the start of construction. The habitat assessment should include a visual inspection of potential roosting features (e.g., hollows in trees, bridges, and **culverts**), including looking for the presence of guano. If potential maternity roosts or winter hibernacula are found, ~~their locations shall be mapped, and the project shall avoid all areas within a 300-foot buffer around the potential roost sites.~~ **The qualified biologist shall identify the bats to the species level, evaluate the colony to determine its size and develop appropriate mitigation measures for review and approval by Sacramento County. The bat survey shall include: 1) the exact location of all roosting sites (location shall be adequately described and drawn on a map), 2) the number of bats present at the time of visit (count or estimate), 3) each species of bat present shall be named (include how the species was identified), 4) the location, amount, distribution of all bat guano shall be described and pinpointed on a map, and 5) the type of roost: night roost (rest at night while out feeding) versus a day roost (resting during the day) must also be clearly stated, 6) species specific measures to compensate for the loss of suitable bat habitat.** The non-disturbance buffer shall remain in place during the maternity and winter hibernation seasons (May 1 through August 15, and November 1 through March 31) or until bats have vacated the roost, unless otherwise authorized by **Sacramento County in consultation with** CDFW and USFWS, as relevant.

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**COMMENT 8:** Ringtail

**Issue:** Mitigation Measure BR-1I requires preconstruction surveys for bats within the Solar Development Area (SDA). However other nocturnal species including but not limited to Ringtail could be present within the project area. Ringtail is a CDFW fully protected species and has suffered from habitat fragmentation due to urban development and agriculture. Ringtails live in a variety of habitats within their range, but they have a decided preference for chapparal, rocky hillsides, and riparian areas (Grinnell et al. 1937, Seton 1929, Trapp 1978). Their denning areas include rock crevices, boulder piles, underground cavities, hollow trees or underground in hollow roots of trees (Trapp 1978). Ringtails are widespread throughout California; however, their current population trend is unknown. Their primary threats are intentional and incidental trapping of fur-bearers as well as automobile roadkill (Reid et al. 2016). Fragmented habitat, removal of riparian vegetation, and increased traffic on Scott's Road during construction, could impact Ringtail if present within or near the Project Area.

**Recommendation:** CDFW recommends the addition of the following Mitigation Measure:

- **The Project Applicant(s) shall retain a qualified biologist to conduct a survey for ringtails and ringtail dens in conjunction with the bat surveys within 7 calendar days of the initiation of project activities within suitable habitat for Ringtail. If no individuals and/or dens are found during the preconstruction survey, the biologist shall document the findings in a letter report to Sacramento County, and no further mitigation shall be required. If individuals and/or dens are found, the qualified biologist shall consult with lead agency and CDFW to determine appropriate avoidance measures.**

**COMMENT 9:** Avoid, Minimize, and Mitigate for Impacts on Crotch's Bumble Bee, Mitigation Measure BR-1m, page 352

**Issue:** Mitigation Measure BR-1m involves the drafting of a Crotch's bumble bee (*Bombus crotchii*) (CBB) avoidance plan with measures to reduce potential impacts to the species. However, it does not require CDFW consultation in the plan's development prior to implementation. Additionally, the measure states that the plan is anticipated to include preconstruction surveys, avoidance for vegetation removal, and buffers around CBB nests and individuals but does not make these avoidance methods required. Without appropriate avoidance and minimization measures for CBB and their habitat, project-related activities involving ground and vegetation-disturbance could result in potential significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, and direct mortality. Therefore, there could be significant impacts to CBB, if the measures are not revised.

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**Recommendation or Recommended Mitigation Measure:** CDFW recommends that the Mitigation Measure BR-1m for CBB be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- If Crotch's bumble bee is detected, the qualified biologist shall notify CDFW, and survey data shall be submitted to CDFW via a written report and also via CNDDDB. The written survey report will be submitted to CDFW within 30 days of the pre-construction survey. The report will include survey methods, weather conditions, **proposed no-disturbance buffers**, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. If nests are observed, the survey report will also include the qualifications/resumes of the surveyor and qualified biologists for identification of photo vouchers, detailed habitat assessment, photo vouchers, and recommendations for avoidance. In addition, if Crotch's bumble bee is detected in the solar development area, then a site-specific Crotch's Bumble Bee Avoidance and Minimization Plan shall be prepared and implemented in coordination with CDFW to avoid take, or consult with CDFW to obtain an Incidental Take Permit (ITP) if take of Crotch's bumble bees may occur during project activities. The plan shall include a description of on-site habitat, potential nest and overwintering sites present, recommendations for avoidance and minimization (such as active nest avoidance buffers). If an ITP is sought, mitigation for the loss of potential nest sites will be fulfilled at a minimum **3:1** ~~4:4~~ nesting habitat replacement **and a minimum 1:1 foraging habitat replacement** of equal or better functions and values to those impacted by the project, and may include measures such as incorporation of appropriate native flower resources into the Agricultural Management Plan that would support this species throughout the flight period and promote development of queens (i.e., perennial plants), and reducing use of harmful pesticides. All the measures included in the approved plan and/or ITP shall be implemented during project activities.
- **For both the construction and operation and maintenance phases, if feasible, native or non-native flowering vegetation removal shall occur prior to bloom and before the Colony Active Period (approximately February 1 through October 31). If project activities cannot be avoided during this time and vegetation needs to be removed during the bloom period for those species, project proponent shall remove flowering vegetation in a patched manner, to the extent feasible while also being cognizant of wildfire concerns, leaving areas of floral resources as refugia for foraging CBB or wait until bloom has ceased. During the bloom period and Colony Active Period, removal of non-native plants should be prioritized over native plants.**

