



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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April 22, 2025

Ann Crisp, Project Manager
California Energy Commission
715 P Street
Sacramento, California 95814
Ann.Crisp@energy.ca.gov

**Subject: Draft Environmental Impact Report (DEIR) for the Darden Clean Energy Project (Project)
State Clearinghouse No. 2024091023**

Dear Ann Crisp:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the California Energy Commission (CEC) for the above-referenced Project. CDFW appreciates this opportunity to provide comments and recommendations regarding proposed Project activities that may affect California fish and wildlife, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW ROLE

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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The proposed Project would ordinarily require one or more discretionary approvals by CDFW because it may result in substantial adverse impacts to fish and wildlife resources such as lake and streambed alteration (Fish and G. Code, § 1602); and incidental take of species protected under CESA (Fish and G. Code, § 2081). CDFW would typically submit comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) However, because the Project proponent opted into the Assembly Bill (AB) 205 certification process, the CEC has exclusive jurisdiction over the proposed Project and is responsible for ensuring any certification of the proposed Project including all conditions necessary to ensure compliance with the Fish & G. Code and its implementing regulations found in Title 14 of the California Code of Regulations. (Pub. Resources Code, §§ 25545.1, subd. (b), 25545.5, subd. (a).) Thus, CDFW does not have a direct permitting role in the process that would ordinarily trigger a Responsible Agency role. CDFW instead submits these comments as a Trustee Agency under CEQA.

Pursuant to AB 205, the CEC and CDFW developed a coordination plan through a Memorandum of Understanding (MOU) to ensure that all potential impacts to fish, wildlife, and plant resources, and the habitats upon which they depend, including but not limited to incidental take of species protected under CESA, are consistent with the Fish & G. Code and its implementing regulations found in Title 14 of the California Code of Regulations. (Pub. Resources Code § 25545.5, subd. (a).) The MOU also ensures timely and effective consultation between the CEC and CDFW with respect to any proposed CEC findings and actions regarding potential impacts to fish, wildlife, and plant resources. (*Ibid.*) CDFW is also submitting these comments in its consultation role under AB 205 and the MOU.

PROJECT DESCRIPTION SUMMARY

Proponent: Intersect Power, LLC

Objective: The Project proposes to construct, operate, and eventually repower or decommission a solar facility located on approximately 9,100 acres in western Fresno County. The Project will operate year-round, with a 35-year anticipated lifespan. The primary Project components are:

- 1,150-megawatt (MW) solar photovoltaic (PV) facility (solar facility) involving the construction of approximately 3,100,000 solar panels
- 4,600 MW-hour battery energy storage system (BESS)
- Operations and maintenance facility
- 15-mile 500 kV generation intertie (gen-tie) line that will interconnect with the regional electrical grid
- 34.5-500 kilovolt (kV) grid step-up substation (step-up substation)

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Location: The Project is located in an agricultural area of unincorporated Fresno County approximately 17 miles southwest of the City of Kerman. The solar facility, BESS, and substation will be located on approximately 9,100 acres of land currently owned by Westlands Water District, between South Sonoma Avenue to the west, and South Butte Avenue to the east. The Project's 10 to 15-mile gen-tie line will span west from the intersection of South Sonoma Avenue and West Harlan Avenue to immediately west of Interstate 5, where it will connect to the new utility switchyard along with PG&E's Los Banos-Midway #2 500 kV transmission line.

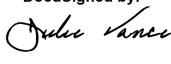
Timeframe: Construction is expected to begin in late 2025 or early 2026 and will be operational by 2027 or 2028 for 35 years.

COMMENTS AND RECOMMENDATIONS

After reviewing the DEIR, CDFW has determined that the mitigation measures and Conditions of Certification as currently documented are sufficient to mitigate, or fully mitigate, impacts to listed species. CDFW will continue to meet with CEC staff ahead of EIR finalization to discuss potential Project related impacts and possible avoidance, minimization, and/or mitigation measures for the biological resources that may be analyzed in the EIR, as well as helping to address any outstanding requirements of Fish and Game Code Section 2081(b) (Incidental Take Permit pursuant to CESA).

If you have any questions, please contact Jim Vang, Senior Environmental Scientist Specialist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Land Use and Climate Innovation
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