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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



May 2, 2025

Kim Crawford  
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6201 S Street, MS B203  
Sacramento, CA 95817-1899  
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Subject: Oveja Ranch Solar Project  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH No. 20244090310

Dear Kim Crawford:

The California Department of Fish and Wildlife (CDFW) received and reviewed the DEIR from Sacramento Municipal Utility District (SMUD) for the Oveja Ranch Solar Project (Project) in Sacramento County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup>

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**

The project is located in unincorporated southeastern Sacramento County, south of the City of Rancho Cordova and north of Wilton. The project site is approximately 534 acres; the northern area (80 acres total) and the southern area (454 acres total) which are not directly adjoining properties but would be connected by a 0.5-mile-long connector line. The project would be bound to the north by Florin Road and to the east by Eagles Nest Road. Primary access to the project site would be from Eagles Nest and Florin roads.

The Oveja Ranch Solar Project includes construction and operation of an approximately 400-acre photovoltaic (PV) solar power and battery storage facility (BESS) and interconnection facilities, including a generation substation, and interconnection lines, that would provide new power production capacity of up to 75 MW delivered at the point of interconnection with the electrical grid managed by Sacramento Municipal Utility District (SMUD). The project components would generally comprise PV solar modules, foundation piles, racking, direct current (DC) collection, alternative current (AC) collection, fencing, roads, inverters, medium voltage transformers, generation substation equipment, BESS equipment, and interconnection lines and poles to the existing SMUD distribution system. During construction, a temporary construction trailer/office complex and staging areas would be established. During operation, the proposed project would likely include a small structure or storage container that would provide space for an onsite office for the site operator, equipment storage, and portable sanitary facilities. At the end of the project's life (anticipated to be 34 years and 11 months), the project and its assets would be decommissioned.

### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist SMUD 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 not limited to: Crotch's bumble bee (*Bombus crotchii*) State Candidate Endangered

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((SCE)), burrowing owl (*Athene cunicularia*) (SCE), giant garter snake (*Thamnophis gigas*) (State Threatened (ST)), greater sandhill crane (*Antigone canadensis tabida*) (Fully Protected (FP)), loggerhead shrike (*Lanius ludovicianus*) (Species of Special Concern (SSC)), northern harrier (*Circus hudsonius*) (SSC), song sparrow “Modesto” population (*Melospiza melodia*) (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*) (State Endangered (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 nesting and foraging habitats present onsite.

**COMMENT 1:** Western Spadefoot, Mitigation Measure 3.4-5. Avoid Impacts to Western Spadefoot during Construction, page 222

**Issue:** As discussed in the DEIR, Western Spadefoot may be located within the project area. As currently written, Mitigation Measure 3.4-5 is not adequate to reduce project impacts to less-than significant. Ground disturbing activities including grading, discing, or road construction during the dormant period could have the potential to entomb or excavate western spadefoot individuals in grassland habitat near vernal pool complexes if all burrows are not found and marked. Additionally, the proposed measure states that ground disturbing activities within the proposed 50-foot buffer could occur in a limited capacity if the buffer is within the Project Area.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-5 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Prior to any ground disturbance activity (e.g., grading, disking, road construction, or similar activities that could entomb or excavate spadefoot in grassland habitat near vernal pools) in the overhead collector line and distribution line corridors, a qualified biologist shall survey the project footprint prior to the onset of work for Western spadefoot. The qualified biologist shall identify burrows potentially suitable for Western spadefoot and mark a 50-foot non-disturbance buffer around any burrows mapped. Ground disturbance in these buffer areas shall be avoided, if feasible. If ground disturbance would be required within the 50-foot buffer, activities shall be limited to the minimum footprint necessary and shall be monitored by **an onsite** qualified biologist, ~~who would be either on call or onsite~~, as appropriate to guide activities within the buffer to reduce impacts. **Ground disturbing activities within suitable Western spadefoot breeding habitat will be limited during their active period (typically between October and May) to the extent possible.**

The qualified biologist shall inform construction personnel to stop construction activities if a Western spadefoot is observed or if, in the biologist’s opinion,

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maintenance activities threaten to cause adverse effects to Western spadefoot. If it is determined that Western spadefoot would be potentially harmed by construction, a qualified biologist **with the appropriate handling permits** may relocate animals to suitable habitats outside the project footprint. **A relocation report will be submitted to SMUD within 48 hours after the species has been relocated.**

**COMMENT 2:** Giant Garter Snake, Mitigation Measure 3.4-8. Conduct Pre-Construction Surveys and Implement Avoidance and Minimization Measures, page 226