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- **Project activities involving vegetation and ground disturbance in CBB habitat to the extent feasible during the queen/gyne flight seasons, when queens emerge in the spring (February to March) searching for nest sites and during the fall flight period (September to October) when gynes mate and search for overwintering habitat.**
- **If feasible during construction, project activities will be restricted to daytime hours. If nighttime construction is needed, the following measures will be implemented within 500 feet of CBB habitat:**
  - **All construction-related lighting shall not have significant illumination pass beyond the immediate work area. Shielding techniques may include, but should not be limited to, the use of fence slats, netting, mesh, or tarps; and all construction lighting used shall be yellow or orange lighting.**
  - **To minimize light effects during the operational period, the project shall not install lighting (e.g., street lighting, trail lighting) that produces illuminance (lux) outside of the project site, onto adjacent habitat areas.**
  - **If CBB is detected within 100 feet of project activity, a qualified biologist or biological monitor will be onsite during any ground disturbance and/or vegetation removal activities that occur when CBB are present within the activity footprint. A 25-foot no-disturbance buffer will be implemented around CBB individuals within the area and monitored until the CBB leaves the area on its own.**
  - **If no CBB nests or adults are detected during the CBB surveys, at the discretion of the qualified biologist, additional surveys or biological monitoring may be prescribed depending onsite conditions and work activities, as well as seasonal factors.**

**COMMENT 10:** Pollinators

**Issue:** The DEIR does not include measures to increase use by pollinators such as dual use farming. The Project should be designed to optimize a balance between electrical generation and agricultural production (Jossi 2018) or native plants. Native plantings or dual use farming techniques provide additional foraging resources for pollinator species including but not limited to CBB, and for other native species by increasing the amount of nectar resources on a local level. Incorporating locally native plantings or dual use farming

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techniques help to increase pollinator populations and would help to reduce project impacts to a less than significant level.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends the restored temporarily disturbed areas be planted with deep-rooted native flowers and grasses that capture and filter storm water, build topsoil, and provide abundant and healthy food for bees and other insects that provide critical services to our food and agricultural systems as described on the Fresh Energy website at <https://fresh-energy.org/beeslovesolar/>.

**COMMENT 11:** Site Assessment for Impacts to State Listed Plants and California Native Plant Society (CNPS) Plants, page 286

**Issue:** Many CNPS species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. Vegetation removal during ground disturbing activities may result in the loss of special status or CNPS plant species and the loss of habitat that supports numerous wildlife species. The activities associated with grading may also disturb associated soil seed banks that sustain local plant populations and CNPS sensitive plant communities. Currently, the DEIR is lacking information for proper evaluation of state listed and CNPS sensitive plant species that may be present onsite. Supplemental information including but not limited to reference points and surveyors' qualifications were not provided in the DEIR. Additional information is necessary to quantify whether the proposed measures and site evaluation will feasibly reduce the project impacts to less than significant.

CDFW is particularly concerned about impacts to Bogg's Lake Hedge-hyssop, Slender Orcutt grass, and Sacramento Orcutt grass. Additionally, CNPS plant species including but not limited to *Calandrinia breweri* (CNPS 4.2), *Clarkia biloba ssp. Brandegeae* (CNPS 4.2), and *Eriophyllum jepsonii* (CNPS 4.3) were not analyzed in the DEIR. However, there are CNPS documented occurrences within approximately 6 miles of the Project Area.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that the DEIR further analyze potential impacts to Bogg's Lake Hedge-hyssop, Slender Orcutt grass, and Sacramento Orcutt grass. These species are particularly rare within Sacramento County and further analysis is needed to determine whether project activities could impact the persistence of the species within Sacramento County and within the State of California. Specifically, how the project may or may not affect countywide and statewide populations. For Sacramento Orcutt grass, please provide an analysis of both county and statewide populations. CDFW also recommends conducting additional preconstruction surveys during the appropriate blooming period for all CNPS listed plants that have the potential to occur onsite and to provide avoidance and minimization measures to help reduce potential impacts to their populations locally.



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## 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 California Natural Diversity Database (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 submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## FILING FEES

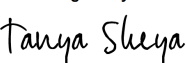
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to [R2CEQA@wildlife.ca.gov](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the DEIR for the Coyote Creek Agrivoltaic Ranch Project to assist Sacramento County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or [michael.shun@wildlife.ca.gov](mailto:michael.shun@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
1ABC45303752499...

Tanya Sheya  
Environmental Program Manager

ec: Dylan Wood, Senior Environmental Scientist (Supervisory)  
Michael Shun, Senior Environmental Scientist (Specialist)

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Harvey Tran, Senior Environmental Scientist (Specialist)

CEQACommentLetters

*Department of Fish and Wildlife*

Office of Planning and Research, State Clearinghouse, Sacramento

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