**Issue:** As discussed in the DEIR, giant garter snake (GGS) may be located within the project area. As currently written, Mitigation Measure 3.4-8 is not adequate to reduce project impacts to less-than significant. Ground disturbing activities including grading, discing, or road construction during GGS dormant period could have the potential to entomb or excavate individuals within their habitat. Additionally, if GGS are found to be present during preconstruction surveys, a Qualified Biologist with stop work authorization should be present during all ground disturbing activities within suitable GGS habitat throughout project construction and O&M.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-8 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Project ground-disturbing activities in aquatic habitat and adjacent upland habitat within 200 feet of suitable aquatic habitat (perennial drainages and agricultural ditches carrying year-round water) shall be conducted during the giant garter snake's active season (i.e., after May 1 and before October 1), to the extent feasible. During this period, the potential for direct mortality is reduced, because snakes are expected to mainly occupy aquatic habitat and to actively move and avoid danger. If project activities in upland habitat occur within 200 feet of suitable aquatic habitat must be started outside of the snake's active season (May 1 to October 1), the following mitigation measures must be implemented:
  - Within 24-hours prior to commencement of construction activities within 200 feet of potential giant garter snake habitat (perennial streams and agricultural ditches that carry year-round water), the site shall be inspected by a qualified biologist who is approved by **SMUD**. ~~the CDFW and USFWS~~. Results of this clearance survey shall be reported in memo shared with SMUD and construction should only commence after a negative inspection report. If construction activities are delayed or stop for a period of two weeks or more, another pre-construction clearance survey shall be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during pre-construction surveys, a biological monitor shall be present during the commencement of construction activities in upland habitat within 200 feet of suitable aquatic habitat during **all ground disturbing activities**. ~~the non-active season~~. If any snakes are observed in

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uplands near drainages during the active season, project activity shall be halted and the snakes shall be allowed to leave the area on their own.

- **If take of GGS individuals cannot be avoided during the active or dormant seasons, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.**

**COMMENT 3:** Burrowing Owl, Mitigation Measure 3.4-10. Conduct Pre-construction Surveys for Burrowing Owl and Implement Avoidance and Minimization Measures, page 229

**Issue:** The project site provides suitable habitat for burrowing owls. Burrowing owls 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. Burrowing owls 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; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-10 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the project site, the following measures shall be implemented:
  - If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant shall:
    - Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).
    - Establish a **minimum** 500-foot, **up to 1650-foot** non-disturbance buffer zone around nests, **consistent with CDFW's 2012 Staff Report guidelines**. The buffer zone shall be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer shall be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

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- Construction may occur only outside of the 500-foot buffer zone during the breeding season and only if a qualified biologist monitors the nest and determines that the activities will not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a biological monitor confirms that such measures do not agitate the owls.
  - If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant shall establish a **minimum of 165-foot**~~160-foot~~, **up to 1650-foot no-disturbance** buffer zone around active burrows **consistent with CDFW's 2012 Staff Report guidelines**. The buffer zone shall be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a biological monitor confirms that such measures do not agitate the owls.
  - During the non-breeding season only, if a project cannot avoid occupied burrows after all alternative avoidance and minimization measures are exhausted, as confirmed by CDFW, project applicant shall obtain an Incidental Take Permit (ITP) for the project. A burrowing owl exclusion plan must be developed by a qualified biologist consistent with the most recent guidelines from CDFW (e.g., California Department of Fish and Game 2012) and submitted to and approved by CDFW along with the ITP application. Burrow exclusion may not be conducted for burrows located in the project footprint and within a 160-foot buffer zone until the ITP is obtained. All ITP conditions must be followed when excluding owls.
- **A Burrowing Owl Mitigation and Management Plan shall be developed in consultation with CDFW and consistent with CDFW's Staff Report on Burrowing Owl Mitigation (March 2012), or more current CDFW guidelines prior to project construction. The Burrowing Owl Mitigation and Management Plan shall be submitted to SMUD 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 achievement of 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**

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and atypical burrows (e.g. culverts, buckled concrete, etc.) utilized by the burrowing owl. The map shall show details and locations of all burrow sightings capable of supporting the burrowing owl 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;
  - 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 SMUD. Compensation may be layered with other mitigation requirements, such as for Swainson's hawk foraging habitat if deemed suitable to support both species.
- If take on burrowing owl individuals cannot be avoided during the breeding or non-breeding season, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.

**COMMENT 4:** Swainson's hawk, Mitigation Measure 3.4-14. Compensate for the Loss of Swainson's Hawk Foraging Habitat, page 238

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**Issue:** The project site provides suitable foraging habitat for Swainson's hawk. The Project is anticipated to develop 385.85 acres of suitable foraging habitat. The primary threat to the Swainson's hawk population in California continues to be habitat loss, especially the loss of suitable foraging habitat. This impact may have been the greatest factor in reducing Swainson's hawk range and abundance in California over the last century (California Department of Fish and Game 1993, California Department of Conservation 2011). Swainson's hawk is listed as threatened under CESA and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

Significant loss of Swainson's hawk foraging habitat has occurred in Yolo, Sacramento, and San Joaquin counties due to residential development, economic and resource availability factors, and conversion of riparian and woodland habitat to agriculture and unsuitable urban environments (CDFW 2016). Suitable foraging habitat is necessary to provide an adequate energy source for breeding Swainson's hawk adults, including support of nestlings and fledglings. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985). Routine animal grazing activities, increases in human presence, and the permanent impacts associated with solar panel installation, will permanently reduce the amount of Swainson's hawk foraging habitat. Swainson's hawk generally searches for prey by soaring above fields and solar panels reduce their ability to see and catch their prey.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-14 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD shall mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) but adjusted to local conditions and based on recent studies by providing mitigation lands or securing Swainson's hawk mitigation bank credits as follows:
  - Foraging habitat permanently lost within 5 miles of an active Swainson's hawk nest tree but more than one mile from the nest tree shall be replaced with **1.0 acre** ~~0.75 acres~~ of mitigation land for each acre of foraging habitat permanently lost because of project construction (**1:1 ratio**). (~~0.75:1 ratio~~). Permanent loss resulting from the project includes the approximately 4.1-acre footprint of the BESS, substation, and roads.
  - Foraging habitat permanently lost for nests that are within one mile of the project site shall be mitigated at a 1:1 ratio. Permanent loss resulting from the project includes the approximately 4.1-acre footprint of the BESS,



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substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of construction during preconstruction surveys as called for in Mitigation Measure 3.4.13.

- ~~○ For foraging habitat under solar panel these mitigation ratios shall be reduced to 0.25:1 for foraging habitat for active nests within 5 miles of the project and 0.5:1 for active nests within 1 mile of the project site. These reduced ratios are appropriate because Swainson's hawks foraging habitat will continue to be available in the solar fields. Foraging habitat will be maintained under the solar panels with pollinator friendly vegetation that would support Swainson's hawk prey such as insects and small mammals. Ample foraging habitat will also remain in adjacent agricultural lands and open space preserves that are permanently protected.~~

**COMMENT 5:** Mitigation Measure 3.4-12. Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction, page 234

**Issue:** The project site is less than a mile from suitable tricolored blackbird 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.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-12 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Pre-construction Tricolored Blackbird Surveys. Before any ground disturbing activities or vegetation clearing that may result in effects on potential habitat for tricolored Blackbird, a qualified biologist shall conduct a pre-construction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a **1300-foot** ~~500-foot~~ buffer to the project footprint. The biologist shall conduct three separate surveys, one each in mid-April, mid-May, and mid-June, and 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.** ~~use methods consistent with survey protocol used by surveyors for the Western Riverside County MSHCP 2018~~  
[https://www.wrcrca.org/species/survey\\_protocols/2018\\_Tricolored\\_Blackbird\\_Survey\\_Protocol.pdf](https://www.wrcrca.org/species/survey_protocols/2018_Tricolored_Blackbird_Survey_Protocol.pdf)). If an active nesting colony is detected during the surveys CDFW shall be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below.

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- Avoidance and Minimization.** 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 1300 feet ~~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 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. ~~Project activities shall avoid occupied Tricolored Blackbird nesting habitat. If tricolored blackbird colonies are identified during the breeding season, an approximate buffer of up to 500 feet shall be established around the colony, depending on site specific conditions and at the discretion of a qualified biologist in consultation with CDFW. Any construction related activities shall be excluded from the buffer until the end of the breeding season.~~
- If an active nest is identified within 1300 feet of the work area after construction has started, work within 1300 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 6:** Crotch’s Bumble Bee CESA Candidacy, Preconstruction Survey Measure, and Lighting Minimization Measure

**Issue:** In June 2019, the California Fish and Game Commission granted Crotch’s bumble bee (CBB) candidate species protection under CESA. The candidacy designation temporarily affords CBB broad CESA protections (including prohibitions against “take” without permit authorization) throughout the entirety of California while CDFW conducts a species status review to confirm whether (and where) listing is warranted and to recommend management and recovery actions. Projects with potential impacts to CBB are encouraged to obtain an incidental take permit (ITP) from CDFW in order to comply with

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CESA and avoid take liability. In the event that CDFW does confirm that listing is warranted for CBB in the future when the Project's construction phase is set to occur and take of CBB is unavoidable, then the Project proponent can obtain an ITP from CDFW and provide suitable mitigation for loss of nesting or foraging habitat.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that the following mitigation measures for CBB be included in the DIER:

- **Crotch's bumble bee Preconstruction Survey.** Prior to ground-disturbing activities (e.g., earthmoving, excavation, trenching) and/or activities involving removal of vegetation or debris, the qualified biologist will perform visual surveys with a camera during the Colony Active Period (generally April 1 through August 31). Surveys will occur no more than 14 days prior to these activities. Surveys will include a minimum of two survey efforts which shall not occur on sequential days. The second survey will occur no more than 7 days prior to these activities, preferably within 48 hours if all weather conditions in the Plan are met. If project activities involving ground disturbance and/or vegetation removal span multiple years, new surveys will be conducted at the beginning of the survey period for each subsequent year. The surveys will occur at least two hours after sunrise and at least two hours before sunset during appropriate weather conditions (>60°F and <90°F with no rain and no sustained wind of 10 miles per hour or greater). The survey area will include the project site and, as accessible, a surrounding 50-foot buffer area. The survey duration will be appropriate to the size of the area within the project site being worked on based on the metric of approximately one person-hour of searching per three acres of suitable habitat. Surveys shall be visual encounters only, with identification aided by photographs. Surveyors will not capture or handle bumble bees unless authorized by CDFW via a Memorandum of Understanding in accordance with FGC 2081(a).

**At a minimum, pre-activity survey methods will include the following, as outlined in CDFW's *Surveys Considerations for CESA Candidate Bumble Bees*:**

- Search areas with flowering plants for foraging CBB.
- Survey burrows and other possible nesting habitat.
- Look and listen for concentrated bumble bee activity. Although different bumble bee species may have different habitat affinities and may favor the flowers of different plant species, they are generalists and CBB frequently occur in the same areas, and often use the same flowering plants, as other bumble bee species.

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- **If bumble bees are observed, obtain photos of the bees for documentation and to determine if the bees are CBB or not.**
- **Photographs will be taken with an appropriate camera (e.g., a DSLR camera with a macro or telephoto lens or other cameras equipped with a view finder, continuous shooting mode, and macro or telephoto lens) from multiple angles to capture key features to aid identification, if possible, and be in focus.**
- **Surveyors will record the date and time of survey; location; weather (temperature, wind speed, and cloud cover); a general description of suitable floral resources and nesting sites (See Habitat Evaluation below); a description of observed bumble bee activity, including the bumble bee species observed; and a determination of whether the survey observations suggest a CBB nest may be present or whether construction activities could harm the species.**
- **If CBB and/or CBB nests are detected, surveyors should record the location of the nest; nest substrate, slope, aspect, and distance to nearest forage if known; number of CBB observed; and vegetation used by individuals.**
- **CDFW will be notified of detections of any CBB and/or their nests within 24 hours of the detection.**
- **Lighting Minimization. If feasible, Covered Activities will be restricted to daytime hours. If nighttime construction is needed within 500 feet of CBB habitat, Permittee shall implement ensure that 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.**
- **If impacts on CBB individuals cannot be avoided during ground disturbing or vegetation removal activities, obtain an Incidental Take Permit (ITP) from CDFW for anticipated impacts to CBB during construction and O&M activities.**

**Comment 7. 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

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including but not limited to Crotch's bumblebee (*Bombus crotchii*), a CESA candidate species, and for other native species by increasing the amount of nectar resources on a local level. Incorporating locally native plantings or dual use farming 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 Project 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/>.

## 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 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 Oveja Ranch Solar Project to assist SMUD 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

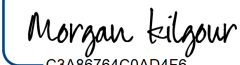
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further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

Sincerely,

DocuSigned by:  
  
C3A86764C0AD4F6...  
Morgan Kilgour  
Regional Manager

ec: Dylan Wood, Senior Environmental Scientist (Supervisory)  
Michael Shun, Senior Environmental Scientist (Specialist)  
Harvey Tran, Senior Environmental Scientist (Specialist)  
CEQACommentLetters  
*Department of Fish and Wildlife*

Office of Planning and Research, State Clearinghouse, Sacramento

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